Pages 6315–6370

FEDERAL REGISTER

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Contents

(*Continued on next page*)

Codification Guide

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.

3 CFR

EXECUTIVE ORDERS:
1424 (Revoked by PLO 3388) 6323
1425 (Revoked by PLO 3388) 6323
1504 (Revoked by PLO 3388) 6323
7489 (Revoked in part by PLO 3385) 6322

7 CFR

301 6317
719 6317

9 CFR

97 6318

10 CFR

PROPOSED RULES:
140 6349

14 CFR

1204 6319

PROPOSED RULES:
71 [New] (2 documents) 6350
75 [New] 6350

17 CFR

200 6320

PROPOSED RULES:
200 6352
201 6352
270 6356

21 CFR

PROPOSED RULES:
147 6349

26 CFR

19 6320
194 6322

PROPOSED RULES:
1 6344
41 6348

33 CFR

8 6322
203 6322

36 CFR

7 6322

PROPOSED RULES:
7 (2 documents) 6348

43 CFR

PUBLIC LAND ORDERS:
3385 6322
3386 6323
3387 6323
3388 6323
3389 6323

46 CFR

PROPOSED RULES:
536 6351

47 CFR

PROPOSED RULES:
1 6350
73 6351

49 CFR

176 6324

PROPOSED RULES:
71–78 6328

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 621, 8th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Pink Bollworm

REGULATED, ERADICATION, AND GENERALLY INFESTED AREAS

Pursuant to § 301.52–2 of the regulations supplemental to the pink bollworm quarantine (7 CFR 301.52–2), 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 301.52–2a are hereby revised to read as follows:

§ 301.52–2a Administrative instructions designating regulated area, eradication area, and generally infested area under the pink bollworm quarantine.

(a) Infestations of the pink bollworm have been determined to exist, in the quarantined States, in the civil divisions or parts thereof, listed in this paragraph, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, the localities listed are hereby designated as the pink bollworm regulated area within the meaning of the provisions in this subpart:

ARIZONA

Cochise County. The entire county.
Gila County. The entire county.
Graham County. The entire county.
Greenlee County. The entire county.
Maricopa County. The entire county.
Pima County. The entire county.
Pinal County. The entire county.
Santa Cruz. The entire county.

ARKANSAS

Calhoun County. The entire county.
Chicot County. The entire county.
Clark County. The entire county.
Cleburne County. The entire county.
Cleveland County. That portion of Cleveland County lying west of the Saline River.
Columbia County. The entire county.
Conway County. The entire county.
Crawford County. The entire county.
Dallas County. The entire county.
Faulkner County. The entire county.
Franklin County. The entire county.
Garland County. The entire county.
Greene County. That portion of Greene County lying west of State Highway 141 and south of State Highway 25.
Hempstead County. The entire county.
Hot Springs County. The entire county.
Howard County. The entire county.
Independence County. The entire county.
Jackson County. The entire county.
Johnson County. The entire county.
Lafayette County. The entire county.
Lawrence County. The entire county.
Little River County. The entire county.
Logan County. The entire county.
Lonoke County. That portion of Lonoke County lying north of the Chicago, Rock Island, and Pacific Railroad.
Miller County. The entire county.
Montgomery County. The entire county.
Nevada County. The entire county.
Ouachita County. The entire county.
Perry County. The entire county.
Pike County. The entire county.
Polk County. The entire county.
Pope County. The entire county.
Pulaski County. That portion of Pulaski County lying north and west of a line beginning at a point where the Chicago, Rock Island, and Pacific Railroad intersects with the Lonoke-Pulaski County line; thence, running in a westerly direction along said railroad to the east boundary of the city of North Little Rock; thence, running in a southerly direction along said east boundary of North Little Rock to the Arkansas River; thence, crossing said river to the east boundary of the city of Little Rock; thence, running in a southerly and westerly direction along the east and south boundaries of Little Rock to a point where the boundary intersects with U.S. Highway 70; thence, running in a southwesterly direction along said highway to the Pulaski-Saline County line.
Saline County. That portion of Saline County lying north and west of U.S. Highway 67.
Scott County. The entire county.
Sebastian County. The entire county.
Sevier County. The entire county.
Union County. The entire county.
Van Buren County. The entire county.
White County. The entire county.
Woodruff County. That portion of Woodruff County lying north of the north line of T. 6 N.
Yell County. The entire county.

LOUISIANA

Allen Parish. The entire parish.
Beauregard Parish. The entire parish.
Bienville Parish. The entire parish.
Bossier Parish. The entire parish.
Caddo Parish. The entire parish.
Claiborne Parish. The entire parish.
De Soto Parish. The entire parish.
Evangeline Parish. That portion of Evangeline Parish located within the area bounded by a line beginning at a point where the north line of T. 4 S. intersects with the Evangeline-Allen Parish line; thence, running in an easterly direction along said north line of T. 4 S. to its intersection with the east boundary line of R. 1 E.; thence, running in a southerly direction along said east line of R. 1 E. to the south boundary line of T. 4 S.; thence, running west along said south line to T. 4 S. to its junction with the Bayou des Cannes; thence, running in a southwesterly direction along said bayou to its intersection with the St. Landry Parish line; thence, running in a westerly direction along the south boundaries of secs. 12, 11, 10, 9, 8, and 7, T. 6 S., R. 1 W., and secs. 12, 11, 10, 9, and 39, T. 6 S., R. 2 W., to its intersection with the Allen-Evangeline Parish line; thence, running in a northerly direction along said parish line to the point of beginning.
Grant Parish. The entire parish.
Jackson Parish. The entire parish.
Jefferson Davis Parish. The entire parish.
Lincoln Parish. The entire parish.
Natchitoches Parish. The entire parish.
Rapides Parish. The entire parish.
Red River Parish. The entire parish.
Sabine Parish. The entire parish.
Union Parish. The entire parish.
Vernon Parish. The entire parish.
Webster Parish. The entire parish.
Winn Parish. The entire parish.

NEW MEXICO

All counties in the State.

OKLAHOMA

All counties in the State.

TEXAS

All counties in the State.

(b) Eradication area: All regulated area within the States of Arizona, Arkansas, and Louisiana is hereby designated as eradication area.

(c) Generally infested area: All regulated area within the States of New Mexico, Oklahoma, and Texas is hereby designated as generally infested area.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U.S.C. 161, 162; 19 F.R. 74, as amended; 7 CFR 301.52–2)

These administrative instructions shall become effective May 14, 1964, when they shall supersede P.P.C. 621, 7th Revision, 7 CFR 301.52–2a, effective January 29, 1963.

This revision adds to the regulated area 28 counties and parts of 8 others in Arkansas, as well as 13 entire parishes and part of another in Louisiana. It must be made effective promptly in order to carry out the purposes of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing revision are impracticable, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 11th day of May 1964.

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

[F.R. Doc. 64–4825; Filed, May 13, 1964; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 7]

PART 719—RECONSTITUTION OF FARMS, FARM ALLOTMENTS AND FARM HISTORY AND SOIL BANK BASE ACREAGES

Reconstitution of Farm Allotments, History Acreage and Farm Bases

Basis and purpose. This amendment is issued pursuant to section 375 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375), section 124 of

the Soil Bank Act (7 U.S.C. 1812), Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p(h)), to amend the regulations governing the reconstitution of farms, farm allotments, farm history and soil bank base acreages (27 F.R. 6482, 7382, 11919; 28 F.R. 1415, 1711, 2227; 29 F.R. 339). This amendment provides that (1) the acreage of cropland transferred during any calendar year for non-agricultural uses shall not exceed the larger of 5 acres or 25 percent of the total cropland on the farm without the farm being reconstituted, (2) in the case of successive transfers to the same person the farm will be reconstituted with each successive transfer, after the first transfer to such person, and (3) where part of the cropland transferred for non-agricultural uses was continued in agricultural use or was returned to agricultural uses, the farm and its allotments and farm bases shall be reconstituted and the land which was continued in agricultural use or was returned to agricultural uses shall receive its proportionate part of the allotments, history acreages and farm bases in accordance with applicable regulations on the basis of conditions existing at the time of transfer of ownership. The provisions of this amendment will affect the constitution of some farms for the crop year 1964, and as farm operators are currently making plans for the production of 1964 crops it is imperative that the provisions of this amendment be made known as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and effective date requirements of Section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impractical and contrary to the public interest, and the amendment contained herein shall become effective upon publication in the FEDERAL REGISTER.

Section 719.9(h) is amended to read as follows:

§ 719.9 Reconstitution of farm allotments, history acreages and farm bases.

* * * * *

(h) *Land removed from agricultural production (not acquired under right of eminent domain).* In applying the provisions of this paragraph, if a parent farm is composed of tracts under separate ownership, each separately-owned tract being transferred in whole or in part shall be considered as a separate farm.

(1) *Conditions under which the farm will not be constituted.* If the ownership of a tract of land is transferred from a parent farm for non-agricultural purposes and the land was not or could not have been acquired under right of eminent domain, the farm shall not be reconstituted and the allotments, history acreages and farm bases shall remain with the parent farm if all of the following conditions prevail: (i) The cropland transferred during any calendar year does not exceed the larger of 5 acres or 25 percent of the cropland on the farm from which the tract(s) was transferred; (ii) no more than one transfer to the same person occurs in successive order; (iii) the county committee determines that the tract transferred will be changed to non-agricultural uses; and (iv) an agreement signed by all persons interested in the transfer is obtained stating that the land is in fact to be changed to non-agricultural uses. In these cases, the farmland and cropland data shall be corrected on all appropriate records for the parent farm.

(2) *Conditions under which the farm will be reconstituted.* If the ownership of a tract of land is transferred from a parent farm for non-agricultural uses and the land was not or could not have been acquired under right of eminent domain, the farm shall be reconstituted on the basis of conditions existing at the time of transfer of ownership and the farm allotment(s), history acreages and farm bases shall be apportioned among the tract in accordance with applicable regulations when any of the following conditions prevails: (i) The cropland transferred during any calendar year exceeds the larger of 5 acres or 25 percent of the cropland on the farm from which the tract(s) was transferred (ownership tract where part of an ownership tract in a multiple ownership farm is transferred); (ii) more than one transfer to the same person occurs in successive order; (iii) the county committee determines that the tract transferred will not be changed to non-agricultural uses; (iv) no agreement signed by all persons interested in the transfer is obtained stating that the land is in fact to be changed to non-agricultural uses; or (v) the county committee, State committee, or Deputy Administrator determines that the land transferred was continued in agricultural use or was returned to agriculture uses within a period of years equal to the longest base period used in establishing eligibility for an old farm allotment for any commodity involved in the transfer. Where part of the cropland on the tract transferred was continued in agricultural use or was returned to agricultural uses under subdivision (v) of this subparagraph, the farm and its allotments and farm bases shall be reconstituted and the land which was contained in agricultural use or was returned to agricultural uses shall receive its proportionate part of the farm allotment(s), history acreages and farm bases in accordance with applicable regulations on the basis of conditions existing at the time of transfer of ownership.

(Sec. 375, 52 Stat. 66, as amended; sec. 16(h), 77 Stat. 45; sec. 124, 70 Stat. 198; 7 U.S.C. 1375, 1812; 16 U.S.C. 590p(h))

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 8, 1964.

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

[F.R. Doc. 64-4794; Filed, May 13, 1964; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Inspection and Quarantine Division by § 97.1 of the regulations concerning overtime services relating to imports and exports, effective January 5, 1964 (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein, as follows:

WITHIN METROPOLITAN AREA

ONE HOUR

Add: Antelope Wells, N. Mex., Columbus, N. Mex., Los Angeles Harbor, San Pedro, Calif., Mobile, Ala., Presidio, Tex., St. Albans, Vt., Sasabe, Ariz.

Delete: Buffalo, N.Y., Highgate Springs, Vt.

TWO HOURS

Add: Buffalo, N.Y., Tampa, Fla.

Delete: Mobile, Ala.

THREE HOURS

Delete: Los Angeles, Calif.

OUTSIDE METROPOLITAN AREA

ONE HOUR

Add: Alburg, Vt. (served from St. Albans, Vt.), Highgate Springs, Vt. (served from St. Albans, Vt.), Long Beach Harbor (served from San Pedro, Calif.).

Delete: Alburg, Vt. (served from Highgate Springs, Vt.), Naco, Ariz. (served from Douglas, Ariz.), St. Albans, Vt. (served from Highgate Springs, Vt.).

TWO HOURS

Add: Los Angeles and Los Angeles International Airport (served from San Pedro, Calif.), Naco, Ariz. (served from Douglas, Ariz.), Port Everglades, Fla. (served from Miami, Fla.), Richford, Vt. (served from Newport or St. Albans, Vt.), St. Petersburg, Fla. (served from Tampa, Fla.). Any undesignated Galveston Bay port served from Houston, Tex.

Delete: Richford, Vt. (served from Highgate Springs, Vt.).

THREE HOURS

Add: Columbus, N. Mex. (served from Hachita, N. Mex.), Antelope Wells, N. Mex. (served from Hachita, N. Mex.), Del Rio, Tex. (served from Eagle Pass, Tex.), Eagle Pass, Tex. (served from Del Rio, Tex.), Newport, Vt. (served from St. Albans, Vt.), North Troy, Vt. (served from St. Albans, Vt.), Newport Beach, Calif. (served from San Pedro, Calif.), Vernon, Calif. (served from San Pedro, Calif.).

Delete: Newport, Vt. (served from Highgate Springs, Vt.).

FOUR HOURS

Add: Derby Line, Vt. (served from St. Albans, Vt.), Sasabe, Ariz. (served from

Nogales or Sells, Ariz.), Stockton, Calif. (served from San Francisco, Calif.), Erie, Pa. (served from Buffalo, N.Y.), Rochester, N.Y. (served from Buffalo, N.Y.).

FIVE HOURS

Add: Antelope Wells, N. Mex. (served from Columbus, N. Mex.), Antelope Wells, N. Mex. (served from Deming, N. Mex.), Sasabe, Ariz. (served from Lochiel, Ariz.).

SIX HOURS

Add: Sasabe, Ariz. (served from Ajo, Ariz).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or overtime duty. Such establishment depends upon facts within the knowledge of the Animal Inspection and Quarantine Division.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238) it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

These revised administrative instructions shall be effective on and after May 18, 1964.

(64 Stat. 561; 5 U.S.C. 576)

Done at Hyattsville, Md., this 8th day of May 1964.

L. C. HEEMSTRA,
Director, Animal Inspection and Quarantine Division.

[F.R. Doc. 64-4795; Filed, May 13, 1964; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 5—Delegations and Designations

1. The following §§ 1204.505 and 1204.506 were inadvertently omitted in the complete revision to Subpart 5.

§ 1204.504 [Reserved]

§ 1204.505 Delegation of authority to execute certificates of full faith and credit.

(a) *Scope.* This section designates NASA officials authorized to certify NASA documents to be submitted in evidence in Federal Courts.

(b) *Delegation of authority.* (1) The following NASA Headquarters officials are hereby authorized to execute certificates of full faith and credit (NASA Form 955), certifying the signatures and authority of employees of the National Aeronautics and Space Administration:

(i) General Counsel.

(ii) Deputy General Counsel.

(iii) Assistant General Counsels.

(2) The delegation of authority covers all requests for "Properly authenticated" NASA documents arising under 28 U.S.C. 1733(b) which enables "Properly authenticated" copies of NASA records to be admitted in evidence in Federal Courts.

(42 U.S.C. 2473(b)(1))

§ 1204.506 Delegation of Authority—NASA Patent Matters.

(a) *Scope.* This section delegates to certain NASA officials the authority to perform administrative and legal functions relating to the NASA Patent Program.

(b) *Delegation of authority.* (1) The General Counsel, and in his absence the Deputy General Counsel, is authorized to supervise, administer and control all activities within or on behalf of the National Aeronautics and Space Administration relating to the NASA Patent Program. In connection with the foregoing, but without limitation thereof, the General Counsel, and in his absence the Deputy General Counsel, is specifically authorized:

(i) *Powers of attorney.* To appoint attorneys and to execute all necessary powers of attorney for the purpose of filing and prosecuting patent applications in which the United States, as represented by the Administrator, has an interest by way either of title or of license;

(ii) *Authority under subsections 305 (d) and (e).* To represent the Administrator and to appoint attorneys to represent the Administrator in the conduct of official business with the United States Patent Office under subsections 305 (d) and (e) of the National Aeronautics and Space Act of 1958 and, on behalf of the Administrator, to sign requests addressed to the Commissioner of Patents pursuant to said subsections of the Act that patents be issued to the Administrator on behalf of the United States or that ownership of patents be transferred to the Administrator;

(iii) *Application papers and statements.* To receive on behalf of the Administrator application papers and statements transmitted by the Commissioner of Patents to the Administrator pursuant to subsection 305(c) of the National Aeronautics and Space Act of 1958;

(iv) *Certifications.* To sign on behalf of the Administrator all certifications made under sections 266 and 267, Title 35, United States Code;

(v) *Authority under 35 U.S.C. Chapter 17.* To exercise all powers conferred on the Administrator by Chapter 17, Title 35, United States Code, and to represent the Administrator in the conduct of official business with the United States Patent Office under Chapter 17, Title 35, United States Code;

(vi) *Execution of foreign applications.* To execute on behalf of the Administrator applications for foreign Letters Patent where title to the invention is in the United States Government, as represented by the Administrator;

(vii) *Determination of rights.* To sign on behalf of the Administrator all instruments announcing determinations made pursuant to subsection 305(a) of the National Aeronautics and Space Act of 1958;

(viii) *Granting of licenses and assignments.* To execute assignments of patent rights and to grant licenses for the practice of any invention for which the Administrator holds a patent on behalf of the United States;

(ix) *Acceptance of licenses and assignments.* To accept on behalf of the Government of the United States licenses to and assignments of inventions, patents, and applications for patents under the authority of subsection 203(b)(3) of the National Aeronautics and Space Act of 1958.

(2) The Associate Administrator when he is the Acting Administrator and the General Counsel when he is the Acting Administrator are authorized and directed to apply for United States Letters Patent on inventions which become the exclusive property of the United States pursuant to section 305(a) of the National Aeronautics and Space Act of 1958. This authority shall be exercised only when an invention has a reasonable probability of being patentable and there is sufficient Government interest in the invention to justify application for United States Letters Patent by virtue of the fact that the invention is:

(i) Of primary importance to the aeronautical or space activities of the United States, or

(ii) A pioneer discovery, or

(iii) A basic scientific development, or

(iv) The subject of a substantial existing or prospective Government research and development program, or

(v) The subject of substantial existing or prospective Government production or use; or

(vi) Of a type having substantial promise of commercial utility.

(c) *Redelegation of authority.* Unless specifically restricted by law or otherwise, the authority delegated in paragraph (b)(1) of this section may be redelegated by the General Counsel to his subordinates as required for the proper conduct of the business of the National Aeronautics and Space Administration.

(42 U.S.C. 2473 and 2457)

Effective date. The provisions of § 1204.505 were effective September 4, 1963, and the provisions of § 1204.506 were effective October 17, 1963.

HUGH L. DRYDEN,
Deputy Administrator.

[F.R. Doc. 64-4775; Filed, May 13, 1964; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4688, etc.]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Authority Delegations

The Securities and Exchange Commission has amended certain of its delegation rules respecting the authority of division directors to grant requests of persons for copies of evidence they have submitted in nonpublic investigatory proceedings. These amendments conform existing delegation rules to the provisions of § 203.6 of this chapter (Rule 6 of the recently adopted Rules Relating to Investigations) that became effective April 1, 1964 (Securities Act Release No. 4677, 29 F.R. 3619). In adopting § 203.6 the Commission formalized its previous practice of allowing persons submitting evidence in nonpublic investigations to receive on request copies of documentary evidence they have submitted. However, § 203.6 continues the provision of former § 201.3(b) of this chapter (Rule 3(b) of the rules of practice) that the Commission may for good cause decline to provide copies of transcripts of testimony. The delegation rules have been amended by deletion of reference to authority to grant requests for copies of written data in view of the fact that such authority is now unnecessary.

The Commission has also amended those delegation rules to make clear that the authority of division directors to grant requests for transcripts continues beyond the pendency of the related nonpublic investigation. Under the rules as formerly worded, once a nonpublic investigation had terminated it was not clear whether a division director could have granted a request for copies of testimony given in that investigation or should have forwarded the request to the Commission for consideration.

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

I. Paragraph (c)(2) of § 200.30–1 is amended to read:

§ 200.30–1 Delegation of authority to Director of Division of Corporation Finance.

* * * * *

(c) * * *

(2) To grant requests of persons for transcripts of their testimony submitted in nonpublic investigatory proceedings within the responsibility of the director pursuant to Rule 6 of the Commission's Rules Relating to Investigations, 17 CFR 203.6.

* * * * *

II. Paragraph (c) of § 200.30–2 is amended to read:

§ 200.30–2 Delegation of authority to Director of Division of Corporate Regulation.

* * * * *

(c) To grant requests of persons for transcripts of their testimony submitted in nonpublic investigatory proceedings within the responsibility of the director pursuant to Rule 6 of the Commission's Rules Relating to Investigation, 17 CFR 203.6.

III. Paragraph (a)(2) of § 200.30–3 is amended to read:

§ 200.30–3 Delegation of authority to Director of Division of Trading and Markets.

* * * * *

(a) * * *

(2) To grant requests of persons for transcripts of their testimony submitted in nonpublic investigatory proceedings within the responsibility of the director pursuant to Rule 6 of the Commission's Rules Relating to Investigations, 17 CFR 203.6.

* * * * *

The Commission finds that the foregoing amendments involve matters of agency organization or procedure and that notice and subsequent procedure pursuant to subsections 4 (a) and (b) of the Administrative Procedure Act are not required. The Commission also finds that the provisions of subsection 4(c) of the Administrative Procedure Act regarding postponement of the effective date are inapplicable inasmuch as this is not a substantive rule.

Accordingly, the foregoing action, which was taken pursuant to Public Law No. 87–592, 76 Stat. 394, becomes effective May 5, 1964.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

MAY 5, 1964.

[F.R. Doc. 64-4776; Filed, May 13, 1964; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6733]

PART 19—TEMPORARY REGULATIONS UNDER THE REVENUE ACT OF 1964

Surtax Exemption; Controlled Groups of Corporations

The following regulations, prescribed under sections 1561 and 1562 of the Internal Revenue Code of 1954, as added by section 235(a) of the Revenue Act of 1964 (78 Stat. 116), relate to the apportionment of the single $25,000 surtax exemption allowed to certain members of a controlled group of corporations under section 1561(a) of the code, and to the election by a controlled group of multiple surtax exemptions under section 1562(a)(1).

The regulations set forth herein are temporary and are designed to inform taxpayers of certain rules governing the performance of acts required or permitted under certain provisions of sections 1561 and 1562. More comprehensive rules with respect to these and other provisions relating to such controlled groups will be issued subsequently.

In order to provide temporary regulations under sections 1561 and 1562 of the Internal Revenue Code of 1954, the following regulations are adopted:

§ 19.5–1 Apportionment of $25,000 surtax exemption among members of a controlled group; election by a controlled group under section 1562.

(a) *Surtax exemption of certain controlled corporations*—(1) *General.* Section 235(a) of the Revenue Act of 1964 (78 Stat. 116) amends the Internal Revenue Code of 1954 by adding a new part II to subchapter B of chapter 6. The new part II adds three sections to the code, section 1561 (relating to surtax exemptions in case of certain controlled corporations), section 1562 (relating to privilege of groups to elect multiple surtax exemptions), and section 1563 (relating to definitions and special rules). Under section 1561(a), if a corporation is a component member (as defined in section 1563(b)) of a controlled group of corporations (as defined in section 1563(a)) on a December 31, then for purposes of subtitle A of the code the surtax exemption of such corporation for the taxable year which includes such December 31 shall be an amount equal to (i) $25,000 divided by the number of corporations which are component members of such group on such December 31, or (ii) if all such component members consent to an apportionment plan, such portion of $25,000 as is apportioned to such member in accordance with such plan. Under section 1562(a)(1), a controlled group has the privilege of electing to have each of its component members make its income tax returns without regard to section 1561. Such election (and the consent of each member which is required with respect to such election) shall be made with respect to a particular December 31 and may be made at any time before the expiration of 3 years after the date on which the income tax return for the taxable year of the component member of the controlled group which has the taxable year ending first on or after such December 31 is required to be filed (without regard to any extensions of time). An election under section 1562(a)(1) is effective with respect to the taxable year of each component member of the controlled group which includes the December 31 for which the election is made, and with respect to any succeeding taxable year of any corporation which is a component member of such group (or a successor group) on a succeeding December 31 included within any such succeeding taxable year, unless the election is terminated under section 1562(c). If an election is effective with respect to any taxable year of a corporation, then section 1561 does not apply to such corporation for such taxable year, but such corporation is subject to the additional tax imposed by section 1562(b) for such taxable year.

(2) *Taxable years ending on December 31, 1963.* If any component member of a controlled group of corporations on December 31, 1963, has a taxable year ending on such date, the surtax exemption of such member for such taxable year shall be determined without regard to section 1561. Moreover, such member is not subject to the additional tax imposed by section 1562(b) for such taxable year. Accordingly, if such controlled group adopts an apportionment plan under section 1561(a)(2) and paragraph (b) of this section with respect to December 31, 1963, no portion of the $25,000 amount shall be apportioned to such member. Also, any such member shall not be considered to be a component member of such group on such date for purposes of determining the number of corporations referred to in section 1561(a)(1).

(b) *Apportionment of $25,000 for taxable years including December 31, 1963*—(1) *Time and manner of apportionment.* In the case of corporations which are component members of a controlled group of corporations on December 31, 1963, the single $25,000 surtax exemption available under section 1561(a) to members having taxable years ending after December 31, 1963, may be apportioned among such members (for the taxable year of each such member which includes such date) in accordance with an apportionment plan, if all such component members consent to the plan. Such plan shall provide for the apportionment of a fixed dollar amount to one or more of such members, but in no event shall the sum of the amounts so apportioned exceed $25,000. Each corporation which is a wholly-owned subsidiary of the group shall be deemed to consent to the apportionment plan if each component member (other than a component member not required to consent by reason of subparagraph (4) of this paragraph) of the group which is not a wholly-owned subsidiary consents to such plan. The consent of each component member other than a wholly-owned subsidiary shall be made by means of a statement, signed by any officer who is duly authorized to act on behalf of the consenting member, stating that such member consents to the apportionment plan. The statement shall set forth the name, address, taxpayer account number, and taxable year of each component member of the controlled group on December 31, 1963 (including wholly-owned subsidiaries), the amount apportioned to each such member under the plan, and the internal revenue district where the original of the statement is to be filed.

The consent of more than one component member may be incorporated in a single statement. The original of the statement (or statements) shall be filed with the timely filed income tax return of the component member of the group which has the latest taxable year which includes and ends after such date. (If two or more component members have the same latest taxable year, the statement (or statements) may be filed with the return of any one such member.) However, if such return is filed before June 30, 1964, the required statement (or statements) shall be considered timely filed if filed on or before June 30, 1964, with the district director with whom such return was filed. Each other member which files a statement consenting to the plan shall provide the district director with whom it files its income tax return with a copy of its consent (or a copy of the statement incorporating its consent) no later than 30 days after such original statement (or statements) is filed. Each wholly-owned subsidiary of the group shall furnish the information, which is required to be set forth in a statement of consent to the apportionment plan, to the district director with whom it files its income tax return no later than 30 days after the last day prescribed in this paragraph for the filing of the original of the statement (or statements) of consent to such plan. An apportionment plan adopted pursuant to this paragraph cannot be amended or revoked after such last day, unless an election with respect to December 31, 1963, is made under section 1562(a)(1).

(2) *Definition of wholly-owned subsidiary.* For purposes of this section, a component member of a controlled group of corporations on December 31, 1963, shall be considered to be a "wholly-owned subsidiary" of the group if, on each day such component member is a member of the group during its taxable year which includes such date, all of its stock is owned directly by one or more members of the group.

(3) *Years for which effective.* An apportionment plan adopted pursuant to this paragraph shall be valid only for the taxable year of each component member of a controlled group which includes December 31, 1963. Thus, if an apportionment plan is desired with respect to any succeeding December 31, new consents will be required.

(4) *Taxable years ending on December 31, 1963.* Notwithstanding subparagraph (1) of this paragraph, if any component member of a controlled group of corporations on December 31, 1963, has a taxable year ending on such date, such member shall not be required to consent to an apportionment plan (or to furnish the information prescribed in such subparagraph) unless such member is the common parent corporation of a controlled group which includes one or more wholly-owned subsidiaries whose taxable years end after such date.

(c) *Election of multiple surtax exemptions with respect to December 31, 1963*—(1) *Manner of making election and filing consents.* (i) An election under section 1562(a)(1) by a controlled group of corporations with respect to December 31, 1963, to have each of its component members make its income tax returns without regard to section 1561, shall be made at any time before the expiration of 3 years after the date on which the income tax return for the taxable year of the component member which has the taxable year ending first on or after such date is required to be filed (without regard to any extensions of time). If the election is made before December 31, 1964, each component member shall consent to the election in the manner prescribed in this paragraph.

(ii) The consent of each component member (other than a wholly-owned subsidiary) shall be made by means of a statement, signed by any officer who is duly authorized to act on behalf of the consenting member, stating that such member consents to the election with respect to December 31, 1963. Each such statement shall set forth the name, address, taxpayer account number, and taxable year which includes December 31, 1963, of each corporation which is a component member (including wholly-owned subsidiaries) of the group on such date. Each consenting member shall file such statement before December 31, 1964, with the district director with whom it files its income tax return, unless its consent is incorporated in a single statement described in subdivision (iii) of this subparagraph.

(iii) The consent of more than one component member may be incorporated in a single statement. Any such statement shall contain the information required to be set forth in a statement described in subdivision (ii) of this subparagraph and, in addition, shall disclose the internal revenue district where the original of such statement is to be filed. The original of such statement shall be filed before December 31, 1964, with the district director with whom any component member whose consent is incorporated in such statement files its income tax return for its taxable year which includes such date. A copy of the statement shall be filed before December 31, 1964, by each other component member whose consent is incorporated in such statement, with the district director with whom such other member files its income tax return for its taxable year which includes such date.

(iv) Each corporation which is a wholly-owned subsidiary of the group shall be deemed to consent to the election, if each component member (other than a member not required to consent by reason of subparagraph (2) of this paragraph) of the group which is not a wholly-owned subsidiary consents to the election. Each wholly-owned subsidiary shall attach a statement to an income tax return, amended return, or claim for refund for its taxable year which includes such date stating that it is subject to an election under section 1562(a)(1) for such taxable year and containing the information required to be set forth in a statement described in subdivision (ii) of this subparagraph.

(2) *Taxable years ending on December 31, 1963.* Notwithstanding subparagraph (1) of this paragraph, if any component member of a controlled group of corporations has a taxable year ending on December 31, 1963, such member shall not be required to consent to an election under section 1562(a)(1) (or to file the statement referred to in subparagraph (1)(iv) of this paragraph), unless such member is the common parent corporation of a controlled group which includes one or more wholly-owned subsidiaries whose taxable years end after such date.

(3) *Effect of consent.* Under section 1562(e), any consent to an election under section 1562(a)(1) is deemed to be a

consent to the application of section 1562(g)(1) (relating to tolling of statute of limitations on assessment of deficiencies).

Because this Treasury decision merely provides temporary regulations designed to inform taxpayers how to apportion the single $25,000 surtax exemption allowed to certain members of a controlled group of corporations under section 1561(a) for their taxable years which include December 31, 1963, and how to make the election provided by section 1562(a)(1) with respect to such date, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: May 11, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-4862; Filed, May 13, 1964; 8:48 a.m.]

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6729]

PART 194—LIQUOR DEALERS

Records of Disposition

Correction

In F.R. Doc. 64-4705, appearing at page 6255 of the issue for Tuesday, May 12, 1964, the following section heading should appear immediately after the amendatory language of paragraph 1:

§ 194.226 Records of disposition.

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER A—GENERAL

[CGFR 64-23]

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

By virtue of the authority contained in section 633, Title 14, U.S. Code, the following amendment is hereby prescribed and shall become effective upon publication in the FEDERAL REGISTER.

1. Section 8.6210(c) is hereby amended to read as follows:

§ 8.6210 Mandatory discharge for age.

* * * * *

(c) *Reserve enlisted personnel.* Unless retired with pay or transferred to the Retired Reserve, an enlisted person shall be discharged upon reaching age 62, or age 64 if retained to complete 20 years of satisfactory Federal service.

Approved:

JAMES A. REED,
Assistant Secretary.

[F.R. Doc. 64-4802; Filed, May 13, 1964; 8:47 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Blackwater River, Va.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended with respect to paragraph (g) by adding subparagraph (3-b) to govern the operation of the Virginia Department of Highways bridge across Blackwater River near South Quay, Virginia, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(g) *Waterways discharging into Atlantic Ocean between Chesapeake Bay and Charleston.* * * *

(3-b) Blackwater River, Va.; Virginia Department of Highways bridge on Route 189 at South Quay. At least 24 hours' advance notice required.

* * * * *

[Regs., April 30, 1964, 1507-32 (Blackwater River, Va.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 64-4777; Filed, May 13, 1964; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Grand Teton National Park, Wyoming; Boating

Notice is hereby given, pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM-1 (28 F.R. 915), National Park Service Order No. 14 (19 F.R. 8824), and Regional Director, Midwest Region Order No. 3 (21 F.R. 1494), as amended, that § 7.22 of Title 36, Code of Federal Regulations, is amended as set forth below. The purpose of this amendment is to modify the prohibition on motor-propelled craft on Jenny Lake, and to provide for safety through flexibility of the boating season on waters within the park in accordance with weather conditions rather than on a calendar basis.

The following amendment shall become effective upon publication in the FEDERAL REGISTER in order to give the public the benefits of its provisions as soon as possible.

Subparagraph (6) of paragraph (g) of § 7.22 is amended to read as follows:

§ 7.22 Grand Teton National Park.

* * * * *

(g) *Boats.* * * *

(6) *Prohibited operation.* * * *

(v) Motor-propelled waterborne craft are prohibited on all park waters except Jackson, Jenny, and Phelps Lakes. On Jenny Lake, motor-propelled craft shall be restricted to motors not in excess of seven and one-half (7.5) horsepower. Additionally, on Jenny Lake, an authorized boating concessioner may operate motor-propelled boats under conditions specified by the Superintendent.

* * * * *

(viii) All park waters may be closed to waterborne craft, by the posting of appropriate signs, when snow and ice conditions prevent safe launching and operation of boats.

* * * * *

(xiii) The Superintendent may authorize motor-propelled craft engaged in official business pertaining to the park to operate in closed or restricted water areas.

* * * * *

FRED C. FAGERGREN,
Superintendent,
Grand Teton National Park.

[F.R. Doc. 64-4788; Filed, May 13, 1964; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3385]

[Wyoming 0285750]

WYOMING

Partly Revoking Executive Order No. 7489 of November 14, 1936 and Departmental Order of March 11, 1925

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

Executive Order No. 7489 of November 14, 1936, which enlarged the Elk Refuge established by Executive Order No. 2177 of April 21, 1915, the name of which was changed to the National Elk Refuge by Presidential Proclamation No. 2416 of July 25, 1940, and the Departmental order of March 11, 1925, creating Stock Driveway Withdrawal No. 177, Wyoming No. 29, are hereby revoked so far as they affect the following-described land:

SIXTH PRINCIPAL MERIDIAN

T. 42 N., R. 115 W.,
Sec. 12, W½NW¼NW¼.

Containing approximately 20 acres.

The revocations made by this order are in furtherance of an exchange under the provisions of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, by which the offered land will benefit a Federal land program. They are, therefore, not subject to the provisions of section 2276(c) of the Revised Statutes as amended by section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 852(c)), granting to certain states a preference right of application upon the revocation of an order of withdrawal.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MAY 7, 1964.

[F.R. Doc. 64-4779; Filed, May 13, 1964; 8:45 a.m.]

[Public Land Order 3386]

[Washington 048l2]

WASHINGTON

Withdrawal for Forest Service Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands are hereby withdrawn from prospecting, location, entry and purchase under the mining laws but not from leasing under the mineral leasing laws, in aid of programs of the Forest Service, Department of Agriculture, for use of the surface as recreation areas:

WILLAMETTE MERIDIAN

OLYMPIC NATIONAL FOREST

Bear Gulch Recreation Area (Amended)

T. 23 N., R. 5 W., partially unsurveyed:
Sec. 10, SW¼NE¼NW¼.

Wynoochee River Falls Forest Camp Addition

T. 23 N., R. 7 W.,
Sec. 13, S½SW¼SW¼.

Collins Recreation Area Addition

T. 25 N., R. 3 W.,
Sec. 2, S½NW¼SE¼SE¼.

Rainbow Recreation Area Addition

T. 26 N., R. 2 W.,
Sec. 3, NE¼NE¼SW¼.

Elkhorn Recreation Area (Amended)

T. 26 N., R. 3 W., (unsurveyed)
Sec. 19, E½NE¼SE¼;
Sec. 20, NW¼SW¼.

Dungeness Recreation Area Addition

T. 29 N., R. 3 W.,
Sec. 30, SE¼NE¼SW¼ and NE¼SE¼SW¼.

The areas described aggregate approximately 125 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MAY 7, 1964.

[F.R. Doc. 64-4780; Filed, May 13, 1964; 8:45 a.m.]

[Public Land Order 3387]

[Oregon 013864]

OREGON

Withdrawal for Forest Service Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the Umatilla National Forest are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States but not from leasing under the mineral leasing laws, in aid of programs of the Forest Service, Department of Agriculture, for use of the surface as administrative sites:

WILLAMETTE MERIDIAN

UMATILLA NATIONAL FOREST

Duncan Guard Station

T. 1 N., R. 36 E.,
Sec. 9, NE¼SE¼ and E½NW¼SE¼.

Tollgate Guard Station

T. 4 N., R. 38 E.,
Sec. 33, SW¼SW¼NW¼ and N½NW¼SW¼.

Bone Springs Lookout Site

T. 5 N., R. 39 E.,
Sec. 28, SE¼SE¼SW¼, and SW¼SW¼SE¼.

Lookout Mountain Lookout Site

T. 4 N., R. 40 E.,
Sec. 3, S½NE¼SE¼.

Fry Meadows Guard Station

T. 4 N., R. 40 E.,
Sec. 32, NW¼NE¼NE¼.

Elk Flat Administrative Site

T. 5 N., R. 40 E.,
Sec. 13, S½NE¼NW¼, N½SE¼NW¼, NW¼NE¼SE¼, NE¼NW¼SE¼, and SW¼NE¼.

Long Meadows Guard Station Site

T. 5 N., R. 42 E.,
Sec. 6, W½ lot 3, and E½ lot 4.

Hoodoo Lookout Tower Site

T. 5 N., R. 42 E.,
Sec. 6, NE¼ lot 2.

Arbuckle Lookout Tower Site

T. 4 S., R. 29 E.,
Sec. 30, S½SW¼NE¼SE¼ and N½NW¼SE¼SE¼.

Pearson Lookout Tower Site

T. 6 S., R. 33 E.,
Sec. 28, SE¼NW¼NE¼.

Tower Mountain Lookout Tower Site

T. 6 S., R. 34 E.,
Sec. 13, NW¼NE¼NW¼.

Crane Flats Administrative Site

T. 8 S., R. 35½ E.,
Sec. 15, SW¼NW¼NE¼, SW¼NE¼, and N½SE¼NE¼.

The areas described aggregate approximately 390 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MAY 7, 1964.

[F.R. Doc. 64-4781; Filed, May 13, 1964; 8:45 a.m.]

[Public Land Order 3388]

[Montana 056377, 056837, 056883]

MONTANA

Adding of Lands to Bitterroot National Forest

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and by section 1 of the Act of July 20, 1939 (53 Stat. 1071; 16 U.S.C. 471b), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby added to and reserved for the protection of watersheds as parts of the Bitterroot National Forest, and the boundaries of the Forest are adjusted accordingly:

MONTANA PRINCIPAL MERIDIAN

BITTERROOT NATIONAL FOREST

T. 3 N., R 20 W.,
Sec. 6, lots 7, 8, 9, 10, 11 and 12.
T. 5 N., R. 20 W.,
Sec. 34, SE¼SW¼, N½SE¼ and NE¼.
T. 10 N., R. 20 W.,
Sec. 20, lot 6.

The areas described aggregate 568.1 acres.

2. Executive Orders No. 1424 and 1425 of October 24, 1911, and No. 1504 of March 25, 1912, reserving the lands for use of the Forest Service in connection with the administration of the national forest, are hereby revoked.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MAY 7, 1964.

[F.R. Doc. 64-4782; Filed, May 13, 1964; 8:45 a.m.]

[Public Land Order 3389]

[Wyoming 0308886]

WYOMING

Withdrawing Lands for Use of Department of the Air Force as a Weather Research Station

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and from leasing under the mineral-leasing laws, and disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C.

601–604) as amended, but not from leasing under the Taylor Grazing Act, and reserved for use of the Department of the Air Force for a weather research station and buffer zone:

SIXTH PRINCIPAL MERIDIAN

T. 32 N., R. 107 W.,
Sec. 1, SW¼NE¼NW¼SW¼, S½NW¼NW¼SW¼, SW¼NW¼SW¼, W½SE¼NW¼SW¼, W½SW¼SW¼, and W½E½SW¼SW¼.

The areas described aggregate approximately 53 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MAY 7, 1964.

[F.R. Doc. 64-4783; Filed, May 13, 1964; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

[Ex Parte Nos. MC-19, MC-1, MC-62]

PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Miscellaneous Amendments

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 30th day of April A.D. 1964.

It appearing, that the Commission issued a notice of proposed rule making, dated January 16, 1961, in which notice was given of its proposal to amend, renumber, and revise Part 176—Transportation of Household Goods in Interstate or Foreign Commerce (49 CFR Part 176), and Part 188—Extension of Credit to Shippers (49 CFR Part 188), as shown in the appendix attached to said notice;

It further appearing, that by order dated January 16, 1961, the Commission instituted an investigation into the desirability of transmitting to Congress recommendations for the enactment of legislation dealing with the operations and practices of motor common carriers of household goods;

It further appearing, that the said notice of proposed rule making was served on all household goods carriers, including those carriers holding dual authorities, by regular mail, and that notice was given to the general public through publication of the said notice and investigation order in the FEDERAL REGISTER (26 F.R. 1227, dated February 11, 1961 and 26 F.R. 1332, dated February 15, 1961).

It further appearing, that verified statements were submitted, oral hearings held, a recommended report and order served to which exceptions were filed, and oral argument held before the entire Commission;

And it further appearing, that the Commission, on the date hereof, has made and filed its report herein setting forth the basis for its conclusions and findings therein, which report and the prior reports in 17 M.C.C. 467, 47 M.C.C. 119, 48 M.C.C. 59, 51 M.C.C. 247, 53 M.C.C. 177, and 71 M.C.C. 113, are hereby referred to and made a part hereof:

It is ordered, That the following sections of Part 176 be, and they are hereby, revised and modified so as to read as follows:

Amend § 176.3(c) to read as follows:

§ 176.3 Determination of weights.

* * * * *

(c) *Driver's weight certificate.* Whenever weights are required to be obtained pursuant to these rules, the carrier shall cause to be executed a weight certificate for each shipment, in the form specified below, at the time the last necessary weight is obtained, and the original or a copy of such certificate shall be carried in the vehicle transporting the shipment and shall be displayed upon request of the party paying the carrier's charges. The original or a true copy of such certificate shall be maintained by the carrier as part of its record of shipment.

DRIVER'S WEIGHT CERTIFICATE

Date _____
Name of carrier _____
Vehicle identification _____
Name of shipper _____
Origin of shipment _____
Destination of shipment _____
Gross weight of loaded vehicle without the crew thereon _____ pounds.
Tare weight of vehicle without the crew thereon, including full fuel tank and all necessary pads, chains, dollies, hand trucks, and other equipment _____ pounds.
Net weight of the shipment _____ pounds.

GROSS

_____
(Name of scales)

_____
(Location)

TARE

_____
(Name of scales)

_____
(Location)

The above gross and tare weights were obtained at scales as shown by attached weight ticket(s) prepared by the weighmaster. (Attach only gross weight ticket if tare weight is obtained from a weight ticket on shipments listed below.)
List of shipments, if any, on vehicle at time above weights were obtained:

Shipper	Net weight

I certify the above entries are true and correct.

_____
(Driver's signature)

Amend §§ 176.7 and 176.8 to read as follows:

§ 176.7 Selling of insurance to shippers prohibited.

No such common carrier or any employee, agent, or representative thereof, shall sell, or offer to sell, or procure for any shipper, any kind of insurance, under any type of policy, covering loss or damage to a shipment or shipments of household goods to be transported in interstate or foreign commerce by such carrier, but this section shall not preclude such a carrier from procuring in its own name insurance covering its liability for such loss or damage.

§ 176.8 Receipt or bill of lading; information thereon.

(a) *Issuance of receipt or bill of lading.* No such common carrier shall issue a receipt or bill of lading for household goods to be transported in interstate or foreign commerce prior to receiving such household goods for such transportation; but common carriers must issue such receipt or bill of lading when such household goods are received.

(b) *Information required on receipt or bill of lading.* Whenever a receipt or bill of lading is issued in compliance with paragraph (a) of this section, the carrier shall cause to be included therein the following information:

(1) The name of the motor carrier (not the agent's name) which will transport the shipment; if shipment is to be interlined, the names of the connecting carriers provided they are known when the shipment is received.

(2) The name, address, and telephone number of the office of the carrier that should be contacted in relation to the shipment, should there be a need for such contact.

(3) The name, address, and telephone number of a person to whom notification provided for in paragraph (c) of this section shall be given, except when this cannot be obtained from the shipper.

(4) The preferred delivery date or the period of time within which delivery of the shipment may be expected to be made at destination.

(c) *Notification of delay in delivery.* Whenever a carrier is unable to make delivery of a shipment of household goods on the date or during the period specified in the receipt or bill of lading, the carrier shall notify the shipper, or person designated by the shipper, by telegram or telephone, at the carrier's expense, of the date on which delivery of the shipment will be made; such notification to be given not less than 24 hours prior to the date or during the period shown on the receipt or bill of lading except when the circumstances causing the delay occur at a later time, in which case the notice shall be given as soon as possible but in no event more than 24 hours after the occurrence, *Provided*, That the requirement of this paragraph shall not apply where the carrier is unable to obtain from the shipper an address or telephone number for such notification.

In § 176.9, paragraphs (b) *Insurance policy* and (c) *Advertisement of insurance* are revoked, and paragraph (d) *Filing tariffs and evidence of insurance prerequisite to advertising that "all loads are insured"* is redesignated as paragraph (b).

In § 176.10, amend paragraphs (a) and (c), redesignate paragraph (d) as (f), and add new paragraphs (d), (e), and (g). The amended and added paragraphs read as follows:

§ 176.10 Estimates of charges.

(a) *Estimates by the carrier.* Whenever an estimate of the charges for a

proposed service shall be given by a carrier to a prospective shipper of household goods, the estimate shall be made only after a visual inspection of the goods by the estimator. Such estimate shall be in the form hereinafter set forth,[1] and across the top of each form there shall be imprinted, in red letters not less than one-half inch high, the words "Estimated Cost of Services." The form shall be fully executed as appropriate in each case in accordance with the instructions therein. The original or a true legible copy of each estimate form prepared in accordance with this paragraph shall be delivered to the shipper; and a copy thereof shall be maintained by the carrier as part of its record of shipment. The shipper shall not be permitted or required to sign the "Estimated Cost of Services" form.

* * * * *

(c) *Specific request of shipper for notification.* When ever the shipper specifically requests notification of the actual weight and charges on a shipment, the carrier shall comply with such request immediately upon determining the actual weight and charges, by telephone or telegraph if so requested. Such notification shall be at the carrier's expense in instances in which notification would be required under subsection (d) below, and in all other instances unless the carrier provides in its tariff that the actual cost of such notification shall be collected from the shipper. Such notification shall be made no later than 24 hours prior to the time the shipment is offered for delivery except where the shipment is in transit less than 24 hours.

(d) *Notification to shipper where charges exceed estimate.* Whenever actual charges on any shipment exceed by more than 10 percent or $25, whichever is greater, any estimate of charges given by the carrier to the shipper, immediately upon determining the actual charges, the carrier shall notify the shipper of the amount thereof by telegram or telephone at the carrier's expense. Such notice shall be made no later than 24 hours prior to the time the shipment is offered for delivery, except where the shipment is in transit less than 24 hours; *Provided,* That this paragraph shall not apply (1) where credit is to be extended by the carrier, and (2) where the shipper has not supplied, upon request by the carrier, an address or telephone number at which the communication would be received.

(e) *Report of underestimates.* Every motor common carrier of household goods shall file each month with the Interstate Commerce Commission, Washington, D.C., 20423, a report of all instances during the preceding month where the actual charges for services rendered exceeded the estimates of such charges by 10 percent or more, with an explanation of reasons for variances.

* * * * *

(g) *Order for services shall not show charges or estimates.* There shall not be shown on any form in the nature of a "Moving Order" or "Order for Service" which may be used by carriers of household goods any charges or estimates of charges nor any reference to any estimate of charges given to the shipper.

[1] Form filed as part of original document.

Amend § 176.12 to read as follows:

§ 176.12 Information for prospective shippers.

(a) *Summary of information.* During the course of the first interview with every prospective shipper, every carrier of household goods shall cause to be given to the prospective shipper a summary of information in the form specified below. Such summary shall be printed on one sheet in not less than eight-point bold or full-faced type, and shall contain only the heading "IMPORTANT NOTICE TO SHIPPERS OF HOUSEHOLD GOODS" and the information shown below under that heading. The carrier's name, address, and telephone number may be shown on the sheet if that is desired. If no personal interview is had with a shipper, the carrier shall cause such summary to be mailed to the shipper on or prior to the day on which the order for service is placed. The carrier shall make an appropriate notation on the receipt or bill of lading that such summary has been furnished.

IMPORTANT NOTICE TO SHIPPERS OF HOUSEHOLD GOODS

The Interstate Commerce Commission requires that this notice and accompanying general information be furnished to all prospective shippers of household goods in interstate or foreign commerce.

Estimates. Carriers cannot determine exactly what your move will cost you until all packing has been completed and the goods are loaded on a vehicle and weighed. They make estimates to try to approximate the cost for you. To get a reasonably accurate estimate you must show the estimator everything you intend to ship. An estimate is not a bid nor a contract, and choosing the carrier submitting the lowest estimate will not assure you the lowest cost move. Regardless of any estimate, the actual weight of your goods and the actual amount of packing and other services performed by the carrier will determine the final amount you must pay for your moving. All estimates are now required to be in writing. Do not accept any verbal approximation of the charges.

Carrier Responsibility for Loss and Damage. At its lowest rates, the carrier's responsibility for loss or damage caused by it is limited to sixty (60) cents per pound for the actual weight of each lost or damaged article. Most articles are worth more than this, and many are worth a great deal more. If you wish to hold the carrier responsible for the full value of any articles which it loses or damages, you must pay an extra charge of fifty (50) cents for each one hundred pounds shipped. Unless you have some other means of recovering the value of your lost or damaged goods, you should seriously consider paying the extra charge. This charge will be added by the carrier automatically when you declare the value of your shipment unless you declare a value of sixty (60) cents per pound per article. The extra charge will cover the actual value of all items loss or damaged up to a total of $10,000, and if you declare a higher value it will cover that higher value as well.

Notification of Charges and Delay. The carrier is required to notify you by telegram or telephone of any delays in delivery. Also of the amount of the charges if you request it or if they exceed the estimate by more than 10 percent or $25, whichever is greater. Be sure to give the carrier an address or telephone number where such messages can be sent.

Packing. Many articles must be packed in barrels, cartons, or crates so that they can be handled safely. Wardrobes are usually supplied for garments. There is a charge per container for these services. You may do your own packing. However, the carrier is not responsible for damage resulting from faulty packing you perform. The carrier will unpack containers it has packed, if you wish, but not those you have packed. Be sure mechanisms of refrigerators, washers, etc., are serviced to prevent damage during movement.

Payment and Delivery. The carrier will require payment in cash, money order, or certified check before unloading your goods unless credit arrangements were made beforehand. Be prepared in case the actual charges demanded at this time are greater than what was estimated.

Lost or Damaged Articles. Be sure to check your goods as they are delivered. Note any lost articles or damage on the receipt which you will sign upon completion of the delivery. If other loss or damage is discovered later, notify the carrier immediately. A claim can be filed later.

Additional Information. More detailed information is provided in a general information statement which the carrier must provide when you place an order for service.

(b) *Statement of general information.* Whenever the carrier receives an order for service, written or orally, it shall furnish the shipper immediately a printed statement, in not less than eight-point type, containing the information set forth below. Such statement in every instance shall be placed in the hands of the shipper prior to the time the goods are loaded. The carrier shall make an appropriate notation on the receipt or bill of lading that such statement has been furnished.

GENERAL INFORMATION FOR SHIPPERS OF HOUSEHOLD GOODS

This statement is of importance to you as a shipper of household goods and is being furnished by the carrier pursuant to a requirement of the Interstate Commerce Commission. It relates to the transportation of household goods, in interstate or foreign commerce by motor carriers frequently called "Movers" but here called carriers. Some carriers perform the transportation themselves. Others act as agents for the carriers which do the actual hauling. In some instances, the transportation is arranged by brokers. You should be sure to obtain the complete and correct name, home address, and telephone number of the carrier which is to transport your shipment, and keep that carrier informed as to how and where you may be reached at all times until the shipment is delivered.

Before completing arrangements for the shipment of your household goods, all of the information herein should be considered carefully by you.

Estimates. REGARDLESS OF ANY PRIOR ESTIMATE RECEIVED, for the carriage of your shipment, you will be obligated to pay transportation charges and other charges computed in accordance with tariffs filed by the carrier with the Interstate Commerce Commission. The total charges which you must pay may be more, or less, than the estimate received from the carrier, and as explained under "Payment of charges—freight bill," the charges generally must be in cash or by money order or certified check at the time of delivery. Having additional funds on hand when the van arrives at destination can spare you considerable difficulty.

Tariffs. These are publications, in book form, containing the rates, charges, and rules of the carriers. The tariffs of all carriers are

not the same, but all of them are open to public inspection and may be examined at the carrier's office. All tariffs contain rules and regulations, and those in the tariff of the carrier serving you must be applied in determining the charges on your shipment. Among the rules and regulations normally appearing in published tariffs will be found special provisions applicable to "Shipments picked up or delivered at more than one place"; "Packing and marking"; "Diversion of shipments enroute"; and "Additional services", the charges for which are called accessorial charges, and which include services such as packing, unpacking, the furnishing of boxes or other containers, and carrying pianos up or down steps. The tariff of the carrier serving you will also probably have rules relating to the subjects which follow.

Preparing articles for shipment. Some articles such as stoves, refrigerators, and washing machines may require disconnection and usually require special servicing to protect their mechanisms during movement. It is your responsibility to have this done. Some carriers upon your request will arrange to have this servicing done at your expense. You should arrange to take down all blinds, draperies, window cornices, mirrors, and other items attached to the walls, and to take up carpets which are tacked down. The charge for such service is not included in the transportation charge and will be performed by the carrier only at an extra per-hour charge. Under no circumstances should you pack jewelry, money, or valuable papers with your other belongings, or pack any matches, inflammables, or other dangerous articles.

Transportation rates and released values. Rates are stated in amounts per hundred pounds, depending upon the distance involved. The carriers' charges generally vary according to the released or declared value of the shipment. Their tariffs usually provide that at its lowest rates, the carriers' responsibility for loss or damage caused by it is limited to sixty (60) cents per pound for the actual weight of each lost or damaged article. Most articles are worth more than this, and many are worth a great deal more. If you wish to hold the carrier responsible for the full value of any articles which it loses or damages, you must pay an extra charge of fifty (50) cents for each one hundred pounds shipped. Unless you have some other means recovering the value of your lost or damage goods, charge. This charge will be added by the carrier automatically when you declare the value of your shipment unless you declare a value of sixty (60) cents per pound per article. The extra charge will cover the actual value of all items lost or damaged up to a total of $10,000, and if you, declare a higher value it will cover that higher value as well.

Weights. The transportation charges will be determined on the basis of the weight of your shipment. Ordinarily, the carrier will weigh its empty or partially loaded vehicle prior to the loading of your goods. After loading, it will again weigh the vehicle and determine the weight of your shipment. If your shipment weighs less than 1,000 pounds, the carrier may weigh it prior to loading.

If you so request, the carrier will notify you by telegraph or telephone of the weight of your shipment and the charges as soon as the weight has been determined. This may or may not be at your expense. However, where it develops that the actual charges exceed by more than 10 percent or $25, whichever is greater, an estimate of charges given to you by the carrier, the carrier is required to notify you immediately of the amount of the actual charges, by telegraph or telephone at the carrier's expense.

If you question the weight reported the carrier, you may request that the shipment be reweighed prior to delivery. Reweighing will be accomplished only where it is practicable to do so. An extra charge may be made for reweighing, but only if the difference between the two net weights obtained does not exceed 100 pounds (if your shipment weighs 5,000 pounds or less) or does not exceed 2 percent of the lower net weight (if your shipment weighs more than 5,000 pounds). The lower of the two net weights must be used in determining the charges.

Exclusive use of the vehicle. If you do not desire to have the goods belonging to someone else transported with your shipment, you may direct the carrier to grant you the exclusive use of the vehicle. In such event, however, the charges will probably be much greater.

Expedited service. Carriers are not ordinarily required to make delivery on a certain date or within a definite period of time, but only within a reasonable time. However, their tariffs generally contain a rule to the effect that, upon request of the shipper, goods weighing more than a designated weight—usually 5,000 pounds—will be delivered on or before the date specified by the shipper. Such expedited service on shipments weighing less than that amount usually may be obtained only by paying charges based on 5,000 pounds.

Preferred delivery date—delay. Unless expedited service is to be rendered, as mentioned just above, the carrier is not obligated to deliver your goods on any particular day, but only to deliver within a reasonable time. However, when the goods are loaded, the carrier must specify on the bill of lading the delivery date (or period) which you prefer. If the carrier finds that it cannot deliver by that date it is required to notify you by telegraph or telephone at least 24 hours in advance if that is possible, or as soon thereafter as possible.

Small shipments. If your shipment weighs less than the minimum weight prescribed in the carrier's tariff, it will be subject to the minimum charge provided therein. If your shipment weighs substantially less than the minimum weight prescribed by the carrier, you should give consideration to the possibility that it may be shipped more reasonably by other means of transportation, even considering the expense of crating.

Storage in transit. If you desire your household goods to be stored in transit, and delivered at a later date, you may usually obtain such service upon specific request. The length of time a shipment may be stored in transit is limited by the carrier's tariff, and additional charges are normally made for such service. At the end of the designated storage-in-transit period, and in the absence of final delivery instructions, the shipment will be placed in permanent storage, and the carrier's liability in respect thereof will cease. Any further service must be made the subject of a separate contract with the warehouseman. If you do not specifically request storage-in-transit from the carrier, but arrange with someone other than the carrier to pick up your goods for storage, you will be required to pay such other person for such service. Some warehouses make separate charges for checking goods out of storage, and collect dock charges from carriers for the space occupied by their vehicles while being loaded. Such charges are passed on to the shipper.

Bill of lading. Before your shipment leaves point of origin, you should obtain from the carrier a bill of lading or receipt, signed by you and the carrier. Be sure that this shows the carrier's name and address and the telephone number at which you can reach the carrier; an address and telephone number furnished by you to which the carrier can send messages regarding your shipment; the location to which your goods are moving; the date of loading and the preferred date of delivery; and the declared or released valuation of the goods.

Payment of charges—freight bill. Unless you have made arrangements beforehand for credit, the carrier will require payment in cash or by money order or certified check, before unloading. Be prepared with sufficient funds to pay the actual charges, which may be greater than what was estimated.

When paying charges, you should obtain a receipt for the amount paid setting forth the gross and tare weights of the vehicle; the net weight of your shipment; the mileage; the applicable rate per 100 pounds; and the charges for transportation, additional protection, and any accessorial services performed. Such receipt is called a freight bill or expense bill.

Loss or damage. In the event of loss or damage to the shipment be sure you describe such loss or damage by making notation on the carrier's inventory or articles or delivery receipt. If the driver should refuse to permit you to make such notations, you should immediately report the circumstances and the condition of the articles in writing to the home office of the carrier. The notations made at the time of delivery do not constitute filing a claim in writing. The notation is made to support a claim to be filed later. If loss or damage did occur, you should then immediately address a letter to the home office of the carrier and describe the loss and damage. List the articles separately and show the weight of each damaged article, if you declared a released value of 60 cents per pound, per article. Obtain and present to the carrier itemized estimates of cost of necessary repairs or replacement. Give the date of your move, the origin and destination of the shipment, and the carrier's order number.

All claims for loss or damage must be filed with the carrier, in writing. The carrier is required to acknowledge claims within 30 days and to either pay, decline, or make a firm compromise settlement offer within 120 days of receipt. If some reason beyond the carrier's control delays action on your claim for a longer time, the carrier is required to notify you then as to its status and each 30 days thereafter until final action is taken.

The Interstate Commerce Commission has no authority to compel carriers to settle claims for loss or damage and will not undertake to determine whether the basis for, or the amount of, such claims is proper, nor will it attempt to determine the carrier liable for such loss or damage. If the carrier will not voluntarily pay such claims, the shipper may contact the Interstate Commerce Commission for the name of the insurance company providing the required cargo insurance. The insurance company may be willing to settle a claim even if the carrier is not. The shipper may also commence a suit in a court of law. The names of the carrier's agents for service of process in each State may be obtained by writing the Interstate Commerce Commission, Washington, D.C., 20423.

Add a new rule numbered § 176.14 to read as follows:

§ 176.14 Claims for loss or damage.

(a) *Acknowledgment of claims.* Every common carrier of household goods which receives a written claim for loss of or damage to property transported by it shall acknowledge receipt of such claim in writing to the claimant within 30 calendar days after its receipt by the carrier or the carrier's agent. The carrier shall at the time such claim is received, cause the date of receipt to be recorded on the claim.

(b) *Handling by carrier.* Every such carrier which receives a written claim for loss or damage to household goods transported by it shall pay, decline, or

make a firm compromise settlement offer in writing to the claimant within 120 days after receipt of the claim by the carrier or its agent: *Provided,* That, if for reasons beyond the control of the carrier the claim cannot be processed and disposed of within 120 days after the receipt thereof, the carrier shall at that time and the expiration of each succeeding thirty-day period while the claim remains pending, advise the claimant of the status of the claim and the reasons for the delay in making final disposition thereof.

(c) *Report of pending claims.* Every such carrier shall report to the District Supervisor, Interstate Commerce Commission, Bureau of Motor Carriers, of the area in which the carrier has its principal place of business, on a form prescribed by the Commission, each instance in which a claim filed with it is not paid, declined, or a firm compromise settlement offered in writing within 120 days after the receipt of the claim, with the reasons therefor, such report to be submitted within 15 days after the expiration of the 120-day period.

(d) *Register of loss and damage claims.* Every common carrier of household goods shall maintain a freight claim register, showing for each cargo loss and damage claim received, the claim number, date, and amount; the waybill or expense bill number and date; name of claimant; kind of commodity; date claim was paid; total amount paid; or date claim was disallowed and reasons; amount of salvage recovered, if any; amounts reimbursed by insurance companies, connecting carriers, or others, and the amount absorbed by the carriers. Each claim received shall be entered in the register and should be supported by the complete file of claim papers. However, if the claim papers are retained by insurance companies, connecting carriers, or others, the carrier's records should contain an acknowledgment from the party retaining the claim file that the papers are in its possession.

It is further ordered, That the rules herein prescribed be, and they are hereby, prescribed to become effective on July 10, 1964.

It is further ordered, That the proceedings in Ex Parte No. MC–19, Practices of Motor Common Carriers of Household Goods; Ex Parte No. MC–1, Payment of Rates and Charges of Motor Carriers; and Ex Parte No. MC–62, Legislative Recommendations Re Practices of Household Goods Carriers, be, and they are hereby, discontinued.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Secs. 204, 216, 217, 219, 220, 223, 49 Stat. 546, as amended, 558, as amended, 560, as amended, 563, as amended, 565 as amended; 49 U.S.C. 304, 316, 317, 319, 320, 323)

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–4799; Filed, May 13, 1964; 8:47 a.m.]

Proposed Rule Making

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71–78]

[Docket No. 3666; Notice 63]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Notice of Proposed Rule Making

APRIL 24, 1964.

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

Applications for the proposed amendments have been the subject of exchanges and study by various interested parties, in which substantial agreement has been reached.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before May 26, 1964. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

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

APPENDIX A

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

Amend § 72.5(a) Commodity List (15 F.R. 8263, 8264, 8266, 8267, 8268, 8269, 8270, 8272, Dec. 2, 1950) (26 F.R. 12701, Dec. 29, 1961) (21 F.R. 7596, 7597, Oct. 4, 1956) (23 F.R. 7645, Oct. 3, 1958) (23 F.R. 2322, Apr. 10, 1958) (22 F.R. 7835, Oct. 3, 1957) (19 F.R. 1276, Mar. 6, 1954) (18 F.R. 3133, June 2, 1953) (18 F.R. 6776, Oct. 27, 1953) (21 F.R. 670, Jan. 31, 1956) (17 F.R. 9833, Nov. 1, 1952) (24 F.R. 10109, Dec. 15, 1959) (26 F.R. 1013, Feb. 2, 1961) (26 F.R. 4994, June 6, 1961) (21 F.R. 4431, June 22, 1956) (23 F.R. 4028, June 10, 1958) (27 F.R. 6736, July 17, 1962) (18 F.R. 5270, Sept. 1, 1953) (24 F.R. 903, Feb. 6, 1959) (17 F.R. 4293, May 10, 1952) (27 F.R. 3426, Apr. 11, 1962) (22 F.R. 2224, Apr. 4, 1957) (26 F.R. 9399, Oct. 6, 1961) (19 F.R. 8524, Dec. 14, 1954) as follows:

§ 72.5 List of explosives and other dangerous articles.

(a) * * *

Article	Classed as—	* Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Acetylene	F.G.	73.306, 73.303	Red Gas	300 pounds.
Air, compressed	Nonf. G.	73.306, 73.302	Green	Do.
ϕAnhydrous ammonia	Nonf. G.	73.306, 73.304, 73.314, 73.315	do	Do.
*Aqua ammonia solution containing anhydrous ammonia.	Nonf. G.	73.306, 73.304, 73.314, 73.315	do	Do.
Argon	Nonf. G.	73.306, 73.302, 73.314	do	Do.
Argon, pressurized liquid	Nonf. G.	No exemption, 73.304	do	Do.
Automobiles, motorcycles, tractors or other self-propelled vehicles.	See §§ 73.120, 73.306.			
Boron trifluoride	Nonf. G.	73.306, 73.302	Green	Do.
Butadiene, inhibited	F.G.	73.306, 73.304, 73.314, 73.315	Red Gas	Do.
Carbon dioxide gas, liquefied ("mining device").	Nonf. G.	73.304(a)(2) table Note 4	Green	6 pounds.
ϕCarbon dioxide, liquefied	Nonf. G.	73.306, 73.304, 73.314, 73.315	do	300 pounds.
Carbon dioxide—nitrous oxide mixture.	Nonf. G.	73.306, 73.304	do	Do.
Carbon dioxide—oxygen mixture	Nonf. G.	73.306, 73.304	do	Do.
Carbon monoxide	F.G.	73.306, 73.304	Red Gas	150 pounds.
ϕChlorine	Nonf. G.	73.306, 73.304, 73.314, 73.315	Green	Do.
Compressed gases, n.o.s.	Nonf. G.	73.306, 73.304, 73.302	do	300 pounds.
Compressed gases, n.o.s.	F.G.	73.306, 73.304, 73.302	Red Gas	Do.
*Crude nitrogen fertilizer solution.	Nonf. G.	73.306, 73.304, 73.314	Green	Do.
Cyclopropane	F.G.	73.306, 73.304	Red Gas	Do.
Dichlorodifluoromethane	Nonf. G.	73.306, 73.304, 73.314, 74.315	Green	Do.
ϕDichlorodifluoromethane-dichlorotetrafluoroethane mixture.	Nonf. G.	73.306, 73.304, 73.314, 73.315	do	Do.
ϕDichlorodifluoromethane-monochlorodifluoromethane mixture.	Nonf. G.	73.306, 73.304, 73.314	do	Do.
ϕDichlorodifluoromethane-trichloromonofluoromethane-monochlorodifluoromethane mixture.	Nonf. G.	73.306, 73.304, 73.314	do	Do.
ϕDichlorodifluoromethane-trichlorotrifluoroethane mixture.	Nonf. G.	73.306, 73.304, 73.314	do	Do.
*Dichlorodifluoromethane-monofluorotrichloromethane mixture.	Nonf. G.	73.306, 73.314, 73.315	do	Do.
Dichlorodifluoromethane and difluoroethane mixture (*constant boiling mixture*).	Nonf. G.	73.306, 73.304, 73.314, 73.315	do	Do.
Difluoroethane	F.G.	73.306, 73.304, 73.314, 73.315	Red Gas	Do.
Difluoromonochloroethane	F.G.	73.306, 73.304, 73.314	do	Do.
Dimethylamine, anhydrous	F.G.	73.306, 73.304, 73.314, 73.315	do	Do.
Dimethyl ether	F.G.	73.306, 73.304, 73.314	do	Do.
Dispersant gas, n.o.s.	See §§ 73.314(c) table Note 13, 73.315(a) table Note 9.			
Engine starting fluid	F.G.	No exemption, 73.304	Red Gas	60 pounds.
Ethane	F.G.	73.306, 73.304	do	300 pounds.
ϕEthylene	F.G.	73. 306, 73.304	do	Do.
*Fertilizer ammoniating solution *containing free ammonia.*	Nonf. G.	73.306, 73.304, 73.314	Green	Do.
Fire extinguishers	Nonf. G.	73.306	do	Do.
Fluorine	F.G.	73.306, 73.302	Red Gas	6 pounds.
Helium	Nonf. G.	73.306, 73.302, 73.314	Green	300 pounds.
Helium-oxygen mixture	Nonf. G.	73.306, 73.302	do	Do.
Hexafluoropropylene	Nonf. G.	73.306, 73.304, 73.314, 73.315	do	Do.
Hydraulic accumulators (pressurized with non-flammable, nonliquefied compressed gas).	See § 73.306 (c)(2).			
Hydrocarbon gas, liquefied	F.G.	73.306, 73.304, 73.314	Red Gas	Do.
Hydrocarbon gas, nonliquefied	F.G.	73.306, 73.302	do	Do.
ϕHydrogen	F.G.	73.306, 73.302, 73.314	do	Do.
Hydrogen bromide	Nonf. G.	73.306, 73.304	Green	Do.
Hydrogen chloride	Nonf. G.	73.306, 73.304	do	Do.
Hydrogen sulfide	F.G.	73.306, 73.304, 73.314	Red Gas	Do.
Insecticide, liquefied gas	Nonf. G.	73.306, 73.304	Green	Do.
Liquefied hydrocarbon gas	F.G.	73.306, 73.304, 73.314	Red Gas	Do.
Liquefied nonflammable gases *charged with nitrogen, carbon dioxide, or air.*	Nonf. G.	73.306, 73.304	Green	Do.
ϕLiquefied petroleum gas	F.G.	73.306, 73.304, 73.314, 73.315	Red Gas	Do.
Machines or apparatus	See §§ 73.130, 73.306.			
Methane	F.G.	73.306, 73.304	Red Gas	Do.
Methyl acetylene- 15% to 20% propadiene mixture.	F.G.	73.306, 73.304, 73.314	do	Do.
ϕMethyl chloride	F.G.	73.306, 73.304, 73.314, 73.315	do	Do.
Methyl chloride-methylene chloride mixture.	F.G.	73.306, 73.304, 73.314	do	Do.
Methyl mercaptan	F.G.	73.306, 73.304, 73.314, 73.315	do	Do.
Mine rescue equipment	See §§ 73.306 (a)(2) and 76.703(d).			
Monobromotrifluoromethane	Nonf. G.	73.306, 73.304, 73.314	Green	Do.

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Monochlorodifluoromethane	Nonf. G	73.306, 73.304, 73.314, 73.315	Green	300 pounds.
Monochloropentafluoroethane	Nonf. G	73.306, 73.304	do	Do.
Monochlorotetrafluoroethane	Nonf. G	73.306, 73.304, 73.314	do	Do.
Monochlorotrifluoromethane	Nonf. G	73.306, 73.304	do	Do.
Monomethylamine, anhydrous	F.G	73.306, 73.304, 73.314, 73.315	Red Gas	Do.
Neon gas	Nonf. G	73.306, 73.302	Green	Do.
Nitrogen	Nonf. G	73.306, 73.302, 73.314	do	Do.
†Nitrogen fertilizer solution	Nonf. G	73.306, 73.304, 73.314	do	Do.
Nitrogen, pressurized liquid	Nonf. G	No exemption, 73.304	do	Do.
Nitrosyl chloride	Nonf. G	73.306, 73.304, 73.314	do	Do.
◊Nitrous oxide	Nonf. G	73.306, 73.304, 73.315	do	Do.
Nonliquefied hydrocarbon gas	F.G	73.306, 73.302	Red Gas	Do.
◊Oxygen	Nonf. G	73.306, 73.302, 73.314	Green	Do.
Oxygen, pressurized liquid	Nonf. G	No exemption, 73.304	do	Do.
Refrigerant gas, n.o.s.	See §§ 73.314 (c) table Note 13, 73.315(a) table Note 9.			
Refrigerating machines	See §§ 73.130, 73.306.			
Self-propelled vehicles	See §§ 73.120, 73.257, 73.306.			
Silicon tetrafluoride	Nonf. G	73.306, 73.302	Green	Do.
◊Sulfur dioxide	Nonf. G	73.306, 73.304, 73.314, 73.315	do	Do.
Sulfur hexafluoride	Nonf. G	73.306, 73.304	do	Do.
Tetrafluoroethylene, inhibited	F.G	73,306, 73.304	Red Gas	Do.
Tractor or truck body with refrigerating or heating equipment on flat cars.	See §§ 73.120(c), 73.306.			
Trifluorochloroethylene	F.G	73.306, 73.304, 73.314	Red Gas	Do.
Trimethylamine, anhydrous	F.G	73.306, 73.304, 73.314, 73.315	do	Do.
Vinyl chloride	F.G	73.306, 73.304, 73.314, 73.315	do	Do.
Vinyl fluoride, inhibited	F.G	73.306, 73.304	do	Do.
Vinyl methyl ether, inhibited	F.G	73.306, 73.304, 73.314	do	20 pounds.

PART 73—SHIPPERS

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

Amend entire § 73.31 (15 F.R. 8278, 8279, Dec. 2, 1950) (22 F.R. 11030, Dec. 31, 1957) (24 F.R. 3595, May 5, 1959) (21 F.R. 4562, 4563, 4564, June 26, 1956) (25 F.R. 10389, 10390, Oct. 29, 1960) (22 F.R. 7835, Oct. 3, 1957) (24 F.R. 903, Feb. 6, 1959) (16 F.R. 2372, Sept. 15, 1951) (21 F.R. 3008, May 5, 1956) (22 F.R. 4788, July 9, 1957) (26 F.R. 9398, 9399, Oct. 6, 1951) (26 F.R. 12701, 12702, Dec. 29, 1961) (26 F.R. 4994, June 6, 1961) (23 F.R. 7646, Oct. 3, 1958) to read as follows:

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

(a) *General qualifications for use.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, every tank car used for the transportation of dangerous articles shall meet the requirements of the applicable specification and regulations for the transportation of the particular commodity. See subparagraph (3) of this paragraph.

(2) In addition to the tanks authorized in this Part 73, tanks built prior to July 1, 1927, in compliance with the American Railway Association's Specifications for Tank Cars or tanks built in compliance with previous specifications of the Commission, if built or under construction on the effective dates thereof, are authorized for service as prescribed in the following table and notes, provided tanks and safety devices are retested as prescribed in paragraphs (c) and (d) of this section and equipped with approved valves, valve protection devices and safety relief devices.

Specifications prescribed in current regulations	Other specifications permitted (subject to the notes)	Notes
103	ARA–II, ARA–III, ARA–IV.	2, 3, 4
103A	ARA–II, ARA–III	1, 2
103B or 103B–W	ARA–II and ARA–III rubber lined.	2
104	ARA–IV	2, 4
105A200–W	105A100–W	5
105A200AL–W	105A100AL–W	5
105A300–W	ARA–V, ICC–105, 105–A300.	
105A400–W	105A400	
105A500–W	105A500	
105A600–W	105A600	
106A500–X	ICC–27, BE–27, 106A500	
106A800–X	106A800	
107A****		6

NOTE 1: ARA tanks must have been originally designed or subsequently reconstructed for the transportation of acids.

NOTE 2: Tanks cars equipped with safety vents must have the vent closure so chained or otherwise fastened as to prevent misplacement.

NOTE 3: These cars must not be used for shipments of smokeless powder in water unless equipped with positive closure type bottom outlet valves.

NOTE 4: Until Jan. 1, 1965, on cars built prior to Jan. 1, 1959, 25 psi safety relief valves may be replaced with 35 psi safety relief valves not having an official rated capacity.

NOTE 5: Tanks built as Spec. ICC–105A100–W or 105A–100AL–W may be altered and reclassified as Spec. 105A–200–W or 105A200AL–W, respectively, by installing safety relief valves, retesting and stenciling in accordance with the applicable specification.

NOTE 6: The test pressures of tanks built in the United States prior to Jan. 1, 1956, may be increased to comply with current Spec. ICC–107A. Original and revised test pressure must be indicated and may be shown on a plate attached to the bulkhead of the car.

(3) Unless otherwise specifically provided, when class ICC–105A–W, 105A–AL–W, 106A, 109A–AL–W, 110A–W, 111A or 112A–W tank car tanks are prescribed, the same class tanks having higher marked test pressures than those prescribed may also be used.

(4) Tank cars and appurtenances may be used for the transportation of any commodity for which they are authorized. Tank cars proposed for a commodity service other than authorized, must be approved for such service by the Association of American Railroads Committee on Tank Cars. Transfer of a tank car from one authorized service to another may be made only by the owner or owner's authorization. Classes ICC–105A, 109A, 111A100–W–4, 112A or 114A tank cars may be used for any commodity for which they are approved by the Committee on Tank Cars when stenciled accordingly. When a tank car is stenciled to indicate that it is authorized for one commodity only, it must not be used for any other service.

NOTE 1: For additional requirements for tank cars for compressed gases, see § 73.314.

(b) *Loading and shipping*—(1) *Examination before shipping.* When tanks are loaded and prior to shipping, the shipper must determine to the extent practicable, that the tank, safety appurtenances and fittings are in proper condition for the safe transportation of the lading. Tanks with bottom discharge outlets must have their outlet caps off, or outlet cap plugs open, during the entire time tanks are being loaded. After loading, tanks with bottom outlet valves which permit more than a dropping of the liquid with the outlet caps off, or the outlet cap plugs open, must not be offered for transportation until proper repairs have been made. Tanks which show any dropping or leaking of liquid contents at seams or rivets, must not be offered for transportation until proper repairs have been made.

(2) *Loading requirements for tanks with interior heater coils.* Tank cars equipped with interior heater coils, except when coils are rendered inoperative by blocking off the inlet and outlet, must be loaded with heater coil inlet and outlet caps off during entire time tanks are being loaded and show no leakage with caps off.

(3) *Securing closures.* All closures of openings in tank cars and of their protective housings must be properly secured in place by the use of a bar, wrench, or other suitable tool. A wrench having a handle at least 36 inches long must be used to apply the outlet valve cap. Manway covers and outlet valve caps must be made tight against leakage of vapor and liquid, by use of gaskets of suitable materials, before cars are tendered to carrier for transportation. Luting materials must not be used in outlet cap or on threads of bottom outlet.

(4) *Inspection of safety relief devices on class ICC–106A and 110A tanks.* Safety relief devices of the frangible disc

or fusible plug type used on tanks of classes ICC–106A or 110A must be inspected before each loaded trip of tank by removing at least one vent for visual inspection; if it shows signs of deterioration, all devices must be removed and inspected and those which do not meet the requirements must be renewed.

(c) *Periodic retest and reinspection of single-unit tank car tanks.* (1) Tanks, interior heater systems, and safety relief valves must be retested periodically as specified in Retest Table 1 of this paragraph. Retests may be made at any time during the calendar year the retest falls due except as provided in the notes. Periodic retest of exterior heater systems is not a specification requirement.

(2) Each tank must be retested by completely filling the tank and manway nozzle or expansion dome with water or other liquid of similar viscosity except as otherwise provided for in Note (d) to Retest Table 1 and applying the specified pressure for 10 minutes if the tank is not insulated, or 20 minutes if the tank is insulated. There shall be no leakage or evidence of distress. The tank insulation and jacket need not be removed unless leakage is indicated by a drop in pressure. The liquid temperature must not exceed 100° F. during the test. Calking of welded joints to stop leaks developed during retests is prohibited.

(3) Tanks in service 10 years or over must be internally inspected and interior heater systems inspected for defects which would make leakage or failure probable during transit.

(4) Anchor rivet housings, if used, must not be removed during retest. They shall be retested by applying an air pressure of 100 psi through openings in the tank shell and must show no leakage.

(5) Interior heater systems must be retested hydrostatically at 200 psi and must show no leakage.

(6) Safety relief valves must be retested with air or gas and must start to discharge at the pressure prescribed within plus or minus 3 percent except that if the start-to-discharge pressure is under 100 psi, the valve must start to discharge at the pressure prescribed within plus or minus 3 psi. Valves must be vapor tight at the prescribed pressure.

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

(8) Retests of tanks and safety relief devices must be reported by party making tests to car owner. Reports must show initials and numbers of cars, pressure to which tested, date and place of test, and by whom tested. Reports of latest retest must be retained by owner until the next retest has been accomplished and recorded.

(9) After repairs requiring welding, replacement of lining, riveting or calking of rivets, tanks must be retested as specified in Retest Table 1 of this paragraph before return to service. Glass, lead or rubber lined tanks must be retested before lining is renewed. Interior heater systems must be retested before return to service after repairs or renewals of any part of the system.

(10) The month and year of tests of tanks, safety relief valves and heater system, pressure to which tested, place where test was made and by whom tested must be stenciled on the tank or on jacket if insulated.

RETEST TABLE 1

Specification	Retest interval—years[1]				Retest pressure—psi		
	Tank and interior heater systems			Safety relief valve	Tank	Safety relief valve	
	Up to 10 years	Over 10 to 22 years	Over 22 years			Start to discharge	Vapor tight
ICC–103	10	10	10	10	60	[c] 35	28
103AL		5	5	5	60	35	28
103–W	10	10	10	10	60	[c] 35	28
103AL–W	10	10	10	10	60	35	28
103A	[d] 5	3	1	2	60	35	28
103A–W	[d] 5	3	1	2	60	35	28
103A–AL–W	[d] 5	3	1	[e]	60	[b] 35	28
103A–N–W	[d] 5	3	1	2	60	35	28
103B	[f] 5	[f] 3	[f] 1	None	60		
103B–W	[f] 5	[f] 3	[f] 1	None	60		
103B100–W	[f] 5	[f] 3	[f] 1	[e]	100	75	60
103C		3	1	[e]	60	[b] 35	
103C–AL		2	1	[e]	60	60	
103C–W	[d] 5	3	1	[e]	60	[b] 35	28
103D–W	[d] 5	3	1	[e]	60	35	28
103E–W	[d] 5	3	1	[e]	60	35	28
104	10	10	10	10	60	[e] 35	28
104–W	10	10	10	10	60	[e] 35	28
105			[a] 10	[a] 5	500	[g] 225	180
105A100	10	10	10	5	100	75	60
105A100AL–W	10	10	10	5	100	75	60
105A100–W	10	10	10	5	100	75	60
105A200AL–W	10	10	10	5	200	150	120
105A200–W	10	10	10	5	200	150	120
105A300	[a] 10	[a] 10	[a] 10	[a] 5	300	[g] 225	180
105A300AL–W	10	10	10	5	300	225	180
105A300–W	[a f i] 10	[a f i] 10	[a f i] 10	[a i k] 5	300	[g] 225	180
105A400	[a] 10	[a] 10	[a] 10	[a] 5	400	300	240
105A400–W	[a] 10	[a] 10	[a] 10	[a] 5	400	300	240
105A500	[a] 10	[a] 10	[a] 10	[a] 5	500	[h] 375	300
105A500–W	[a f] 10	[a f] 10	[a f] 10	[a k] 5	500	[h] 375	300
105A600	[a] 10	[a] 10	[a] 10	[a] 5	600	450	360
105A600–W	[a] 10	[a] 10	[a] 10	[a] 5	600	450	360
109A100AL–W	10	10	10	5	100	75	60
109A200AL–W	10	10	10	5	200	150	120
109A300AL–W	10	10	10	5	300	225	180
109A300–W	10	10	10	5	300	225	180
111A60AL–W	10	10	10	10	60	35	28
111A60–F–1	10	10	10	10	60	35	28
111A60–W–1	10	10	10	10	60	35	28
111A100–F–1		10	10	10	100	75	60
111A100–W–1	10	10	10	10	100	75	60
111A100–F–2	5	3	1	2	100	75	60
111A100–W–2	5	3	1	2	100	75	60
111A100–W–3	10	10	10	10	100	75	60
111A100–W–4	10	10	10	5	100	75	60
111A100–W–5	[f] 5	[f] 3	[f] 1	None	100		
111A100–W–6	[d] 5	3	1	[e]	100	75	60
112A200–W	10	10	10	5	200	150	120
112A340–W	10	10	10	5	340	255	204
112A400–F		10	10	5	400	300	240
112A400–W	10	10	10	5	400	300	240
112A500–W	[a] 10	[a] 10	[a] 10	[a] 5	500	[h] 375	300
113A60–W–2	[l]	[l]	[l]	[l]	[l]	[l]	[l]
114A340–W	10	10	10	5	340	255	204
EMERG. USG–A, B & C		10	10	10	60	25	
ARA–II			10	10	60	25	20
II acid (unlined)			1	None	60		
II (rubber lined)			[f]	None	60		
III			10	10	60	[e] 25	20
III acid (unlined)			1	None	60		
III (rubber lined)			[f]	None	60		
IV			10	10	60	[e] 25	20
IV–A			10	5	100	35	28
V			[a] 10	[a] 5	300	[g] 225	180

[a] Tanks and safety relief valves in chlorine service must be retested every 2 years at any time during the calendar month the retest falls due. See § 73.314(c) Note 12.

[b] Spec. 103C–W, and 103A–AL–W cars built prior to Aug. 31, 1956, equipped with safety relief valves set to start to discharge at 45 psi may be continued in service. Such valves may be set to start to discharge at 35 psi by installing a spring suitable for the lower pressure.

[c] See paragraph (a)(2) Note 4 or this section.

[d] A commodity for which a tank is approved may be used for filling tank and dome when retesting tanks in service not over 10 years.

[e] Safety relief valve retest period is same as tank retest period.

[f] Nickel clad tanks in bromine service and any glass, rubber, or lead lined tank need not be periodically retested, but the interior heater systems and safety relief valves must be retested at the prescribed interval. See also paragraph (c)(9) of this section.

[g] If safety relief valves are used in combination with breaking pins designed to break at 225 psi, the safety relief valves must be retested and must start to discharge at 213 psi plus or minus 3 percent.

[h] If safety relief valves are used in combination with breaking pins designed to break at 375 psi, the safety relief valves must be retested and must start to discharge at 360 psi plus or minus 3 percent.

[i] Tanks and safety devices in hydrocyanic acid service must be retested and inspected by a written procedure filed with and approved by the Bureau of Explosives.

[j] When the retest interval requirement changes due to the age of the tank, the new retest interval specified is effective from the last retest date.

[k] Safety relief valves in bromine service must be retested every 2 years.

[l] Tanks complying with this specification need not be periodically retested, but safety relief devices must be retested every 5 years.

(d) *Periodic retest and reinspection of tanks other than single-unit tank car tanks.* (1) Tanks designed to be removed from cars for filling and emptying and tanks to spec. ICC–107A**** and their safety relief devices must be retested periodically as specified in Retest Table 2 of this paragraph. Retests may be made at any time during the calendar year the retest falls due.

(2) Each tank must be subjected to the specified hydrostatic pressure and its permanent expansion determined by an accurate method. Pressure must be maintained for 30 seconds and as much longer as may be necessary to secure complete expansion of the tank. Pressure gauge must permit reading to an accuracy of one percent. Expansion gauge must permit reading of total expansion to an accuracy of one percent. Expansion must be recorded in cubic centimeters. Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure and tank must not leak or show evidence of distress.

(3) Each tank, except tanks to spec. ICC–107A, must also be subjected to interior air pressure test of at least 100 psi under conditions favorable to detection of any leakage. No leaks shall appear.

(4) Safety relief valves must be retested by air or gas, must start to discharge at or below the prescribed pressure and must be vaportight at or above the prescribed pressure.

(5) Frangible discs or fusible plugs must be removed from the tank and visually inspected.

(6) Tanks must be retested as specified in Retest Table 2 of this paragraph before return to service after repairs involving welding or heat treatment.

(7) The month and year of test must be plainly and permanently stamped into the metal of one head or chime of each tank passing test; for example, 1–60 for January, 1960. On ICC–107A**** tanks, the date must be stamped into the metal of the marked end; except that if all tanks mounted on a car have been tested, the date may be stamped into the metal of a plate permanently applied to the bulkhead on the "A" end of the car. Date of previous tests and all prescribed markings must be kept legible.

(8) Retests of tanks and safety devices must be reported by party making tests to owner of tank. Reports must show registered identifying mark and serial number, pressure to which tested, date and place of test, and by whom tested. Reports of latest retest must be retained by owner until the next retest has been accomplished and recorded.

RETEST TABLE 2

Specification	Retest interval—years		Retest pressure—psi		Safety relief valve pressure—psi	
	Tank	Safety relief devices	Tank hydrostatic expansion	Tank air test	Start-to-discharge	Vapor tight
ICC–27	5	2	500	100	375	300
106A500	5	2	500	100	375	300
106A500X	5	2	500	100	375	300
106A800	5	2	800	100	600	480
106A800X	5	2	800	100	600	480
106A800NCI	5	2	800	100	600	480
107A****	5	*2	(b)	None	None	None
110A500–W	5	2	500	100	375	300
110A800–W	5	2	800	100	600	480
BE–27	5	2	500	100	375	300

* If ICC–107A**** tanks are used for transportation of flammable gases, one frangible disc from each car must be burst at the interval prescribed. The sample disc must burst at a pressure not exceeding the marked test pressure of the tank and not less than 7/8 of the marked test pressure. If the sample disc does not burst within the prescribed limits, all discs on the car must be replaced.

[b] The hydrostatic expansion test pressure must at least equal the marked test pressure.

(e) *Tank car tanks subjected to the action of fire.* (1) Tank car tanks of other than classes ICC–106A, 107A or 110A bearing evidence of damage to the metal by fire must be withdrawn from transportation service except that if the damage to the tank is local only or confined to not more than 25 percent of the tank surface, the damaged material may be replaced.

(2) Tank car tanks of classes ICC–106A, 107A or 110A bearing evidence of damage to the metal by fire must be withdrawn from transportation service until they have been inspected inside and outside to determine that no reduction in wall thickness has resulted, and have been heat-treated and retested. These operations must be carried out, supervised and reported as prescribed by the specifications for original heat treatment and test.

(f) *Repairs or alterations.* (1) For procedure to be followed in making repairs or alterations to all tank car tanks and securing approval therefor, see Appendix R, Association of American Railroads Specifications for Tank Cars.

(2) After alterations of tank cars or equipment therefor from original design, a certificate of compliance with the respective specification must be furnished to the car owner, to the Bureau of Explosives, and to the Secretary, Mechanical Division, Association of American Railroads.

Amend entire § 73.34 (15 F.R. 8282, 8283, 8284, 8285, Dec. 2, 1950) (25 F.R. 10290, 10291, Oct. 29, 1960) (21 F.R. 7597, 7598, Oct. 4, 1956) (16 F.R. 9373, Sept. 15, 1951) (24 F.R. 10110, Dec. 15, 1959) (17 F.R. 7280, Aug. 9, 1952) (17 F.R. 1559, Feb. 20, 1952) (23 F.R. 2323, 2324, Apr. 10, 1958) (26 F.R. 9399, Oct. 6, 1961) (27 F.R. 11850, 11851, Dec. 1, 1962) to read as follows:

§ 73.34 Qualification, maintenance and use of cylinders.[1]

(a) *General qualification for use of cylinders.* (See §§ 73.1 through 73.30 for requirements applying to all shipments.)

(1) Gases must be in cylinders as specified, and such cylinders used more than once (refilled and reshipped after having been previously emptied) must be in such condition, including closing devices and cushioning materials, that they will protect their contents during transit as efficiently as new cylinders.

(2) When cylinders with a marked pressure limit are prescribed, other cylinders made under the same specification but with a higher marked service pressure limit are authorized. For example, cylinders marked ICC–4B500 may be used where ICC–4B300 is specified.

(3) A cylinder in domestic use previous to the date upon which specification therefor was first made effective may be used if the cylinder has been properly tested and otherwise complies with the requirements applicable for the gas charged therein.

(b) *Change of marked service pressure.* Marked service pressure may be changed only upon application to the Bureau of Explosives and receipt of written instructions as to the procedure to be followed (see paragraph (c)(2) of this section). This is not authorized for cylinders which have failed to pass the prescribed periodic hydrostatic retest unless they are reheat-treated and requalified in accordance with applicable requirements.

(c) *Change of marking.* Each cylinder must be marked in accordance with the specification under which it was made. Marking on cylinders must not be changed except as follows:

(1) Additional markings not affecting any of the prescribed markings may be made in accordance with marking requirements of the specification.

(2) Test pressure or service pressure markings may be changed when service pressure is changed in accordance with paragraph (b) of this section.

(3) Changes may be made in serial numbers and in the identification symbols by the owners. Identification symbols must be registered and approved by the Bureau of Explosives. Before remarking, a report in sufficient detail that previous serial numbers and identification symbols can be determined for each cylinder, arranged by lot numbers or consecutive serial numbers, must be made to the Bureau of Explosives and approval received before markings are changed.

(4) When the space originally provided for dates of subsequent retests becomes filled, the stamping of additional test dates into the external surface of footrings of cylinders is authorized.

(5) All prescribed markings on each cylinder must be maintained in a readable condition, or copy of said markings reproduced by stamping on metal plates may be permanently secured to the cylinder.

[1] Requirements covering cylinders are also applicable to spherical pressure vessels.

(d) *Safety relief devices.* Each cylinder charged with compressed gas, unless excepted in this paragraph, must be equipped with one or more safety relief devices approved, as to type, location, and quantity, by the Bureau of Explosives and must be capable of preventing explosion of the normally charged cylinder when it is placed in a fire. Cylinders shall not be shipped with leaking safety relief devices. Safety relief devices must be tested for leaks before the charged cylinder is shipped from the cylinder filling plant; it is expressly forbidden to repair leaking fuse plug devices, where leak is through the fusible metal or between the fusible metal and the opening in the plug body, except by removal of the device and replacement of the fusible metal.) Exceptions are as follows:

(1) Except as provided in Notes 1, 2, and 3, safety relief devices are not required on cylinders 12 inches or less in length, exclusive of neck, and 4½ inches or less in outside diameter.

NOTE 1: Safety relief devices are required on specs. 9, 40, and 41 (§§ 78.63, 78.66, and 78.67 of this chapter) cylinders.

NOTE 2: Safety relief devices are required on cylinders charged with a liquefied gas for which this part requires a service pressure of 1,800 psi or higher.

NOTE 3: Safety relief devices are required on cylinders charged with nonliquefied gases to a pressure of 1,800 psi or higher at 70° F.

(2) Safety relief devices are not required on cylinders charged with nonliquefied gas, except acetylene in solution, under pressure of 300 psi or less at 70° F.

(3) Safety relief devices are prohibited on cylinders charged with class A poisonous gas or liquid as defined in § 73.326 (a).

(4) Safety relief devices are prohibited on cylinders charged with fluorine.

(5) Safety relief devices are not required on cylinders charged with methyl mercaptan; with mono-, di-, or trimethylamine, anhydrous; with not over 10 pounds of nitrosyl chloride; or with less than 165 pounds of anhydrous ammonia.

(6) Safety relief devices are not required on drums containing liquefied petroleum gas as provided for in § 73.304 (d) (3) (ii).

(e) *Periodic retesting and reinspection of cylinders.* Each cylinder becomes due for periodic retest in accordance with the following table and exceptions thereto:

Specification under which cylinder was made	Minimum retest pressure (psi)	Retest period (years)
ICC-3	3,000 psi	5.
3A, 3AA	5/3 times service pressure, except noncorrosive service (see § 73.34(e)(11).	5.
3B, 3BN	2 times service pressure	5.
3C	Retest not required	5.
3D	5/3 times service pressure	5.
3E	Retest not required	
3HT	5/3 times service pressure	3 (see § 73.34(e)(13).
4	700 psi	10.
4A	5/3 times service pressure	5.
4AA480	2 times service pressure	5.
4B, 4BA, 4B240ET	2 times service pressure, except noncorrosive service (see § 73.34 (e)(9) and (e)(10).	5.
4C	Retest not required	
4D, 4DA, 4DS	2 times service pressure	5.
4E	do	5.
4L	Retest not required	
7	do	
7-150 for liquefied petroleum gas.	300 psi	5.
8, 8AL	Retest not required	
9	400 psi (maximum 600 psi)	5 (see § 73.34(e)(15).
25	500 psi	5.
26 for filling at over 450 psi.	5/3 time service pressure	5.
26 for filling at 450 psi and below.	2 times service pressure, except noncorrosive service (see § 73.34 (e)(9) and (e)(10).	5.
33	800 psi	5.
38	500 psi	5.
Any cylinder with marked test pressure.	Retest at marked test pressure	5.
Foreign cylinder charged for export.	As marked on the cylinder, but not less than 5/3 of any service or working pressure marking.	See § 73.301(j).

NOTE 1: For cylinders not marked with a service pressure, see § 73.301 (e) (1).

(1) This periodic retest must include a visual internal and external examination together with a test by interior hydrostatic pressure in a water jacket or other apparatus of suitable form for the determination of the expansion of the cylinder. The test apparatus must be approved as to type and operation by the Bureau of Explosives. The internal inspection may be omitted for cylinders of the type and in the service described under subparagraphs (9) and (10) of this paragraph.

(2) Cylinders of ICC–4 series, without regard to date of previous test, that show bad dents or other evidence of rough usage, or that are corroded locally to such extent as to indicate possible weakness, or that have lost as much as 5 percent of their official tare weight, must be retested before being again charged and shipped. After any retest, the actual tare weight for those cylinders passing the test may be recorded as their new official tare weight.

(3) In hydrostatic retesting of a cylinder the pressure must be maintained for at least 30 seconds and as much longer as may be necessary to secure complete expansion of the cylinder. The gauge indicating the total expansion of the cylinder must be such that the total expansion can be read with an accuracy of 1 percent, except that a reading to 0.1 cubic centimeter shall be acceptable. The gauge indicating the pressure must be capable of being read to within 1 percent of the test pressure. Any internal pressure applied previous to the test pressure shall not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 psi, whichever is the lower value.

(4) A cylinder must be condemned when it leaks, or when internal or external corrosion, denting, bulging, or evidence of rough usage exists to the extent that the cylinder is likely to be weakened appreciably, or when the permanent expansion exceeds 10 percent of the total expansion, except that for ICC–4E aluminum cylinders, when the permanent expansion exceeds 12 percent of the total expansion. Except for ICC–4E aluminum cylinders, a cylinder condemned for excessive permanent expansion may be reheat-treated. (See paragraph (g) of this section.) ICC–4 series cylinders, condemned for other than excessive permanent expansion, may be repaired and rebuilt as otherwise provided in this section.

(5) Records showing the result of reinspection and retest must be kept by the owner or his authorized agent until either expiration of the retest period, or until the cylinder is again reinspected or retested, whichever occurs first.

(6) Each cylinder passing the reinspection and retest must be marked with the date, (month and year), plainly and permanently stamped into the metal of the cylinder. For example, "4–57" for April, 1957. The dash between the month and year figures may be replaced by the mark of the testing or inspecting agency. Stamping must be in accordance with marking requirements of the specification. Dates of the previous tests must not be obliterated.

(7) Cylinders in chlorine or sulfur dioxide service made before April 20, 1915, must be retested at 500 psi.

(8) For cylinders of not over ten pounds water capacity which are authorized for service pressures not over 300 psi, the hydrostatic testing portion of the retest procedure may consist of application of the prescribed internal hydrostatic test pressure without the use of special apparatus and without the determination of total and permanent expansions. In this test the cylinders shall be examined while under pressure and must show no leak or other harmful defect as enumerated in subparagraph (4) of this paragraph.

(9) Cylinders made in compliance with specifications ICC–4B, ICC–4BA and ICC–26–300 [1], (§§ 78.50 and 78.51 of this chapter) used exclusively for anhydrous dimethylamine, anhydrous monomethylamine, anhydrous trimethylamine, methyl chloride, liquefied petroleum gas, or dichlorodifluoromethane, difluoroethane, difluoromonochloroethane, monochlorodifluoromethane, monochlorotetrafluoroethane, monochlorotrifluorethylene or mixtures thereof or mixtures of one or more with trichloromonofluoromethane, commercially free from corroding components, and protected externally by suitable corrosion resisting coat-

ings (such as galvanizing, painting, etc.) may be retested decennially (see Note 2) instead of quinquennially, or, such cylinders may be subjected to an internal hydrostatic pressure equal to at least 2 times the marked service pressure without determination of expansions (see Note 1), but this type of test must be repeated quinquennially after expiration of the first 10-year period (see Note 2). When subjected to this latter test cylinders must be carefully examined under the test pressure and removed from service if leaks or other harmful defects exist. All tests must be supplemented by a very careful examination of the cylinder at each filling, and must be rejected if evidence is found of bad dents, corroded areas, a leak or other conditions that indicate possible weakness which would render the cylinder unfit for service.

NOTE 1: Cylinders tested by the modified hydrostatic method shall be marked after each retest with the date of test as otherwise required but followed by the symbol S; for example, 8-57S indicating retest by the modified method in August, 1957.

NOTE 2: Until further order of the Commission, the decennial retest period may be extended to a 12-year period, and the quinquennial retest period may be extended to a 7-year period after expiration of the first 12-year period.

(10) Cylinders made in compliance with the specifications listed in the table below and used exclusively in the service indicated may, in lieu of the periodic hydrostatic retest, be given a complete external visual inspection at the time such periodic retest becomes due:

Cylinders made in compliance with—	Used exclusively for—
ICC-3A480, ICC-3AA480, ICC-3A480X, ICC-4B, ICC-4BA, ICC-26-240,[1] or ICC-26-300.[1]	Liquefied petroleum gas which is commercially free from corroding components.
ICC-4, ICC-3A480, ICC-3AA480, ICC-3A-480X, ICC-4A480, ICC-4AA480.	Anhydrous ammonia of at least 99.95 percent purity.
ICC-3A480, ICC-3AA480, ICC-3A480X, ICC-4B300, or ICC-4BA300.	Fluorinated hydrocarbons and mixtures thereof which are commercially free from corroding components.
ICC-3A480, ICC-3AA480, ICC-3A480X, ICC-4B, ICC-4BA, ICC-26-240,[1] or ICC-26-300.[1]	Butadiene, inhibited, which is commercially free from corroding components.
ICC-3A480, ICC-3AA480, ICC-3A480X, ICC-4B, ICC-4BA, ICC-26-240,[1] or ICC-26-300.[1]	Liquefied hydrocarbon gas which is commercially free from corroding components.

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

When this inspection is used in lieu of hydrostatic retesting, subsequent inspections are required 5 years after the first such inspection and periodically at 5-year intervals thereafter. Inspections shall be made only by competent persons and the results shall be recorded on a suitable data sheet, the completed copies of which shall be kept as a permanent record. The points to be recorded and checked on these data sheets are: Date of inspection (month and year); ICC specification number; cylinder identification (registered symbol and serial number, date of manufacture, and ownership symbol (if needed for adequate identification)); type cylinder protective coating (painted, etc., and statement as to need of refinishing or recoating); conditions checked (leakage, corrosion, gouges, dents or digs in shell or heads, broken or damaged footring or protective ring or fire damage); disposition of clyinders (returned to service, to cylinder manufacturer for repairs or scrapped); a cylinder which passes the inspection prescribed shall have the date recorded in the manner presently prescribed for the recording of the retest date, except that an "E" is to follow the date (month and year) indicating requalification by the external inspection method. All inspections must be supplemented by a very careful examination of the cylinder at each filling, and must be rejected if evidence is found of bad dents, corroded areas, a leak or other conditions that indicate possible weakness which would render the cylinder unfit for service.

(11) Cylinders made in compliance with specification ICC-3A480, ICC-3A480X, and ICC-4AA480 (§§ 78.36, 78.43, 78.56 of this chapter), used exclusively for anhydrous ammonia, commercially free from corroding components, and protected externally by suitable corrosion resisting coatings (such as painting, etc.) may be retested decennially instead of quinquennially. All tests must be supplemented by a very careful examination of the cylinder at each filling, and the cylinder must be rejected if evidence is found of bad dents, corroded areas, a leak or other conditions that indicate possible weakness which would render the cylinder unfit for service.

(12) All cylinders not exceeding 2 inches outside diameter and length less than 2 feet are exempted from hydrostatic retest.

(13) In addition to the requirements of this paragraph (e) cylinders marked ICC-3HT shall comply with the following:

(i) Cylinders shall be subjected, at least once in three years, to a test by hydrostatic pressure in a water jacket, for the determination of the expansion of the cylinder. A cylinder must be condemned if the elastic expansion exceeds the original elastic expansion by more than 5 percent.

(ii) A cylinder must be condemned if there is evidence of any denting or bulging.

(iii) A cylinder must be condemned at the termination of a 12-year period following the date of the original test or after 4,380 pressurizations (12×365), whichever comes first. If a cylinder is recharged more than once a day, an accurate record of the number of such rechargings must be maintained.

(iv) Retest dates shall be applied by low stress type steel stamping to a depth no greater than that of the original marking at the time of manufacture. Stamping on sidewall not authorized.

(14) Cylinders made in compliance with specifications ICC-3A, 3AA, 3B, 4A, 4BA (§§ 78.36, 78.37, 78.38, 78.49, 78.51 of this chapter), having service pressures up to and including 300 psi, used exclusively for methyl bromide, liquid, mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, mixtures of methyl bromide and petroleum solvents, liquid, or methyl bromide and non-flammable, non-liquefied compressed gas mixtures, liquid, commercially free from corroding components, and protected externally by suitable corrosion resisting coatings (such as galvanizing, painting, etc.) and internally by a suitable corrosion resisting lining (galvanized, etc.) may be tested decennially instead of quinquennially. All tests must be supplemented by a visual internal and external examination of the cylinder quinquennially. Examination shall be as required by the Compressed Gas Association's "Standard for Visual Inspection of Compressed Gas Cylinders." (CGA Pamphlet C-6-1959, available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York 36, N.Y.) All tests must be supplemented by a very careful examination of the cylinder at each filling, and the cylinder must be rejected if evidence is found of bad dents, corroded areas, a leak or other conditions that indicate possible weakness which would render the cylinder unfit for service.

(15) All prescribed markings shall be maintained in a legible condition and if at any time the cylinder (spec. ICC-9) is returned for refilling and such marks are illegible, then the cylinder must not be returned to service until it has been retested as prescribed in § 78.63-13(a) of this chapter, and a new test date applied.

(f) *Cylinders subjected to the action of fire.* A cylinder which has been subjected to the action of fire must not again be placed in service until it has been properly reconditioned as follows:

(1) A cylinder made of plain carbon steel with not over 0.25 percent carbon nor over 0.90 manganese need not be reheat-treated but must pass the periodic retest requirements as specified in paragraph (e) of this section.

(2) ICC-8 cylinders made of plain carbon steel with not over 0.25 percent carbon nor over 0.90 percent manganese must be reinspected to determine the condition of the cylinder and the porous filling. If the cylinder is undamaged and the filler is unchanged and intact, the cylinder may be returned to service without reheat treatment or test.

(3) The inner cylinders made under specification ICC-4L (§ 78.57 of this chapter) may be used after again passing the original hydrostatic test.

(4) ICC-4E aluminum cylinders must be removed from service.

(5) Other cylinders must be reheat treated and reconditioned as specified in paragraph (g) of this section.

(g) *Reheat treatment.* (1) Previous to the reheat treatment procedure hereinafter prescribed, each cylinder must be subjected to a careful internal and external inspection.

(2) Cylinders must be segregated for reheat treatment in lots of 100 or less cylinders of the same general size having practically the same chemical composition.

(3) The reheat treatment operation must be carried out, supervised, and reported as prescribed for the heat treatment in the specification covering the

manufacture of the cylinder in question. Data from the original reports of manufacture of the cylinders must be available.

(4) The reheat treatment must be followed by hydrostatic retest, such retest to be carried out, supervised, and reported as prescribed for the hydrostatic tests in the specification covering the manufacture of the cylinder in question. The results of the retest must meet either of the following conditions:

(i) The permanent expansion shall be from zero to 10 percent of the total expansion in the hydrostatic retest and one cylinder from each lot shall pass the requirements of the flattening and physical tests prescribed. Failure to pass the flattening or physical tests will reject the lot or;

(ii) The permanent expansion shall not be less than 3 percent nor more than 10 percent of the total expansion in the hydrostatic retest, in which case the flattening and physical tests are not required. For this alternative method the hydrostatic retest pressure shall not exceed 115 percent of the minimum prescribed test pressure except with specific approval of the Bureau of Explosives.

(h) *Repair by welding or brazing of specifications ICC–3A, 3AA, 3B, 3C cylinders.* Repair of specifications ICC–3A, 3AA, 3B or 3C (§ 78.36, 78.37, 78.38 or 78.40 of this chapter) cylinders by welding or brazing authorized, but only for the removal and replacement of neckrings and footrings attached to cylinders originally manufactured to conform to §§ 78.36–9(a), 78.37–9(a), 78.38–9(a), and 78.40–9(a) of this chapter. Removal and replacement must be done by a regular manufacturer of this type of cylinder. After removal and before replacement of such parts, cylinders must be inspected, and defective ones rejected. Cylinders, neckrings, footrings, and method of replacement must conform to § 78.36–9(a), § 78.37–9(a), § 78.38–9(a), or § 78.40–9(a) of this chapter whichever applies. Replacement must be followed by reheat treating, testing, inspection, and supervised and reported as prescribed by the specification covering their original manufacture. Inspector's reports must conform with that required by the specification covering original manufacture with the word "repaired" substituted for "manufactured." Show original markings and the new additional markings added, and statement: "Cylinders were carefully inspected for defects after removal of neckrings and footrings and after replacement, which replacement was made by process of _____."
(Welding-brazing)

(i) *Repair by welding or brazing of ICC–4 series, and ICC–8, welded or brazed cylinders.* Repairs on ICC–4 series and ICC–8 series welded or brazed cylinders are authorized to be made by welding or brazing. Such repairs must be made by a manufacturer of these types of ICC cylinders or by a repair facility authorized by the Bureau of Explosives and by a process similar to that used in its manufacture and under the following specific requirements:

(1) Cylinders with injurious defects in welded joints in or on pressure parts must be repaired by completely removing the defect prior to rewelding.

(2) Cylinders with injurious defects in brazed joints in or on pressure parts must be repaired by rebrazing.

(3) Cylinders during welding must be free of materials in contact with the welded joint that may impair the serviceability of the metal in or adjacent to the weld. (Precautions must be taken to prevent acetylene cylinder steels from picking up carbon during repair.)

(4) Neckrings, footrings, or other nonpressure attachments authorized by the applicable specification may be replaced or repaired.

(5) After removal, and before replacement of attachments, cylinders must be inspected and defective ones rejected, repaired or rebuilt.

(6) After repair, cylinders must be reheat-treated, tested, inspected and reported when and as prescribed by the specification covering their original manufacture when welding or brazing seams in a pressure part of a cylinder; or when welding or brazing on pressure parts of cylinders of plain carbon steels with carbon over 0.25 percent or manganese over 1.00 percent or of alloy steels, except that the physical and flattening tests may be omitted when the cylinders are not reheat-treated.

NOTE 1: Heat-treatment is not required after welding or brazing weldable low carbon parts to attachments of similar material which has been previously welded or brazed to the top or bottom of cylinders and properly heat-treated, provided such subsequent welding or brazing does not produce a temperature in excess of 400° F. in any part of the top or bottom material.

(7) Repair of cylinders must be followed by a proof pressure leakage test at prescribed test pressure and visual examination for weld quality when welding or brazing on pressure parts of cylinders of plain carbon steel with carbon 0.25 percent or less and manganese 1.00 percent or less.

(j) *Repair of non-pressure attachments.* Repair of non-pressure attachments by welding or brazing without affecting a pressure part of the cylinder must be followed by visual examination for weld quality.

(k) *Prohibited repairs.* Walls, heads or bottoms of cylinders with injurious defects or leaks in base metal shall not be repaired, but may be replaced as provided for in paragraph (l) of this section.

(l) *Rebuilding of ICC–4 series and ICC–8, welded or brazed cylinders.* Rebuilding of ICC–4 series and ICC–8 series, welded or brazed cylinders is authorized. Such rebuilding must be done by a manufacturer of these types of ICC cylinders or by a repair facility authorized by the Bureau of Explosives and by a process similar to that used in its original manufacture and under the following specific requirements:

(1) The replacement of a pressure part such as wall, heads, or bottoms of cylinders or the replacement of the porous filling material, shall be considered as rebuilding.

(2) Rebuilt cylinders shall be considered as new cylinders and shall conform to all the requirements of the specifications applying, including verification of material, examination, inspection, etc., and the rendering of the proper reports to the purchaser, cylinder rebuilder, and the Bureau of Explosives. Report must show that cylinders were rebuilt.

(3) Information in sufficient detail regarding previous serial numbers and identification symbols must be filed with the Bureau of Explosives.

Subpart F—Compressed Gases; Definition and Preparation

Amend entire § 73.300 (15 F.R. 8324, Dec. 2, 1950) (17 F.R. 7282, Aug. 9, 1952) (25 F.R. 3102, Apr. 12, 1960) to read as follows:

§ 73.300 Definitions.

For the purpose of Parts 71–78 of this chapter, the following terminology is defined:

(a) *Compressed gas.* The term "compressed gas" shall designate any material or mixture having in the container an absolute pressure exceeding 40 psi at 70° F. or, regardless of the pressure at 70° F., having an absolute pressure exceeding 104 psi at 130° F.; or any liquid flammable material having a vapor pressure exceeding 40 psi absolute at 100° F. as determined by the Reid method covered by the American Society for Testing Materials Method of Test for Vapor Pressure of Petroleum Products. (D–323)

(b) *Flammable compressed gas.* Any compressed gas as defined in paragraph (a) of this section shall be classified as "flammable compressed gas" if any one of the following occurs:

(1) Either a mixture of 13 percent or less (by volume) with air forms a flammable mixture or the flammable range with air is wider than 12 percent regardless of the lower limit. These limits shall be determined at atmospheric temperature and pressure. The method of sampling and test procedure shall be acceptable to the Bureau of Explosives.

(2) Using the Bureau of Explosives' Flame Projection Apparatus (see Note 1), the flame projects more than 18 inches beyond the ignition source with valve opened fully, or, the flame flashes back and burns at the valve with any degree of valve opening.

(3) Using the Bureau of Explosives' Open Drum Apparatus (see Note 1), there is any significant propagation of flame away from the ignition source.

(4) Using the Bureau of Explosives' Closed Drum Apparatus (see Note 1), there is any explosion of the vapor-air mixture in the drum.

NOTE 1: A description of the Bureau of Explosives' Flame Projection Apparatus, Open Drum Apparatus, Closed Drum Apparatus, and method of tests may be procured from the Bureau of Explosives, 63 Vesey Street, New York 7, N.Y.

(c) *Non-liquefied compressed gas.* A "non-liquefied compressed gas" is a gas, other than gas in solution, which under the charged pressure is entirely gaseous at a temperature of 70° F.

(d) *Liquefied compressed gas.* A "liquefied compressed gas" is a gas which, under the charged pressure, is partially liquid at a temperature of 70° F.

(e) *Compressed gas in solution.* A "compressed gas in solution" is a nonliquefied compressed gas which is dissolved in a solvent.

(f) *Flammable range.* The term "flammable range" shall designate the difference between the minimum and maximum volume percentages of the material in air that forms a flammable compressed gas.

(g) *Filling density.* The term "filling density" shall designate the percent ratio of the weight of gas in a container to the weight of water that the container will hold at 60° F. (One pound of water equals 27.737 cubic inches at 60° F.) For example, for a liquified petroleum gas of 0.504/0.510 specific gravity, a 100-pound cylinder holds 238.1 pounds of water and the filling density is 42 percent; therefore the amount of gas permitted is 0.42×238.1 or 100 pounds.

(h) *Service pressure.* The term "service pressure" shall designate the authorized pressure marking on the container. For example, for cylinders marked "ICC–3A1800", the service pressure is 1800 psig (pounds per square inch gauge).

Amend entire § 73.301 (15 F.R. 8324, Dec. 2, 1950) (18 F.R. 3136, June 2, 1953) (20 F.R. 4417, June 23, 1956) (27 F.R. 11853, Dec. 1, 1962) (27 F.R. 11853, Dec. 1, 1962) (27 F.R. 6738, July 17, 1962) (21 F.R. 3011, May 5, 1956) (26 F.R. 9402, Oct. 6, 1961) to read as follows:

§ 73.301 General requirements for shipment of compressed gases in cylinders.[1]

(a) *Gases capable of combining chemically.* No container shall contain gases or materials that are capable of combining chemically so as to endanger its serviceability.

(b) *Ownership of container.* A container charged with a compressed gas must not be shipped unless it was charged by or with the consent of the owner of the container.

(c) *Retest of container.* A container for which prescribed periodic retest has become due must not be charged and shipped until such retest has been properly made.

(d) *Manifolding containers in transportation.* No means of interconnecting such as manifolding of individual containers may be employed for the transportation of compressed gases, except as hereinafter authorized. Containers so manifolded shall be supported and held together as a unit by structurally adequate means. Safety relief devices on manifolded horizontal containers charged with flammable compressed gas shall be arranged to discharge upward and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the containers.

(1) Manifolding is authorized for containers of the following gases: Argon, air, helium, nitrogen, oxygen, carbon dioxide, nitrous oxide, provided that each such container is individually equipped with approved safety relief devices as required by § 73.34(d) or § 73.315(i).

(2) Manifolding is authorized for containers of the following gases: Boron trifluoride, ethylene (nonliquefied), hydrogen, hydrocarbon gases (nonliquefied), methane, provided individual containers are equipped with approved safety relief devices as required by § 73.34(d) or § 73.315(i), and further provided that each container is equipped with individual shutoff valve, or valves, which shall be tightly closed while in transit. Manifold branch lines to these individual shutoff valves shall be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines. A temperature measuring device may be inserted in one container of a manifolded installation in place of the shutoff valve.

(3) Manifolding is authorized for containers of the following gases: Ethane, ethylene, propylene, liquefied petroleum gases, liquefied hydrocarbon gases, provided individual containers are equipped with approved safety relief devices as required by § 73.34(d) or § 73.315(i), and further provided that each container is equipped with individual shutoff valve, or valves, which shall be tightly closed while in transit, and that each such container must be separately charged and means shall be provided to insure that no interchange of container contents can occur during transportation. Manifold branch lines to individual shutoff valves shall be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines.

(4) Manifolding is authorized for containers of acetylene, provided that each container is individually equipped with approved safety relief devices as required by § 73.34(d), and further provided that each container is equipped with an individual shutoff valve, or valves, which shall be tightly closed while in transit. Manifold branch lines to these individual shutoff valves shall be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines. All manifold containers shall be transported in a vertical position. For the checking of tare weights or for replacement of solvent the container shall be removed from the manifold. This requirement is not intended to prohibit the charging of the acetylene cylinders while manifolded.

(e) *Container pressure.* The pressure in the container at 70° F. must not exceed the service pressure for which the container is marked or designated, except as provided in § 73.302(c).

NOTE: In certain cases with liquefied gases the pressure at 70° F. must be lower than the marked service pressure to avoid having a greater pressure at a temperature of 130° F. than is permitted.

(1) For authorized containers not marked with a service pressure, the service pressure is designated as follows:

Specification marking	Service pressure—psig
ICC-3	1,800
3E	1,800
4	300
8	250
9	200
25	300
33	480
38	250
40	200
41	240

(2) For containers made prior to the effective date of specifications, the service pressure is designated as the same as for the same type of container made in accordance with current specifications.

(f) *Container pressure at 130° F.* The pressure in the container at 130° F. shall not exceed 5/4 times the service pressure, except:

(1) Containers charged with acetylene, liquefied nitrous oxide and liquefied carbon dioxide.

(2) When a cylinder is charged in accordance with § 73.302(c), the pressure in the cylinder at 130° F. must not exceed 5/4 times the filling pressure authorized therein.

(g) *Container valve protection.* Containers charged with flammable, corrosive, or noxious gases, must have their valves protected by one of the following methods.

(1) By equipping the containers with securely attached metal caps of sufficient strength to protect the valves from injury during transit.

(2) By boxing or crating the containers so as to give proper protection to the valves.

(3) By so constructing the containers that the valve is recessed into the container or otherwise protected so that it will not be subjected to a blow when the container is dropped on a flat surface.

(4) By loading the containers compactly in an upright position and securely bracing in cars or motor vehicles, when loaded by the consignor and to be unloaded by the consignee.

(5) By equipping with valves strong enough to avoid injury during transit for containers containing non-liquefied gas under pressure not exceeding 300 psi at 70° F.

(h) *Compressed gas containers.* Compressed gases must be in metal containers built in accordance with the ICC specifications, as shown below, in effect at the time of manufacture, and marked as required by the specification and the regulation for retesting if applicable;

[1] Requirements covering cylinders are also applicable to spherical pressure vessels.

CONTAINERS

ICC-2P	ICC-3E	ICC-4C	ICC-8AL.
31	3HT	4D	9.
3A	4	4DA	25 [1].
3A480X	4A	4DS	26 [1].
3AA	4AA	4E	33 [1].
3B	4B	4L	38 [1].
3BN	4B240FLW	5	40.
3C	4B240X	5F	41.
3D	4BA	7 [1]	
	4B240ET	8	

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

(i) *Foreign containers in domestic use.* Except as authorized by § 73.9, a charged container of foreign manufacture must not be offered for transportation in domestic traffic unless it has been made in accordance with the applicable ICC specification and unless the tests required by such specification were made in this country and proper report rendered.

(j) *Charging of foreign containers for export.* Containers of foreign manufacture, received from foreign countries for charging with compressed gas, may be charged and shipped for export only.

(1) Provided that they are retested in accordance with § 73.34(e). This retest may be omitted only if the container can be definitely identified as having been retested under this provision within the prescribed retest period, and

(2) Provided further that the maximum filling density and service pressure for each container shall be in accordance with all packing requirements of this part for the compressed gas involved.

(3) Records showing the results of the tests made on all foreign containers must be preserved for inspection until the next scheduled retest date.

(4) Bill of lading or other shipping paper shall, when possible, identify the containers and shall carry the following certification: "These containers have been retested and refilled in accordance with the ICC requirements for export."

Amend entire § 73.302 (15 F.R. 8325, Dec. 2, 1950) (26 F.R. 4996, June 6, 1961) (21 F.R. 9357, Nov. 30, 1956) (26 F.R. 1015, Feb. 2, 1961) (21 F.R. 4432, 4433, June 23, 1953) (18 F.R. 3136, June 2, 1953) (21 F.R. 673, Jan. 31, 1956) (23 F.R. 4030, June 10, 1958) to read as follows:

§ 73.302 Charging of cylinders with non-liquefied compressed gases.

(a) *Detailed requirements.* Nonliquefied compressed gases (except gas in solution or poisonous gas) for which charging requirements are not definitely prescribed in § 73.304(a)(2) must be shipped, subject to § 73.301, and § 73.305 in specification containers as follows:

(1) Spec. 3,[1] 3A, 3AA, 3B, 3C, 3D, 3E, 4, 4A, 4B, 4BA, 4C, 7,[1] 25,[1] 26,[1] 33,[1] or 38[1] (§ 78.36, § 78.37, § 78.38, § 78.40, § 78.41, § 78.42, § 78.48, § 78.49, § 78.50, § 78.51, or § 78.52 of this chapter). (See §§ 73.34 and 73.301(e).)

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

(2) Spec. 3HT (§ 78.44 of this chapter) cylinders are authorized for nonflammable gases, for use in aircraft only, for a maximum service life of 12 years, and must be equipped with safety relief devices as required by § 73.34(d). Only a frangible disc safety relief device, without fusible metal backing, shall be used with spec. ICC–3HT cylinders and the rated bursting pressure of the disc shall not exceed 90 percent of the minimum required test pressure of the cylinder with which the device is used. Cylinders must be shipped in strong outside containers.

(b) *Filling limits.* (See § 73.301(e).)

(c) *Special filling limits for spec. 3A and 3AA cylinders.* Specs. 3A and 3AA (§§ 78.36 and 78.37 of this chapter) cylinders may be charged with compressed gases, other than liquefied, dissolved, poisonous, or flammable gases to a pressure 10 percent in excess of their marked service pressure, provided:

(1) That such cylinders are equipped with frangible disc safety devices (without fusible metal backing) having a bursting pressure not exceeding the minimum prescribed test pressure.

(2) That the elastic expansion shall have been determined at the time of the last test or retest by the water jacket method.

(3) That either the average wall stress or the maximum wall stress shall not exceed the wall stress limitation shown in the following table (see Notes 1 and 2):

Type of steel	Average wall stress limitation	Maximum wall stress limitation
Plain carbon steels over 0.35 carbon and medium manganese steels	53,000	58,000
Steels of analysis and heat-treatment specified in spec. 3AA	67,000	73,000
Plain carbon steels less than 0.35 carbon made prior to 1920	45,000	48,000

NOTE 1: The average wall stress shall be computed from the elastic expansion data using the following formula:

$$S=\frac{1.7EE}{KV}-0.4P$$

where—

S=wall stress, pounds per square inch;
EE=elastic expansion (total less permanent) in cubic centimeters;
K=factor x 10^{-7} experimentally determined for the particular type of cylinder being tested;
V=internal volume in cubic centimeter (1 cubic inch=16.387 cubic centimeters);
P=test pressure, pounds per square inch.

Formula derived from formula of Note 2 and the following:

$$EE=PKV\times\frac{D^2}{D^2-d^2}$$

NOTE 2: The maximum wall stress shall be computed from the formula:

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

where—

S=wall stress, pounds per square inch;
P=test pressure, pounds per square inch;
D=outside diameter, inches;
$d=D-2t$, where t=minimum wall thickness determined by a suitable method.

(4) That an external and internal visual examination made at the time of test or retest shows the cylinder to be free from excessive corrosion, pitting, or dangerous defects.

(5) That a plus sign (+) be added following the test date marking on the cylinder to indicate compliance with subparagraphs (2), (3), and (4) of this paragraph.

(d) *Fluorine.* Fluorine must be shipped in Specification 3A1000, 3AA1000, or 3BN400 (§ 78.36, § 78.37 or § 78.39 of this chapter) cylinders without safety relief device and equipped with valve protection cap. Such containers must not be charged to over 400 psig at 70° F. and must not contain over 6 pounds of gas.

(e) *Verification of container pressure.* (1) Each day, the pressure in a container representative of that day's compression must be checked by the charging plant after the container has cooled to a settled temperature and a record of this test kept for at least 30 days.

Amend entire § 73.303 (19 F.R. 6268, Sept. 29, 1954) (21 F.R. 366, 367, Jan. 19, 1956) to read as follows:

§ 73.303 Charging of cylinders with compressed gas in solution (acetylene).

(a) *Cylinder, filler and solvent requirements.* (Refer to applicable parts of Specs. ICC–8 and ICC–8AL.) Acetylene gas must be shipped in cylinders, spec. 8 or 8AL (§ 78.59 or § 78.60 of this chapter). The cylinders shall consist of metal shells filled with a porous material that has been tested with satisfactory results by the Bureau of Explosives, and this material must be charged with a suitable solvent.

(1) The specific gravity of acetone solvent in acetylene cylinders must be 0.796 or over at 15.5° C. (59.9° F.).

(2) The amount of solvent added in the refilling operation must not cause the tare weight of the cylinder to exceed its marked tare weight. The tare weight includes the weight of the cylinder shell, porous filling, valve, safety devices and solvent, but without removable cap.

(b) *Filling limits.* The pressure in cylinders containing acetylene gas must not exceed 250 psi at 70° F., and in case the cylinders are marked for a lower allowable charging pressure, at 70° F., then that pressure must not be exceeded.

(c) *Data requirements on filler and solvent.* Cylinders containing acetylene gas must not be shipped unless they were charged by or with the consent of the owner, and by a person, firm, or company having possession of complete information as to the nature of the porous filling, the kind and quantity of solvent in the cylinders, and the meaning of such markings on the cylinders as are prescribed by the Commission's regulations and specifications applying to containers for the transportation of acetylene gas.

(d) *Verification of container pressure.* (1) Each day, the pressure in a container representative of that day's compression must be checked by the charging plant after the container has cooled to a settled temperature and a record of this test kept for at least 30 days.

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

Amend entire § 73.304 (15 F.R. 8325, Dec. 2, 1950) (24 F.R. 906, Feb. 6, 1959) (19 F.R. 8527, Dec. 14, 1954) (21 F.R. 3011, May 5, 1956) (21 F.R. 7602, Oct. 4, 1956) to read as follows:

§ 73.304 Charging of cylinders with liquefied compressed gas.

(a) *Detailed charging requirements.* Liquefied gases shall be charged in accordance with the specific provisions of subparagraph (2) of this paragraph or paragraph (e) of this section. Where charging requirements are not specifically prescribed, liquefied gases, except gas in solution or poisonous gas, must be shipped, subject to the applicable paragraphs under General Requirements for Shipment (see § 73.301), the charging requirements of this section for liquefied compressed gas, or the charging requirements for mixtures (see § 73.305), in containers manufactured under specifications, as follows:

(1) Spec. 3,[1] 3A, 3AA, 3B, 3BN, 3D, 3E, 4, 4A, 4B, 4BA, 4B–ET, 9, 25,[1] 26,[1] 38,[1] 40 or 41 (§§ 78.36, 78.37, 78.38, 78.39, 78.41, 78.42, 78.48, 78.49, 78.50, 78.51, 78.55, 78.63, 78.66, 78.67 of this chapter), except that specs. 9, 40, and 41 containers must not be charged and shipped with mixtures containing aluminum triethyl, aluminum trimethyl, carbon bisulphide (disulphide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin, zinc ethyl or poisonous materials, class A, B or C, as defined by these regulations, unless specifically prescribed in this part. (See §§ 73.34 and 73.301 (e).)

(2) The following restrictions must be complied with for the gases named:

Kind of gas	Maximum permitted filling density (see Note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in §73.34 (a), (b),.§73.301 (j) (see notes following table).
	Percent	
Anhydrous ammonia	54	ICC–4; ICC–3A480; ICC–3AA480; ICC–3A480X; ICC–4A480; ICC–3; ICC–4AA480; ICC–3E1800.
Argon, pressurized liquid	115	ICC–4L200.
Carbon dioxide, liquefied (see Notes 3, 4, and 7).	68	ICC–3A1800; ICC–3AA1800; ICC–3; ICC–3E1800; ICC–3HT2000.
Carbon dioxide-nitrous oxide mixture (see Note 7).	68	ICC–3A1800; ICC–3AA1800; ICC–3; ICC–3E1800; ICC–3HT2000.
Carbon monoxide		ICC–3A1800; ICC–3AA1800; ICC–3; ICC–3E1800: The pressure in the cylinder must not exceed 1,000 pounds per square inch at 70° F.
Chlorine (see Note 2)	125	ICC–3A480; ICC–3AA480; ICC–25; ICC–3; ICC–3BN480; ICC–3E1800.
Cyclopropane	55	ICC–3A225; ICC–3A480X; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4AA480; ICC–4B225; ICC–4BA225; ICC–4B240ET; ICC–7–300; ICC–3; ICC–3E1800.
Dichlorodifluoromethane (see Note 8)	119	ICC–3A225; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4B225; ICC–4BA225; ICC–4B240ET; ICC–9; ICC–41; ICC–3E1800.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) (see Note 8).	Not liquid full at 130° F.	ICC–3A240; ICC–3AA240; ICC–3B240; ICC–3E1800; ICC–4A240; ICC–4B240; ICC–4BA240; ICC–9.
Difluoroethane	79	ICC–3A150; ICC–3AA150; ICC–3B150; ICC–4B150; ICC–4BA225; ICC–3E1800.
Difluoromonochloroethane	100	ICC–3A150; ICC–3AA150; ICC–3B150; ICC–4B150; ICC–4BA225; ICC–3E1800.
Dimethylamine, anhydrous	59	ICC–3A150; ICC–3AA150; ICC–3B150; ICC–4B150; ICC–4BA225; ICC–3E1800.
Ethane	35.8	ICC–3A1800; ICC–3AA1800; ICC–3; ICC–3E1800.
Do	36.8	ICC–3A2000; ICC–3AA2000.
Ethylene	31.0	ICC–3A1800; ICC–3AA1800; ICC–3; ICC–3E1800.
Do	32.5	ICC–3A2000; ICC–3AA2000.
Do	35.5	ICC–3A2400; ICC–3AA2400.
Hydrogen chloride	60	ICC–3A1800; ICC–3AA1800; ICC–3; ICC–3E1800.
Hydrogen sulfide	62.5	ICC–3A480; ICC–3AA480; ICC–3B480; ICC–4A480; ICC–4B480; ICC–4BA480; ICC–26–480; ICC–3E1800.
Insecticide, liquefied gas (see Note 8)	Not liquid full at 130° F.	ICC–3A300; ICC–3AA300; ICC–3B300; ICC–4B300; ICC–4BA300; ICC–9; ICC–40; ICC–41; ICC–3E1800.
Liquefied nonflammable gases, liquids other than those classified as flammable, corrosive, or poisonous, and mixtures or solutions thereof, charged with nitrogen, carbon dioxide, or air (see Notes 7 and 8).	Not liquid full at 130° F.	ICC–3A300; ICC–3AA300; ICC–3HT900; ICC–4B300; ICC–4BA300; ICC–4D300; ICC–4DA500; ICC–4DS500; ICC–3E1800.
Methyl acetylene—15% to 20% propadiene mixture (see Note 6).	50	ICC–3A240; ICC–3AA240; ICC–3B240; ICC–4B240; ICC–4BA240; ICC–4B240ET.
Methyl chloride	84	ICC–3A225; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4B225; ICC–4BA225; ICC–3; ICC–4; ICC–25; ICC–26–300; ICC–38; ICC–3E1800; ICC–4B240ET. Cylinders complying with ICC–3A150; ICC–3B150; ICC–4A150, and ICC–4B150 manufactured prior to Dec. 7, 1936 are also authorized.
Methyl mercaptan	80	ICC–3A240; ICC–3AA240; ICC–3B240; ICC–4B240; ICC–4B240ET; ICC–3E1800; ICC–4BA240.
Monochlorodifluoromethane (see Note 8).	105	ICC–3A240; ICC–3AA240; ICC–3B240; ICC–4B240; ICC–4BA240; ICC–4B240ET; ICC–3E1800; ICC–41.
Monochloropentafluoroethane	110	ICC–3A225; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4B225; ICC–4BA225; ICC–3E1800.
Monochlorotrifluoromethane	100	ICC–3A1800; ICC–3AA1800; ICC–3; ICC–3E1800.
Monomethylamine, anhydrous	60	ICC–3A150; ICC–3AA150; ICC–3B150; ICC–4B150; ICC–4BA225; ICC–3E1800.
Nitrogen, pressurized liquid	68	ICC–4L200.
Nitrosyl chloride	110	ICC–3BN400 only.
Nitrous oxide (see Notes 7 and 9)	68	ICC–3A1800; ICC–3AA1800; ICC–3; ICC–3E1800; ICC–3HT2000.
Oxygen, pressurized liquid	96	ICC–4L200.
Sulfur dioxide	125	ICC–3A225; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4B225; ICC–4BA225; ICC–4B240ET; ICC–3; ICC–4; ICC–25; ICC–26–150; ICC–38; ICC–3E1800.
Sulfur hexafluoride	110	ICC–3A1000; ICC–3AA1000; ICC–3; ICC–3E1800.
Tetrafluoroethylene, inhibited	90	ICC–3A1200; ICC–3AA1200; ICC–3E1800.
Trifluorochloromethylene	115	ICC–3A300; ICC–3AA300; ICC–3B300; ICC–4A300; ICC–4B300; ICC–4BA300; ICC–3E1800.
Trimethylamine, anhydrous	57	ICC–3A150; ICC–3AA150; ICC–3B150; ICC–4B150; ICC–4BA225; ICC–3E1800.
Vinyl chloride (see Note 5)	84	ICC–4B150, without brazed seams; ICC–4BA225, without brazed seams; ICC–3A150; ICC–3AA150; ICC–25; ICC–3E1800.
Vinyl fluoride, inhibited	62	ICC–3A1800; ICC–3AA1800; ICC–3E1800.
Vinyl methyl ether, inhibited (see Note 5).	68	ICC–4B150, without brazed seams; ICC–4BA225, without brazed seams; ICC–3A150; ICC–3AA150; ICC–3B150; ICC–25; ICC–3E1800.

See footnotes at end of table.

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

NOTE 1: The "filling density" is hereby defined as the percent ratio of the weight of gas in a container to the weight of water that the container will hold at 60° F. (1 lb. of water=27.737 cubic inches at 60° F.).

NOTE 2: Cylinders purchased after Oct. 1, 1944, for the transportation of chlorine must contain no aperture other than that provided in the neck of the cylinder for attachment of a valve equipped with an approved safety device. Cylinders purchased after Nov. 1, 1935, and charged with chlorine must not contain over 150 pounds of gas.

NOTE 3: The charge in carbon dioxide cylinders must not exceed 68 percent by weight of the water capacity of the cylinder. Cylinders rated for 75 pounds or for 100 pounds carbon dioxide capacity are the only cylinders authorized for shipment of more than 50 pounds of carbon dioxide except that cylinders of sizes not over 9 1/16 inches outside diameter by 51 inches (approx.), charged with mixtures of carbon dioxide containing at least 6 percent by weight of other gas or liquid, are exempt from the foregoing part of this sentence.

NOTE 4: Special carbon dioxide mining devices containing a heating element and charged with not over 6 pounds of carbon dioxide may be filled to a density of not over 85 percent, provided the cylinder is made of steel with a calculated bursting pressure in excess of 39,000 psi, be fitted with a frangible disc that will operate at not over 57 percent of that pressure, and be able to withstand a drop of 10 feet when striking crosswise on a steel rail while under a pressure of at least 3,000 psi. Such devices must be shipped in strong boxes or must be wrapped in heavy burlap and bound by 12-gauge wire with the wire completely covered by friction tape. Wrapping must be applied so as not to interfere with the functioning of the frangible disc safety relief device. Shipments must be described as "liquefied carbon dioxide gas (mining device)" and marked, labeled, and certified as prescribed for liquefied carbon dioxide.

NOTE 5: All parts of valve and safety devices in contact with contents of cylinders must be of a metal or other material, suitably treated if necessary, which will not cause formation of any acetylides.

NOTE 6: Cylinders having a water capacity in excess of one gallon shall be insulated with three coats of heat-retardant paint, of a type approved by the Bureau of Explosives, applied over suitable primer and finished with suitable waterproof paint; or with other equally efficient insulation approved by the Bureau of Explosives.

NOTE 7: Spec. 3HT (§ 78.44 of this chapter (cylinders are authorized for use in aircraft only, for a maximum service life of 12 years, and must be equipped with safety relief devices as required by § 73.34 (d). Only frangible disc safety relief device, without fusible metal backing, shall be used with spec. 3HT cylinders and the rated bursting pressure of the disc shall not exceed 90 percent of the minimum required test pressure of the cylinder with which the device is used. Cylinders must be shipped in strong outside containers.

NOTE 8: Specs. 4D, 4DA, 4DS, 9, 40, and 41 (§ 78.53, 78.58, 78.47, 78.63, 78.66, or 78.67 of this chapter) spheres and cylinders must be shipped in strong outside containers.

NOTE 9: Filling density for nitrous oxide may be 75 percent in cylinders made previous to Feb. 1, 1917, of less than 12 pound water capacity, and if known to have passed a test pressure of not less than 3,500 psi.

(b) *Filling limits.* (See § 73.301(f).)

(1) For a liquefied compressed gas the liquid portion of the content at 130° F. must not completely fill the container.

NOTE 1: Maximum filling densities are permitted by paragraph (a)(2) of this section for certain liquefied compressed gases, having critical temperatures below 130° F. that result in the container being liquid full below the critical temperature, but because of compressibility of the liquids, the maximum pressure requirements of § 73.301(f) are met up to and including 130° F.

NOTE 2: Cylinders containing vinyl fluoride, inhibited, may be liquid full at 130° F. provided the pressure at the critical temperature does not exceed one and one-fourth times the service pressure.

(2) The pressure in ICC–4L (§ 78.57 of this chapter) cylinders must be limited by a pressure controlling valve so sized and set as to limit the pressure to one and one-fourth times the marked service pressure. The liquid portion of the gas must not completely fill the cylinder. For ICC–4L cylinders insulated by a vacuum the pressure control valve must be set at least 15 psi lower than one and one-fourth times the marked service pressure. The other paragraphs of this section do not apply to ICC–4L cylinders.

(c) *Verification of content in cylinder.* (1) Liquefied gases must be charged by weight, by volume measurement of liquid, or when lower in pressure than required for liquefaction a pressure-temperature chart may be used in charging to insure that the service pressure at 70° F. times 5/4 will not be exceeded at 130° F.

(2) Except as noted in paragraph (e)(4) of this section, the amount of liquefied gas charged into a container must be determined by weight, or if charged at a pressure lower than the liquefaction point, by pressure shown on a chart for the specific gas. Weight must be checked, after disconnecting from the charging line, by the use of proper scales.

(d) *Requirements for liquefied petroleum gas.* (1) Filling density limited as follows:

Minimum specific gravity of the liquid material at 60° F.	Maximum filling density in percent of the water-weight capacity of the container	Minimum specific gravity of the liquid material at 60° F.	Maximum filling density in percent of the water-weight capacity of the container
0.271–0.289	26	0.504–0.510	42
0.290–0.306	27	0.511–0.519	43
0.307–0.322	28	0.520–0.527	44
0.323–0.338	29	0.528–0.536	45
0.339–0.354	30	0.537–0.544	46
0.355–0.371	31	0.545–0.552	47
0.372–0.398	32	0.553–0.560	48
0.399–0.425	33	0.561–0.568	49
0.426–0.440	34	0.569–0.576	50
0.441–0.452	35	0.577–0.584	51
0.453–0.462	36	0.585–0.592	52
0.463–0.472	37	0.593–0.600	53
0.473–0.480	38	0.601–0.608	54
0.481–0.488	39	0.609–0.617	55
0.489–0.495	40	0.616–0.626	56
0.496–0.503	41	0.627–0.634	57

(2) Subject to § 73.301(f), any filling density percentage prescribed in this section is authorized to be increased by 2 for liquefied petroleum gas in spec. 26 or 3 cylinders or in spec. 3A marked for 1,800 psig, or higher, service pressure.

(3) Liquefied petroleum gas must be shipped in specification containers as follows:

(i) Spec. 3,[1] 3A, 3AA, 3B, 3E, 4A, 4B, 4BA, 4B240ET, 4B240X,[1] (see Appendix A–1 to subpart C of Part 78 of this chapter), 4B240FLW, 4E, 4, 9, 25,[1] 26,[1] 38,[1] or 41 (§ 78.36, § 78.37, § 78.38, § 78.42, § 78.49, § 78.50, § 78.51, § 78.54 or § 78.68 of this chapter). Cylinders authorized under § 73.34(a) and § 73.301(j) may be used.

NOTE 1: Cylinders marked as complying with ICC spec. 4B240FLW bearing manufacturer's symbol WCO and serial numbers 47A–1 to 47A–59200, inclusive, varying from the specification requirements as to physical properties of steel, are authorized for the transportation of liquefied petroleum gases.

(ii) Additional containers may be used within the limits of quantity and pressure as follows:

Type of container	Maximum capacity		Maximum charging pressure-psig
	Cubic inches	Gallons	
ICC–2P (see Note 1)	31.83		45 psig at 70° F. and 105 psig at 130° F. (see Note 2).
ICC–2P (see Note 1)	31.83		26 psig and 70° F. and 84 psig at 130° F.
ICC–3C and ICC–4C	3,881	16 + 5% tolerance.	145 psig at 130° F.
ICC–7* made prior to Oct. 1, 1930	3,881	16 + 5% tolerance.	70 psig at 70° F. and 145 psig at 130° F.
ICC–7–150* made prior to Oct. 1, 1930, and retested as per § 73.34(e) to 300 psig.			187 psig at 130° F.
ICC–5 drums made prior to Oct. 1, 1930 of steel at least 16-gauge U.S. Standard.		11	23 psig at 70° F. and 70 psig at 130° F.
ICC–5F drums		11	28 psig at 70° F. and 86 psig at 130° F.

NOTE 1: Containers must be packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Each completed container filled for shipment must have been heated until contents reached a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect. Each outside shipping container must be plainly marked "INSIDE CONTAINERS COMPLY WITH PRESCRIBED SPECIFICATIONS."

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

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

NOTE 2: Containers must be equipped with safety devices which will prevent rupture of the containers and dangerous projection of the closing devices when the containers are exposed to the action of fire.

(4) Verification of content: Containers with a water capacity of 200 pounds or more and for use with a liquefied petroleum gas with a specific gravity at 60° F. or 0.504 or greater may have their contents determined by using a fixed length dip tube gauging device. The length of the dip tube shall be such that when a liquefied petroleum gas with a specific volume of 0.03051 cu. ft./lb. at a temperature of 40° F. is charged into the container it just reaches the bottom of the tube. The weight of this liquid shall not exceed 42 percent of the water capacity of the container which must be stamped thereon. The length of the dip tube, expressed in inches carried out to one decimal place and prefixed with the letters "DT" shall be stamped on the container and on the exterior of removable type dip tube; for the purpose of this requirement the marked length shall be expressed as the distance measured along the axis of a straight tube from the top of the boss through which the tube is inserted to the proper level of the liquid in the container. The length of each dip tube shall be checked when installed by weighing each container after filling except when installed in groups of substantially identical containers in which case one of each 25 containers shall be weighed. The quantity of liquefied gas in each container must be checked by means of the dip tube after disconnecting from the charging line. The outlet from the dip tube shall be not larger than a No. 54 drill size orifice. A container representative of each day's filling at each charging plant shall have its contents checked by weighing after disconnecting from the charging line.

(e) *Refrigerant gases.* Refrigerant gases which are nonpoisonous and nonflammable under this part, must be shipped in cylinders as prescribed in paragraph (a)(1) or (2) of this section, or as follows:

(1) Spec. 2P (§ 78.33 of this chapter). Inside metal containers equipped with safety devices of a type approved by the Bureau of Explosives and packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container must not exceed 85 pounds psi absolute at 70° F. Each completed metal container filled for shipment must be heated until content reaches a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect. Each outside shipping container must be plainly marked "INSIDE CONTAINERS COMPLY WITH PRESCRIBED SPECIFICATION."

(f) *Engine starting fluid.* Engine starting fluid containing compressed gas or gases which are flammable under this part must be shipped in cylinders as

prescribed in paragraph (a)(1) of this section, or as follows:

(i) Inside nonrefillable metal containers of capacity not exceeding 32 cubic inches. Containers must be packaged in spec. 12B (§ 78.205 of this chapter) fiberboard boxes equipped with top and bottom pads which will provide three complete thicknesses of fiberboard on tops and bottoms of boxes, or spec. 15A, 15B, or 15C (§ 78.168, § 78.169, or § 78.170 of this chapter) wooden boxes. Pressure in the container must not exceed 140 psi, absolute, at 130° F. However, if the pressure exceeds 140 psi, absolute at 130° F., a spec. 2P (§ 78.33 of this chapter) container must be used. In any event, the metal container must be capable of withstanding without bursting a pressure of one and one-half times the pressure of the content at 130° F. The liquid content of the material and gas must not completely fill the container at 130° F. Each completed container filled for shipment must have been heated until content reaches a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect. Each outside shipping container must be plainly marked, "INSIDE CONTAINERS COMPLY WITH PRESCRIBED SPECIFICATIONS."

Amend entire § 73.305 (15 F.R. 8325, Dec. 2, 1950) to read as follows:

§ 73.305 Charging of cylinders with a mixture of compressed gas and other material.

(a) *Detailed requirements.* A mixture of a compressed gas and any other material must be shipped as a compressed gas if the mixture is a compressed gas as designated in § 73.300(a) and when not in violation of § 73.301(a).

(b) *Filling limits.* (See § 73.301(e).) For mixtures, the liquid portion of the liquefied compressed gas at 130° F. plus any additional liquid or solid must not completely fill the container.

(c) *Nonpoisonous and nonflammable mixtures.* Mixtures containing compressed gas or gases including insecticides, which mixtures are nonpoisonous and nonflammable under this part must be shipped in cylinders as prescribed in § 73.304(a) or as follows:

(1) Spec. 2P (§ 78.33 of this chapter). Inside metal containers equipped with safety devices of a type approved by the Bureau of Explosives and packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container must not exceed 85 psi absolute at 70° F. Each completed metal container filled for shipment must be heated until content reaches a minimum temperature of 130° F., without evidence of leakage, distortion or other defect. Each outside shipping container must be plainly marked "INSIDE CONTAINERS COMPLY WITH PRESCRIBED SPECIFICATIONS."

(d) *Poisonous mixtures.* Mixtures containing any poisonous article, class A or class C, in such proportion that the mixture would be classed as poisonous under § 73.326(a) or § 73.381(a) must be shipped in containers as authorized for such poisonous articles.

Amend entire § 73.306 (15 F.R. 8326, Dec. 2, 1950) (19 F.R. 1279, Mar. 6, 1954) (26 F.R. 1015, Feb. 2, 1961) (17 F.R. 4294, 4295, May 10, 1952) (23 F.R. 4030, June 10, 1958) (22 F.R. 2226, 2227, Apr. 4, 1957) (22 F.R. 11031, Dec. 31, 1957) (26 F.R. 4996, June 6, 1961) to read as follows:

§ 73.306 Exemptions from compliance with regulations for shipping compressed gas.

(a) *General exemptions.* Compressed gases, except poisonous gases as defined by § 73.326(a) and except those for which no exemptions are provided as indicated by the "No exemption" statement in § 72.5 of this chapter, when in accordance with one of the following subparagraphs are, unless otherwise provided, exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(1) When in containers of not more than 4 fluid ounces water capacity (7.22 cubic inches or less).

(2) When in metal containers filled with non-dangerous material to not over 90 percent capacity at 70° F. then charged with non-flammable, non-liquefied gas; each container must be tested to three times the gas pressure at 70° F., and, when refilled and reshipped, must be retested at this pressure before each shipment, provided one of the following conditions is met:

(i) Container is not over 1 quart capacity charged to not over 170 psig at 70° F.

(ii) Container is not over 30 gallons capacity charged to not over 75 psig pressure at 70° F.

(3) When in inside nonrefillable metal containers charged with a solution of materials and compressed gas or gases which is non-poisonous, provided all of the following conditions are met:

(i) Capacity must not exceed 32 cubic inches.

(ii) Pressure in container must not exceed 75 psi absolute at 70° F; however, if the pressure exceeds 55 psi absolute at 70° F., a specification 2P (§ 78.33 of this chapter) container must be used.

(iii) Liquid content of the material and gas must not completely fill the container at 130° F.

(iv) If the content is flammable as provided in § 73.300(b) (2), (3) and (4), the flash point, as determined by Bureau of Explosives method, must be not less than 20° F.

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

(4) When in inside nonrefillable metal containers charged with a solution of non-poisonous and non-flammable materials and non-liquefied compressed gas, provided all the following conditions are met:

(i) Capacity not to exceed 31.83 cubic inches (17.6 fluid ounces).

(ii) Pressure in container not to exceed 140 psi absolute at 130° F.

(iii) The metal container must be capable of withstanding without bursting a pressure of two times the pressure of the container at 70° F. or one and one-half times the pressure of the container at 130° F., whichever is greater.

(b) *Exemptions for foodstuffs, soap, cosmetics, beverages, biologicals, electronic tubes and audible fire alarm systems.* Compressed gases, except poisonous gases as defined by § 73.326(a) and except those for which no exemptions are provided as indicated by the "No exemption" statement in § 72.5 of this chapter, when in accordance with one of the following subparagraphs are, unless otherwise provided, exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817 and Part 197 of this chapter.

(1) Carbonated beverages.

(2) Foodstuffs or soaps in metal cans with soluble or emulsified compressed gas, provided the pressure in the container does not exceed 115 psi absolute at 70° F., or 150 psi absolute at 130° F. The metal container must be capable of withstanding without bursting a pressure of two times the pressure of contents at 70° F., or one and one-half times the pressure of the contents at 130° F., whichever is greater.

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

(4) Inside nonrefillable metal containers charged with a solution containing biological products or a medical preparation which will be deteriorated by heat and compressed gas or gases, which is nonpoisonous and nonflammable, and of capacity not to exceed 31.83 cubic inches (17.6 fluid ounces). Pressure in the container not to exceed 55 pounds psi absolute at 70° F., and the liquid content of the product and gas must not completely fill the container at 130° F. One completed container out of each lot of 500 or less, filled for shipment, must have been heated, until content reached a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect.

(5) Electronic tubes of not more than 30 cubic-inch volume charged with gas to a pressure of not more than 35 psig.

(6) Inside metal containers of a capacity not to exceed 35 cubic inches, charged with nonflammable, nonpoisonous liquefied compressed gas to be used

in conjunction with audible fire alarm systems. Pressure in the container must not exceed 85 psi absolute at 70° F. The completely assembled containers must be capable of withstanding without bursting a pressure of 1000 psi. The liquid portion of the gas must not completely fill the container at 130° F.

(c) *Fire extinguishers and component parts thereof.* Fire extinguishers and component parts thereof containing compressed gas for the purpose of expelling fire extinguishing contents, which must be nonliquefied gas when in containers exceeding 30 cubic inches capacity, when shipped under the following conditions are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter:

(1) Must be shipped as inside containers.

(2) The container under stored pressure shall have an internal volume not exceeding 1,100 cubic inches.

(3) The pressure in the container shall not exceed 200 psi at 70° F.

(4) The contents shall be nonflammable as covered in §§ 73.115 and 73.150; nonpoisonous as covered in § 73.325(a), class A, B, or C; and not corrosive as defined in § 73.240.

(5) Except as provided in subparagraph (6) of this paragraph, each container must be tested before shipment to at least three times the pressure in the container at 70° F. when charged and not less than 120 pounds per square inch, and before refilling and reshipping must be retested at this pressure before each shipment. The container shall show no leakage or damage when subjected to this pressure.

(6) When spec. 2P (§ 78.33 of this chapter) inside metal containers are used for pressures not exceeding 85 psi absolute, at 70° F. or 115 psi absolute, at 130° F. the test requirements of subparagraph (5) of this paragraph do not apply, but each container must be capable of having the contents heated to 130° F. without evidence of leakage or permanent distortion.

(d) *Truck bodies or trailers on flat cars; automobiles, motorcycles, tractors, or other self-propelled vehicles.* (1) Truck bodies or trailers with automatic heating or refrigerating equipment of the gas burning type may be shipped with fuel tanks filled and equipment operating or inoperative, when used for the transportation of other freight and loaded on flat cars as part of a joint rail-highway movement, provided the equipment and fuel supply are of a type approved by the Bureau of Explosives. The heating or refrigerating units are exempt from specification packaging, marking, and labeling requirements in this service and shall be considered as carriers equipment but not as shipments.

(2) Automobiles, motorcycles, tractors, or other self-propelled vehicles, equipped with liquefied petroleum gas or other fuel tanks, provided such tanks are securely closed, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter. When offered for transportation by carriers by rail freight or highway, drainage of fuel tanks is not required. When offered for transportation by rail express, fuel tanks must have been emptied and securely closed.

(e) *Refrigerating machines and hydraulic accumulators.* (1) Refrigerating machines or components thereof which are factory-made, factory-tested and intended to be shipped only once to the point of installation, containing not over 1,000 pounds of Group 1 refrigerant as classified in American Standard Safety Code for Mechanical Refrigeration (ASA–B9.1–1958) (or 50 pounds of refrigerant other than Group 1) in each pressure vessel and containing an aggregate of not more than 2,000 pounds of Group 1 refrigerant (or 100 pounds of refrigerant other than Group 1) when containing more than two charged vessels, when shipped under the following conditions are exempt from specification packaging, marking and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter:

(i) Each pressure vessel shall be equipped with a safety device meeting the requirements of the American Standard Safety Code for Mechanical Refrigeration (ASA–B9.1–1958). In a refrigerating machine containing more than one pressure vessel, each pressure vessel shall be equipped with individual shut-off valve or valves which shall be closed while in transportation. Such pressure vessels shall be manufactured, tested and inspected in accordance with American Standard B9.1–1958 and when over 6 inches internal diameter, in accordance with Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (1959 edition including all addendas through the Winter 1961 Addenda issued December 29, 1961). All parts subject to refrigerant pressure during shipment must be tested in accordance with American Standard B9.1–1958.

(ii) The liquid portion of the refrigerant, if any, must not completely fill any pressure vessel at 130° F.

(iii) The amount of refrigerant, if liquefied, must not exceed the filling densities prescribed in § 73.304.

(2) *Hydraulic accumulators.* Hydraulic accumulators and component parts thereof containing nonliquefied, nonflammable gas for the purpose of operation when shipped under the following conditions are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter:

(i) Must be shipped as inside containers.

(ii) The container under stored pressure shall have an internal volume not exceeding 1,100 cubic inches.

(iii) The pressure in the container shall not exceed 200 pounds psi at 70° F.

(iv) The contents shall be nonflammable as covered in § 73.115.

(v) Each container must be tested before shipment to at least three times the pressure in the container at 70° F. when charged and not less than 120 psi, and before refilling and reshipping must be retested at this pressure before each shipment. The container shall show no leakage or damage when subjected to this pressure.

Cancel entire § 73.307 (15 F.R. 8326, Dec. 2, 1950) (16 F.R. 9376, Sept. 15, 1951) (23 F.R. 7649, Oct. 3, 1958) (27 F.R. 3429, Apr. 11, 1962).

Cancel entire § 73.308 (15 F.R. 8326, 8327, Dec. 2, 1950) (16 F.R. 9376, Sept. 15, 1951) (21 F.R. 7602, Oct. 4, 1956) (22 F.R. 7837, Oct. 3, 1957) (17 F.R. 7282, Aug. 9, 1952) (23 F.R. 2327, Apr. 10, 1958) (18 F.R. 6779, Oct. 27, 1953) (23 F.R. 4030, June 10, 1958) (27 F.R. 3429, Apr. 11, 1962) (28 F.R. 4498, May 4, 1963) (19 F.R. 8527, Dec. 14, 1954) (24 F.R. 10111, Dec. 15, 1959) (24 F.R. 8059, Oct. 6, 1959) (21 F.R. 3012, May 5, 1956) (26 F.R. 1015, Feb. 2, 1961) (17 F.R. 9838, Nov. 1, 1952) (18 F.R. 951, Feb. 15, 1955) (19 F.R. 6269, Sept. 29, 1954) (24 F.R. 906, Feb. 6, 1959) (24 F.R. 5640, July 14, 1959) (28 F.R. 4498, May 4, 1963) (28 F.R. 14507, Dec. 31, 1963).

Cancel entire § 73.309 (15 F.R. 8327, Dec. 2, 1950) (16 F.R. 5325, June 6, 1951) (25 F.R. 3102, Apr. 12, 1960).

Cancel entire § 73.310 (15 F.R. 8327, Dec. 2, 1950) (21 F.R. 4433, June 23, 1956) (20 F.R. 951, Feb. 15, 1955) (26 F.R. 1016, Feb. 2, 1961).

Cancel entire § 73.311 (15 F.R. 8327, Dec. 2, 1950) (21 F.R. 3012, May 5, 1956).

Cancel entire § 73.312 (15 F.R. 8327, Dec. 2, 1950) (26 F.R. 1016, Feb. 2, 1961) (17 F.R. 9943, Nov. 4, 1952) (22 F.R. 2227, Apr. 4, 1957) (25 F.R. 10395, Oct. 29, 1960) (19 F.R. 1279, Mar. 6, 1954).

Cancel entire § 73.313 (15 F.R. 8328, Dec. 2, 1950) (20 F.R. 952, Feb. 15, 1955) (27 F.R. 11853, 11854, Dec. 1, 1962).

Amend entire § 73.314 (15 F.R. 8328, 8329, Dec. 2, 1950) (22 F.R. 2227, Apr. 4, 1957) (25 F.R. 10395, Oct. 29, 1960) (26 F.R. 4996, June 6, 1961) (22 F.R. 7837, Oct. 3, 1957) (27 F.R. 11854, Dec. 1, 1962) (27 F.R. 6738, July 17, 1962) (17 F.R. 9838, Nov. 1, 1952) (25 F.R. 3102, Apr. 12, 1960) (26 F.R. 1016, Feb. 2, 1961) (23 F.R. 2327, Apr. 10, 1958) (26 F.R. 9402, Oct. 6, 1961) (16 F.R. 9377, Sept. 15, 1951) (21 F.R. 9357, Nov. 30, 1956) (19 F.R. 3261, June 3, 1954) (22 F.R. 4791, July 9, 1957) (26 F.R. 12703, Dec. 29, 1961) (24 F.R. 8059, Oct. 6, 1959) (23 F.R. 4030, June 10, 1958) to read as follows:

§ 73.314 Requirements for compressed gases in tank cars.

(a) *Definitions.* For definitions of compressed gases, see § 73.300.

(b) *General requirements.*

(1) Tank cars containing compressed gases must not be shipped unless they were loaded by or with the consent of the owner thereof.

(2) Tank cars must not contain gases capable of combining chemically and must not be loaded with any gas which combines chemically with the gas previously loaded therein, until all residue has been removed and interior of tank thoroughly cleaned.

(3) For cars of the ICC–106A and 110A class, the tanks must be placed in position and attached to car structure by the shipper.

(4) Wherever the word "approved" is used in this part of the regulations, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 of this chapter.

(c) *Authorized gases, filling densities, tank cars.* Compressed gases transported in tank cars must be shipped as provided in paragraphs (b) to (g) of this section, § 73.432, and the following table:

Kind of gas	Maximum permitted filling density, Note 1	Required tank car, see §73.31(a)(3)
	Percent	
Anhydrous ammonia	50	ICC–106A500, 106A500–X, Note 7.
	57	ICC–105A300–W.
	57	ICC–112A400–F, 112A340–W, Note 15.
	58.8	ICC–112A400–F, 112A340–W, Note 15.
Aqua ammonia solution containing anhydrous ammonia.	Note 21	ICC–105A100–W, 105A200–W, 105A300–W, 105A100AL–W, 105A200AL–W, 105A300–AL–W, 109A100AL–W, 109A200AL–W, 109–A300AL–W, 109A300–W, 111A100–W–4, Note 20.
Argon	Note 20	ICC–107A.
Butadiene (pressure not exceeding 75 pounds per square inch at 105° F.), inhibited.	Notes 18 and 21	ICC–106A500, 106A500X.
		ICC–105A100, 105A100–W, 111A100–W–4, Note 4.
Butadiene (pressure not exceeding 255 pounds per square inch at 115° F.), inhibited.	Notes 18 and 21	ICC–112A340–W, Notes 4 and 20.
Butadiene (pressure not exceeding 300 pounds per square inch at 115° F.), inhibited.	Notes 18 and 21	ICC–112A400–W, Notes 4 and 20.
Carbon dioxide, liquefied	Note 5	ICC–105A500–W, 105A600–W, Note 6.
Chlorine	125	ICC–106A500, 106A500X, Note 7.
	125	ICC–105A300–W, Notes 3 and 12.
Crude nitrogen fertilizer solution	Note 21	ICC–106A500, 106A500X.
		ICC–105A300–W, 109A300–W, Note 20.
Crude nitrogen fertilizer solution (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 21	ICC–106A500, 106A500X.
		ICC–105A100–AL–W, 109A100–AL–W, Note 20.
Dichlorodifluoromethane; Note 13	119	ICC–106A500, 106A500X, 110A500–W, Note 7.
	125	ICC–105A300–W.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture); Note 13.	Note 21	ICC–106A500, 106A500X, 110A500–W, Note 7.
		ICC–105A300–W.
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture; Note 13.	119	ICC–106A500, 106A500X, 110A500–W, Note 7.
	125	ICC–105A300–W.
Dichlorodifluoromethane-monochlorodifluoromethane mixture; Note 13.	119	ICC–106A500, 106A500X, 110A500–W, Note 7.
	125	ICC–105A300–W.
Dichlorodifluoromethane-monofluorotrichloromethane mixture; Note 13.	Note 22	ICC–106A500, 106A500X, 110A500–W, Note 7.
		ICC–105A300–W.
Dichlorodifluoromethane-trichloromonofluoromethane-monochlorodifluoromethane mixture; Note 13.	119	ICC–106A500, 106A500X, 110A500–W, Note 7.
	125	ICC–105A300–W.
Dichlorodifluoromethane-trichlorotrifluoroethane mixture; Note 13.	119	ICC–106A500, 106A500X, 110A500–W, Note 7.
	125	ICC–105A300–W.
Difluoroethane	79	ICC–106A500, 106A500X, 110A500–W, Note 7.
	84	ICC–105A300–W.
Difluoromonochloroethane	100	ICC–106A500, 106A500X, 110A500–W, Note 7.
Dimethylamine, anhydrous	59	ICC–106A500, 106A500X.
	62	ICC–105A300–W, Note 4.
Dimethyl ether	59	ICC–106A500, 106A500X.
	62	ICC–105A300–W, Note 4.
Fertilizer ammoniating solution containing free ammonia.	Note 21	ICC–106A500, 106A500X.
		ICC–105A300–W, 109A300–W, Note 20.
Fertilizer ammoniating solution containing free ammonia (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 21	ICC–106A500, 106A500X.
		ICC–105A100–AL–W, 109A100–AL–W, Note 20.
Fertilizer ammoniating solution containing free ammonia (pressure not exceeding 150 pounds per square inch at 105° F.).	Note 21	ICC–106A500, 106A500X.
		ICC–105A200–AL–W, Note 20.
Helium	Note 20	ICC–107A.
Hexafluoropropylene	110	ICC–106A500, 106A500–X, 110A500–W, Note 7.
Hydrogen	Note 20	ICC–107A, Note 2.
Hydrogen sulfide	68	ICC–106A800, 106A800X, Notes 7 and 8.
Liquid hydrocarbon gas (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 21	ICC–105A100, 105A100–W, 111A100–W–4, Note 4.
Liquid hydrocarbon gas (pressure not exceeding 225 pounds per square inch at 105° F.).	Note 21	ICC–105A300–W, Note 4.
Liquid hydrocarbon gas (pressure not exceeding 300 pounds per square inch at 105° F.).	Note 21	ICC–105A400–W, Note 4.
Liquid hydrocarbon gas (pressure not exceeding 375 pounds per square inch at 105° F.).	Note 21	ICC–105A500–W, Note 4.
Liquid hydrocarbon gas (pressure not exceeding 375 pounds per square inch at 130° F.).	Note 21	ICC–106A500, 106A500X.
Liquid hydrocarbon gas (pressure not exceeding 450 pounds per square inch at 105° F.).	Note 21	ICC–105A600–W, Note 4.
Liquefied petroleum gas (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 18	ICC–105A100, 105A100–W, 111A100–W–4, Note 4.
Liquefied petroleum gas (pressure not exceeding 150 pounds per square inch at 105° F.).	Note 18	ICC–105A200–W, 105A200AL–W, Note 4.
Liquefied petroleum gas (pressure not exceeding 225 pounds per square inch at 105° F.).	Note 18	ICC–105A300–W, Notes 4 and 20.
Liquefied petroleum gas (pressure not exceeding 255 pounds per square inch at 115° F.).	Note 18	ICC–112A340–W, Notes 4 and 20.
Liquefied petroleum gas (pressure not exceeding 300 pounds per square inch at 105° F.).	Note 18	ICC–105A400–W, Notes 4 and 20.
Liquefied petroleum gas (pressure not exceeding 300 pounds per square inch at 115° F.).	Note 18	ICC–112A400–F, 112A400–W, Notes 4 and 20.
Liquefied petroleum gas (pressure not exceeding 375 pounds per square inch at 105° F.).	Note 18	ICC–105A500–W, Notes 4 and 20.
Liquefied petroleum gas (pressure not exceeding 375 pounds per square inch at 130° F.).	Note 18	ICC–106A500, 106A500X.
Liquefied petroleum gas (pressure not exceeding 450 pounds per square inch at 105° F.).	Note 18	ICC–105A600–W, Notes 4 and 20.
Methyl acetylene—15% to 20% propadiene mixture.	56	ICC–105A300–W.
Methyl chloride	84	ICC–106A500, 106A500X, Note 7.
		ICC–105A300–W, Note 4.
Methyl chloride-methylene chloride mixture	Note 22	ICC–106A500, 106A500X, Note 7.
		ICC–105A300–W, Note 4.
Methyl mercaptan	80	ICC–106A500, 106A500X, Notes 7 and 14.
	82	ICC–105A300–W, Note 4.
Monobromotrifluoromethane	124	ICC–110A800–W, Notes 7 and 13.
Monochlorodifluoromethane; Note 13	105	ICC–106A500, 106A500X, 110A500–W, Note 7.
	110	ICC–105A300–W.
Monochlorotetrafluoroethane; Note 13	125	ICC–106A500, 106A500X, 110A500–W, Note 7.
Monomethylamine, anhydrous	60	ICC–106A500, 106A500X.
	62	ICC–105A300–W, Note 4.
Nitrogen	Note 20	ICC–107A.
Nitrogen fertilizer solution	Note 21	ICC–106A500, 106A500X.
		ICC–105A300–W, 109A300–W, 109A300AL–W, Note 20.
Nitrogen fertilizer solution (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 21	ICC–106A500, 106A500X.
		ICC–105A100–AL–W, 109A100–AL–W, Note 20.
Nitrosyl chloride	110	ICC–106A800–NCI, 106A800–X–NC, Notes 7 and 11.
	124	ICC–105A300–W, Note 10.
Oxygen	Note 20	ICC–107A.
Sulfur dioxide	125	ICC–106A500, 106A500X, 110A500–W, Note 7.
		ICC–105A200–W.
Trifluorochloroethylene	115	ICC–106A500, 106A500X, 110A500–W, Note 7.
	120	ICC–105A300–W, Note 4.
Trimethylamine, anhydrous	57	ICC–106A500, 106A500X.
	59	ICC–105A300–W, Note 4.
Vinyl chloride; Note 9	84	ICC–106A500, 106A500–X, Note 7.
	87	ICC–105A200–W, Notes 4 and 16.
	86	ICC–112A400–W, Note 4.
Vinyl fluoride, inhibited	58	ICC–105A600–W, Note 17.
Vinyl methyl ether, inhibited; Note 9	68	ICC–105A100, 105A100–W, 105A300–W, Note 4.
	68	ICC–106A500, 106A500–X, Note 7.

See footnotes at end of table.

NOTE 1: The filling density for liquefied gases is hereby defined as the percent ratio of the weight of gas in the tank to the weight of water that the tank will hold. For determining the water capacity of the tank in pounds the weight of a gallon (231 cubic inches) of water at 60° F. in air shall be 8.32828 pounds.

NOTE 2: Each tank must be equipped with one or more safety relief devices of approved type and discharge area; the discharge outlet of each safety relief device must be connected to a manifold having an unobstructed discharge area of at least 1½ times the total discharge area of the safety relief devices connected to the manifold; all manifolds must be connected to a single common header having an unobstructed discharge outlet pointing upward and extending above top of the car; the header and the header outlet must each have an unobstructed discharge area at least equal to the total discharge area of the manifolds connected to the header; the header outlet must be equipped with an approved ignition device which will instantly ignite any hydrogen discharged through the safety relief device.

NOTE 3: For tank cars other than ICC–106A class used for the transportation of chlorine, interior pipes of liquid discharge valves must be equipped with excess-flow valves of approved design.

NOTE 4: For tank cars other than ICC–106A class used for the transportation of liquefied flammable gases, interior pipes of loading and unloading valves must be equipped with excess-flow valves of approved design.

NOTE 5: The liquid portion of the gas at 0° F. must not completely fill the tank.

NOTE 6: Tank must be insulated with an approved material of a thickness so that the thermal conductance is not more than 0.03 B.t.u. per square foot, per degree F. differential in temperature per hour; except that the insulation thickness directly over the center sills may be reduced to give thermal conductance not exceeding 0.04 B.t.u. per square foot, per degree F. differential in temperature per hour; this reduction is to permit an anchorage which must not exceed 7 inches from top of center sills to bottom of tank. Tank must be equipped with one safety relief valve of approved design set to open at a pressure not exceeding ¾ of the test pressure of the tank and one frangible disc of approved design set to function at a pressure less than the test pressure of the tank. The discharge capacity of each of these safety relief devices must be sufficient to prevent building up of pressure in tank in excess of ¾ of the test pressure of the tank. Tanks must be equipped with two pressure-regulating valves of approved design set to open at a pressure not to exceed 350 psi on 105A500–W tanks and at a pressure not to exceed 400 psi on 105A600–W tanks. Each regulating valve and safety relief device must have its final discharge piped to the outside of the protective housing.

NOTE 7: Tanks complying with ICC–106A or 110A specifications, used for the transportation of compressed gases as authorized in paragraph (c) of this section may be transported in or on motor vehicles and in the manner authorized in §77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting. See §74.560(b)(1) of this chapter.

NOTE 8: Tanks shall not be equipped with safety relief devices of any description and valves must be protected by supplemental gas-tight closures approved by the Bureau of Explosives.

NOTE 9: All parts of valves and safety relief devices in contact with content of tank must be of a metal or other material suitably treated if necessary, which will not cause formation of any acetylides.

NOTE 10: Tanks must be made of or clad with a metal not subject to rapid deterioriation by the lading; all appurtenances such as manhole covers, venting, loading and discharge valves, safety relief valves, check valves, and eduction pipes, must be made of metal not subject to rapid deterioration by the lading; cork must be used as an insulating material.

NOTE 11: Safety relief devices must be of the fusible plug type and must function at a temperature of not exceeding 175° F. and be vapor tight at 130° F.

NOTE 12: The quantity of chlorine loaded into a single-unit tank car must not exceed 60,000 pounds except that not more than 110,000 pounds nor less than 107,800 pounds of chlorine may be loaded in such cars if insulated with 4 inches of corkboard and constructed, maintained, and retested in full compliance with ICC Specification 105A500–W. Cars may be registered and jackets stenciled either 105A300–W or 105A500–W and equipped with the safety relief valve required by the specification to which registered.

NOTE 13: This gas may be transported in authorized tank car tanks stenciled "DISPERSANT GAS" or "REFRIGERANT GAS."

NOTE 14: Container shall not be equipped with safety relief devices of any description.

NOTE 15: A filling density of 58.8 percent may be used during the months of November through March, inclusive. When this filling density is used, tank cars must be loaded and shipped directly to consumers for unloading. Storage in transit is not permitted.

NOTE 16: Openings in tank heads to facilitate application of nickel lining are authorized and must be closed in an approved manner.

NOTE 17: Tank must be insulated with an approved material of a thickness so that the thermal conductance is not more than 0.03 B.t.u. per square foot per degree F. differential in temperature per hour; except that the insulation thickness directly over center sills may be reduced to give thermal conductance not exceeding 0.04 B.t.u. per square foot per degree F. differential in temperature per hour; this reduction is to permit an anchorage which must not exceed 7 inches from top of center sills to bottom of tank. In addition to the safety relief valve required by § 78.289–13 of this chapter, the tank must be equipped with one frangible disc of approved design set to function at a pressure less than 600 pounds per square inch but not less than 450 pounds per square inch. The discharge capacity of each of these safety relief devices must be sufficient to prevent building up of pressure in tank in excess of 495 pounds per square inch. Each safety relief device must have its discharge piped to the outside of the protective housing. The temperature of the vinyl fluoride, inhibited when the car is offered in transportation shall not exceed zero degrees F. and the pressure shall not exceed 105 psi. The shipper shall notify the Bureau of Explosives whenever a car is not received by the consignee within 30 days from the date of shipment.

NOTE 18: See paragraph (f) of this section.

NOTE 19: See paragraph (f)(2) of this section.

NOTE 20: See paragraph (d)(1) of this section.

NOTE 21: See paragraph (d)(2) of this section.

NOTE 22: See paragraph (d) of this section.

(d) *Filling limits*—(1) *Non-liquefied and liquefied gas.* The gas pressure at 105° F. in any insulated tank car tank of the ICC–105A and 109A class or spec. ICC–111A100–W–4; at 115° F. in any uninsulated tank car tank of the ICC–112A class; or at 130° F. in any uninsulated tank car tank of the ICC–106A and 110A class must not exceed three-fourths times the prescribed retest pressure of the tank. The gas pressure at 130° F. in any uninsulated tank car tank of the ICC–107A series must not exceed seven-tenths of the marked test pressure of the tank.

NOTE 1: ICC–107A tanks may be charged with helium to a pressure 10% in excess of the marked maximum gas pressure at 130° F. of each tank.

(2) *Liquefied gas.* In addition to the requirements of subparagraph (1) of this paragraph, the liquid portion of the gas at 105° F. must not completely fill an insulated tank, nor at 130° F. must not completely fill an uninsulated tank with the exception that the liquid portion of the gas at 115° F. must not completely fill an uninsulated tank car tank of the ICC–112A class.

(e) *Verification of content.* The amount of liquefied gas loaded into each tank may be determined either, first, by weight, and this weight must be checked after disconnecting the loading line, by the use of proper scales, or second, the weight of liquefied petroleum gas, dimethylamine, monomethylamine, and trimethylamine may be calculated using the outage tables supplied by the tank car owners and the specific gravities as determined at the plant, and this computation must be checked by determination of specific gravity of product after loading. Carriers may verify calculated weights by use of proper scales.

(f) *Special requirements for liquefied petroleum gas and butadiene tank cars*—(1) *Single unit tank cars.* Maximum filling density in single unit tank cars shall be as shown in the following table:

Maximum permitted filling density

Specific gravity at 60° F.	Insulated cars		Uninsulated cars	
	April through October	November through March (see Note 1)	April through October	November through March (see Note 1)
0.500	45.500	47.40	44.88	46.88
0.501	45.600	47.51	45.00	47.00
0.502	45.700	47.62	45.13	47.10
0.503	45.800	47.73	45.25	47.20
0.504	45.900	47.84	45.38	47.30
0.505	46.000	47.95	45.50	47.40
0.506	46.125	48.06	45.60	47.50
0.507	46.250	48.17	45.70	47.63
0.508	46.375	48.28	45.80	47.75
0.509	46.500	48.39	45.90	47.88
0.510	46.750	48.51	46.00	48.00
0.511	47.000	48.61	46.13	48.10
0.512	47.125	48.72	46.25	48.20
0.513	47.250	48.83	46.38	48.30
0.514	47.375	48.94	46.50	48.40
0.515	47.500	49.05	46.63	48.50
0.516	47.625	49.16	46.75	48.63
0.517	47.750	49.27	46.88	48.75
0.518	47.875	49.38	47.00	48.88
0.519	48.000	49.49	47.13	49.00
0.520	48.125	49.60	47.25	49.10
0.521	48.250	49.70	47.38	49.20
0.522	48.375	49.81	47.50	49.30
0.523	48.500	49.92	47.63	49.40
0.524	48.600	50.03	47.75	49.50
0.525	48.700	50.14	47.88	49.63
0.526	48.800	50.25	48.00	49.75
0.527	48.900	50.36	48.13	49.88
0.528	49.000	50.47	48.25	50.00
0.529	49.125	50.58	48.38	50.10
0.530	49.250	50.69	48.50	50.20
0.531	49.375	50.79	48.63	50.30
0.532	49.500	50.90	48.75	50.40
0.533	49.625	51.01	48.88	50.50
0.534	49.750	51.12	49.00	50.63
0.535	49.875	51.23	49.13	50.75
0.536	50.000	51.34	49.25	50.88
0.537	50.100	51.45	49.38	51.00
0.538	50.200	51.56	49.50	51.10
0.539	50.300	51.67	49.60	51.20
0.540	50.400	51.78	49.70	51.30
0.541	50.500	51.88	49.80	51.40
0.542	50.625	51.99	49.90	51.50
0.543	50.750	52.09	50.00	51.63
0.544	50.875	52.20	50.13	51.75
0.545	51.000	52.31	50.25	51.88
0.546	51.100	52.41	50.38	52.00
0.547	51.200	52.52	50.50	52.10
0.548	51.300	52.62	50.63	52.20
0.549	51.400	52.73	50.75	52.30
0.550	51.500	52.84	50.88	52.40
0.551	51.625	52.94	51.00	52.50
0.552	51.750	53.05	51.13	52.63
0.553	51.875	53.16	51.25	52.75
0.554	52.000	53.26	51.38	52.88
0.555	52.125	53.37	51.50	53.00
0.556	52.250	53.48	51.60	53.10
0.557	52.375	53.58	51.70	53.20
0.558	52.500	53.69	51.80	53.30
0.559	52.625	53.80	51.90	53.40
0.560	52.750	53.91	52.00	53.50
0.561	52.875	54.01	52.13	53.63
0.562	53.000	54.12	52.25	53.75
0.563	53.100	54.22	52.38	53.88
0.564	53.200	54.33	52.50	54.00
0.565	53.300	54.43	52.63	54.10
0.566	53.400	54.54	52.75	54.20
0.567	53.500	54.64	52.88	54.30
0.568	53.600	54.75	53.00	54.40
0.569	53.700	54.85	53.10	54.50
0.570	53.800	54.96	53.20	54.60
0.571	53.900	55.06	53.30	54.70
0.572	54.000	55.17	53.40	54.80
0.573	54.125	55.27	53.50	54.90
0.574	54.250	55.38	53.63	55.00
0.575	54.375	55.48	53.75	55.13
0.576	54.500	55.59	53.88	55.25
0.577	54.600	55.69	54.00	55.38
0.578	54.700	55.80	54.10	55.50
0.579	54.800	55.90	54.20	55.60
0.580	54.900	56.01	54.30	55.70
0.581	55.000	56.11	54.40	55.80
0.582	55.100	56.22	54.50	55.90
0.583	55.200	56.32	54.63	56.00
0.584	55.300	56.43	54.75	56.13
0.585	55.400	56.53	54.88	56.25
0.586	55.500	56.64	55.00	56.38
0.587	55.625	56.74	55.13	56.50
0.588	55.750	56.85	55.25	56.60
0.589	55.875	56.95	55.38	56.70
0.590	56.000	57.06	55.50	56.80
0.591	56.090	57.15	55.60	56.90
0.592	56.180	57.25	55.70	57.00
0.593	56.270	57.34	55.80	57.10

Maximum permitted filling density

Specific gravity at 60° F.	Insulated cars		Uninsulated cars	
	April through October	November through March (see Note 1)	April through October	November through March (see Note 1)
0.594	56.360	57.44	55.90	57.20
0.595	56.450	57.53	56.00	57.30
0.596	56.540	57.63	56.13	57.40
0.597	56.630	57.72	56.25	57.50
0.598	56.720	57.82	56.38	57.60
0.599	56.810	57.91	56.50	57.70
0.600	56.900	58.01	56.62	57.80
0.601	56.990	58.10	56.73	57.90
0.602	57.080	58.20	56.84	58.00
0.603	57.170	58.29	56.95	58.13
0.604	57.260	58.39	57.07	58.25
0.605	57.330	58.49	57.18	58.38
0.606	57.440	58.58	57.30	58.50
0.607	57.530	58.68	57.41	58.63
0.608	57.620	58.77	57.52	58.75
0.609	57.710	58.87	57.64	58.88
0.610	57.800	58.97	57.76	59.00
0.611	57.890	59.06	57.87	59.10
0.612	57.980	59.16	57.98	59.20
0.613	58.070	59.26	58.09	59.30
0.614	58.160	59.35	58.21	59.40
0.615	58.250	59.45	58.32	59.50
0.616	58.340	59.55	58.43	59.63
0.617	58.430	59.64	58.55	59.75
0.618	58.520	59.74	58.66	59.88
0.619	58.610	59.84	58.77	59.97
0.620	58.700	59.94	58.89	60.07
0.621	58.790	60.03	59.00	60.18
0.622	58.880	60.13	59.12	60.28
0.623	58.970	60.23	59.23	60.38
0.624	59.060	60.32	59.34	60.49
0.625	59.150	60.42	59.46	60.59
0.626	59.240	60.52	59.57	60.70
0.627	59.330	60.61	59.68	60.80
0.628	59.420	60.71	59.80	60.90
0.629	59.510	60.81	59.91	61.01
0.630	59.600	60.91	60.02	61.11
0.631	59.690	61.00	60.13	61.18
0.632	59.780	61.10	60.28	61.28
0.633	59.870	61.19	60.34	61.38
0.634	59.960	61.29	60.44	61.47
0.635	60.050	61.39	60.55	61.57

NOTE 1: When these filling densities are used, tank cars must be shipped directly to consumers for unloading. Storage in transit is not permitted.

(2) *ICC–106A class tank cars.* Maximum filling density in ICC–106A class tank cars shall be as shown in § 73.304 (d) (1).

(g) *Foreign tank cars in domestic use.* Except as authorized by § 73.8 tank cars made in foreign countries, except Canada, must not be used in domestic traffic until they have been tested in this country and proper reports rendered as required by the specifications that apply.

APPENDIX B

Revision of the regulations pertaining to compressed gases is for the purpose of uniformity, consolidating requirements where practical, and to facilitate the use of, and more ready identification of requirements applicable to compressed gases. Few substantive changes have been made.

Sections 73.31 and 73.34 retain their present identity i.e., they are applicable to the qualification, maintenance, and use of tank cars and cylinders, respectively.

Section 73.300 defines compressed gases, and section 73.301 contains general requirements for shipment of compressed gases, as at present. However, the requirements of present sections 73.302 through 73.314 have, in general, been rearranged and will be located as follows:

Present	Proposed
73.302	73.306
73.303	73.306
73.304	73.301, 73.302, 73.304
73.305	73.305
73.306	73.304
73.307	73.302
73.308	73.304
73.309	73.303
73.310	73.306
73.311	73.302
73.312	73.304
73.313	73.306
73.314	73.314

In view of the extensive redesignation of sections and paragraphs the following cross-index is shown to assist in identifying the proposed changes with present requirements:

Present	Proposed
72.5	72.5
73.31	73.31
73.31(a) including Table	73.31(a)(2) including Table
Footnote 1	----------
Footnote 2	Note 1
Footnote 3	----------
Footnote 4	Note 2
Footnote 5	Note 3
Footnote 6	----------
Footnote 7	----------
Footnote 8	----------
Footnote 9	Note 4
Footnote 10	----------
Footnote 11	(c)(10) Retest Table Note b
Footnote 12	Note 5
Footnote 13	Note 6
73.31(b)	----------
(c)	73.31(f)(1)
(d)	(f)(1)
(e)	(e)(1)
(e)(1)	(e)(2)
(f)	(f)(2)
(g)	(c)
(1)	(c)(2) and (3)
(2)	(c)(4)
(3)	(c)(2)
(4)	(c)(5)
(5)	(c)(1)
(6)	(c)(6)
(7)	(c)(9)
(8)	(c)(8)
(9)	(c)(1)
(g)(9) Table 1	Retest Table 1
Footnote a	Retest Table 1 Note a
Footnote b	----------
Footnote c	73.31(c)(6)
Footnote d	Retest Table 1 Note d
Footnote e	Retest Table 1 Note e
Footnote f	73.31(c)(9)
Footnote g	Retest Table 1 Note b
Footnote h	Retest Table 1 Note f
Footnote i	Retest Table 1 Note f
Footnote j	Retest Table 1 Note k
(g)(9) Table 2	Retest Table 2
Footnote a	73.31(d)(2)
Footnote b	73.31(d)(7)
Footnote c	73.31(d)(5), (b)(4)
Footnote d	Retest Table 2 Note b
Footnote e	73.31(d)(4)
Footnote f	Retest Table 2 Note a
Footnote g	73.31(d)(2)
(g)(9) Table 3	Retest Table 1
Footnote 1	Retest Table 1
Footnote 2	Retest Table 1
Footnote a	Retest Table 1 Note a
Footnote b	73.31(c)(6)
Footnote c	73.31(c)(9)
Footnote d	----------
73.31(g)(10)	73.31(c)(7)
(h)	(a)(4)
(i)	See 73.31(b)(1)
(j)	(b)(1)
(k)	(b)(2)
(l)	(b)(3)
73.34	73.34
73.34(a)	73.34(a)(3)
(b)	73.301(j)
(1)	(1)
(2)	(2)
(3)	(3)
(4)	(4)
73.34(c)	73.34(b)
(d)	Deleted
(e)	73.34(a)(2)
73.34(f)	73.34(d)
(1)	(1)
(1) Note 1	(1) Note 1
(1) Note 2	(1) Note 2

Present	Proposed
73.34(f)—Con.	73.34(d)—Con.
(1) Note 3	(1) Note 3
(2)	(2)
(3)	(3)
(4)	(4)
(5)	(5)
(6)	(6)
73.34(g)	73.34(c)
(1)	(1)
(2)	(2)
(3)	(3)
(4)	Deleted
(5)	Deleted
(6)	73.34(c)(4)
(7)	(5)
73.34(h)	73.34(f)
(1)	(1)
(2)	(2)
(3)	(3)
(4)	(4)
73.34(i)	73.34(g), (1), (2), (3), (4)
(j)	73.34(e)(1), (2)
(1)	(3)
(2)	(4)
(3)	(5), (6)
73.34(k) incl. Table	73.34(e) incl. Table
(1)	(e)(12)
(2)	(e) Table
(3)	Deleted
(4)	Deleted
(5)	Deleted
(7)	73.34(e) Table
(8)	(e)(7)
(9)	(8)
(10)	(e) Table
(11)	(e)(9)
(11) Note 1	(9) Note 1
(11) Note 2	(9) Note 2
(12)	(10)
(13)	(11)
(14)	(13)
(i)	(i)
(ii)	(ii)
(iii)	(iii)
(iv)	(iv)
(15)	(e) Table
(16)	(e)(14)
73.34(l)	73.34(h)
(m)	(l)
(1)	(1)
(2)	(2)
73.34(m)(3)	73.34(i)(3)
(4)	(4)
(5)	(5)
(6)	(6)
(6) Note 1	(6) Note 1
(7)	(7)
73.34(n)	73.34(j)
(o)	(k)
(p)	(L)
(1)	(1)
(2)	(2)
(3)	(3)
73.34(q)	73.34(e)(4)
73.300	73.300
73.300(a)	73.300(a)
(b)	(b)
(1)	(1)
(2)	(2)
(3)	(3)
(4)	(4)
Note 1	73.300(a)
Note 2	73.300(b)(1) and (f)
Note 3	73.300(b)(4) Note 1
73.301	73.301
(a)	(a), 73.314(b)(2), 73.315(b)
(b)	73.315(f)(1)
Note 1	Note 1
Note 2	Note 2
(c)	73.301(i)
(d)	73.301(b)
(e)	73.301(c)
(f)	73.301(d)
(1)	(1)
(2)	(2)
(3)	(3)
(4)	(4)
(5)	73.33(c)(11)

Present	Proposed
73.301(g)	73.300(h)
(1)	73.301(e)(1)
(2)	(2)
(h)	73.302(e)(1); 73.303 (d)(1); 73.304(c)(1), (2)
(1)	73.304(d)(4)
(i)	73.301(g)(1), (2), (3), (4), (5)
73.302	73.306
(a)	73.306(a), (b)
(1)	(a)(1)
(2)	(a)(2), (i), (ii)
(3)	(a)(3), (i), (ii), (iii), (iv), (v)
(4)	73.306(b)(1)
73.302(a)(5)	73.306(b)(2)
(6)	(3)
(7)	(4)
(8)	(5)
(9)	73.306(a)(4), (i), (ii), (iii)
(10)	73.306(b)(6)
73.303	73.306(d)
(a)	(1)
(b)	(2)
73.304	
(a)	73.304(b)(1)
Note 1	Note 1
Note 2	Note 2
(b)	73.305(b)
(c)	73.301(e)
(d)	73.302(c)
(1)	(1)
(2)	(2)
(3)	(3)
Note 1	Note 1
Note 2	Note 2
(4)	(4)
(5)	(5)
(e)	73.301(f) and (f)(1)
Note 1	73.301(f)(2)
(f)	73.304(b)(2)
73.305	73.305
(a)	73.305(a)
(1)	73.305(d)
(2)	73.305(d)
73.306	73.304
(a)	73.304(a)
(1)	(1)
(b)	73.305(c)
(1)	(1)
(c)	73.304(e)
(1)	(1)
(d)	73.304(f)
(1)	(1)
73.307	73.302
(a)	73.302(a)
(1)	(1)
Note 1	Note 1
(2)	(2)
73.308	
73.308(a) incl. Table.	73.304(a)(2) incl. Table
Note 1	73.304(a)(2) Table
Note 2	Note 9
Note 3	Note 3
Note 4	Table
Note 5	Note 4
Note 6	Note 2
Note 7	Note 5
Note 8	Note 8
Note 10	Note 8, 73.34(d)
Note 11	Deleted. See 73.302(a)(1).
Note 12	73.300(g), 73.304(a)(2) Note 1
Note 13	73.304(a)(2) Table (Carbon monoxide)
Note 14	73.304(a)(2) Note 6
Note 15	Note 7
Note 16	Note 8
73.309	73.303
(a)	73.303(a)
(1)	(1), (2)
(2)	Specs. 8 and 8AL
(3)	Specs. 8 and 8AL
Note 1	Specs. 8 and 8AL
(b)	73.303(b)
(c)	73.303(c)

Present	Proposed
73.310	73.306(c)
(a)	73.306(c)
(1)	(1)
(2)	(2)
(3)	(3)
(4)	(4)
(5)	(5)
(6)	(6)
73.311	73.302(d)
(a)	73.302(d)
73.312	73.304(d)
(a)	(3)
(1)	(i)
Note 1	Note 1
(2)	(ii)
(3)	(ii)
(4)	(ii)
(5)	(ii)
(6)	(ii)
(7)	(ii), Note 1
(8)	(ii)
(b)	73.304(d)(1)
(c)	73.304(d)(2)
73.313	73.306(e)
(a)	(1)
(1)	(i)
(2)	(ii)
(3)	(iii)
(b)	(2)
(1)	(i)
(2)	(ii)
(3)	(iii)
(4)	(iv)
(5)	(v)
73.314	73.314
(a) incl. Table	73.314(c) incl. Table
Note 1	73.314(c) Note 1
Note 2	73.31(a)(3)
Note 3 (a), (b), (c), (d).	73.314(f), (f)(1), Note 1
Note 4	73.314(f)(2)
Note 5	73.314(d)(1)
Note 6	73.314(d)(2)
Note 7	73.314(c) Note 2
Note 8	Note 3
Note 9	Note 4
Note 10	Note 5
Note 11	Note 6
Note 12	Note 7
Note 13	Note 8
Note 14	Note 9
Note 15	Note 10
Note 16	73.314(d), (1), (2)
Note 17	73.314(c) Note 11
Note 18	Note 12
Note 19	Note 13
Note 20	Note 14
Note 21	Note 15
Note 22	Note 16
Note 23	Note 17
(b)	73.314(d)(1)
Note 1	Note 1
(c)	(2)
(d)	73.314(e)
(e)	73.314(b)(1), (2), (3)
(f)	73.314(g)

[F.R. Doc. 64-4666; Filed, May 13, 1964; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

CONSOLIDATION OF EXPORT TRADE CORPORATIONS

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 972 of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006), such regulations are amended to include the following new sections, effective with respect to taxable years of foreign corporations beginning after December 31, 1962, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end:

§ 1.972 Statutory provisions; consolidation of group of export trade corporations.

SEC. 972. *Consolidation of group of export trade corporations.* For purposes of this subpart and Subpart F of this part, a United States shareholder of a controlled foreign corporation which is an export trade corporation may, under regulations prescribed by the Secretary or his delegate, treat as a single controlled foreign corporation—

(1) Such controlled foreign corporation,

(2) All controlled foreign corporations which are export trade corporations and 80 percent or more of the total combined voting power of all classes of stock entitled to vote of which is owned by such controlled foreign corporation; and

(3) All controlled foreign corporations which are export trade corporations and 80 percent or more of the total combined voting power of all classes of stock entitled to vote of which is owned by controlled foreign corporations described in paragraph (2).

[Sec. 972 as added by sec. 12(a), Rev. Act 1962 (76 Stat. 1006)]

§ 1.972-1 Consolidation of group of export trade corporations.

(a) *Election to consolidate*—(1) *In general.* One or more United States shareholders (as defined in section 951 (b)) owning directly more than 50 percent of the total combined voting power of all classes of stock entitled to vote of an export trade corporation, which is a first-tier corporation in a chain (as defined in subparagraph (2) of this paragraph) of export trade corporations, may, subject to the provisions of this section, elect to consolidate such chain for purposes of determining—

(i) The limitations, described in section 970(a) and paragraph (b)(2) of § 1.970–1, on the amount by which subpart F income of an export trade corporation in such chain shall be reduced as provided in section 970(a) and paragraph (b)(1) of § 1.970–1, and

(ii) The amount includible in gross income of such shareholders under section 951(a)(1)(A)(ii) with respect to such a corporation's decrease in investments in export trade assets to which section 970(b) applies as described in paragraph (c) of § 1.970–1.

(2) *"Chain" defined.* A chain of export trade corporations shall include—

(i) The directly-held export trade corporation referred to in subparagraph (1) of this paragraph;

(ii) All export trade corporations 80 percent or more of the total combined voting power of all classes of stock entitled to vote of which is owned directly by such export trade corporation on the last day of its taxable year; and

(iii) All export trade corporations 80 percent or more of the total combined voting power of all classes of stock entitled to vote of which is owned directly by the export trade corporations described in subdivision (ii) of this subparagraph on the last day of the taxable year of the export trade corporation described in subdivision (i) of this subparagraph.

For purposes of this section, a reference to a first-tier corporation shall mean an export trade corporation described in subdivision (i) of this subparagraph, a reference to a second-tier corporation shall mean an export trade corporation described in subdivision (ii) of this subparagraph, and a reference to a third-tier corporation shall mean an export trade corporation described in subdivision (iii) of this subparagraph.

(3) *Inclusion requirement.* If an election is made by a United States shareholder under this paragraph with respect to a chain of export trade corporations (as defined in subparagraph (2) of this paragraph), all export trade corporations which are included in the chain must be included in the consolidation. If such an election is made, the determinations under section 970 shall be made on a consolidated basis with respect to the entire interest which the electing United States shareholder owns in each of the export trade corporations in the chain, including any minority interests owned directly or indirectly by such shareholder in second-tier and third-tier corporations in the chain. A United States shareholder may elect to consolidate his interest in export trade corporations in one chain of such corporations without electing to consolidate his interest in export trade corporations in other chains.

(4) *Conditions for making initial election*—(i) *Without consent.* The initial election to consolidate a chain of export trade corporations may be made without the consent of the Commissioner only if, immediately before the election to consolidate, each of the export trade corporations to be included in the consolidation is using the same taxable year and has the same elections under section 970(c)(4) and § 1.970–2 in force, or not in force, as the case may be. The election shall be made by the electing shareholder or shareholders with respect to the taxable year in which or with which ends the first taxable year of the first-tier corporation to which the election to consolidate applies and at the time of filing their returns for such taxable year or within 90 days after final regulations under this section are published in the FEDERAL REGISTER, whichever date occurs later. Each United States shareholder making such an election shall attach to his return a statement showing:

(*a*) The name, address, and taxable year of each export trade corporation in the chain of such corporations for which an election is made,

(*b*) The amount and percentage of each class of stock owned by such shareholder within the meaning of section 958(a)(1)(A), and within the meaning of section 958(a)(2), respectively, corporation by corporation, in each of such export trade corporations, and

(c) A list of the names and addresses, and a description of the ownership interests, of all other United States shareholders, if any, who are making the same election to consolidate and a statement that such shareholders are also making the election.

(ii) *With consent.* If, immediately before the election to consolidate, each of the export trade corporations in a chain of such corporations does not use the same taxable year or does not have the same elections under section 970(c)(4) and § 1.970–2 in force, or not in force, as the case may be, the initial election to consolidate such chain may be exercised by the electing shareholder or shareholders only with the consent of the Commissioner. Consent will not be granted unless each electing United States shareholder and the Commissioner agree to the terms, conditions, and adjustments under which such consolidation is to be effected and unless, subject to such terms, conditions, and adjustments as the Commissioner may prescribe, each of the export trade corporations in the chain adopts a common taxable year and has the same elections under section 970(c)(4) and § 1.970–2 in force, or not in force, as the case may be. The application for consent to consolidate shall be made by mailing a letter, signed by each of the electing United States shareholders, to the Commissioner of Internal Revenue, Washington, D.C., 20224. The application shall be mailed before the close of the first taxable year of the first-tier corporation with respect to which the electing shareholder or shareholders desire to make a consolidation or before the close of the 90th day after final regulations under this section are published in the FEDERAL REGISTER, whichever day occurs later, and shall include the statement described in subdivision (i) of this subparagraph.

(5) *Effect of election.* If an election to consolidate a chain of export trade corporations is made for a taxable year of a United States shareholder, such election shall, except as provided in subparagraph (6) of this paragraph, be binding on such shareholder for such taxable year and for all succeeding taxable years. If, in a subsequent taxable year of the United States shareholder, an export trade corporation for the first time qualifies as a second-tier or third-tier corporation in such chain on the last day of the taxable year of the first-tier corporation which ends in or with the subsequent taxable year of such shareholder, the shareholder's interest in such export trade corporation shall be included in the consolidation to which the election applies, but only if such export trade corporation as of such last day uses the same taxable year and has the same elections under section 970(c)(4) and § 1.970–2 in force, or not in force, as the case may be, as such first-tier corporation. The United States shareholder shall, with respect to such additional export trade corporation, submit with his return for such subsequent taxable year the statement described in subparagraph (4)(i) of this paragraph.

(6) *Termination of election.* An election under this paragraph to consolidate a chain of export trade corporations shall terminate for the first taxable year of the foreign corporation which during the period of consolidation is a first-tier corporation—

(i) At the close of which any foreign corporation which was included in such consolidation for the preceding taxable year ceases to qualify as an export trade corporation or to be eligible under this paragraph for inclusion in such chain,

(ii) At the close of which an export trade corporation for the first time qualifies as a second-tier or third-tier corporation in such chain but does not as of such close of the year use the same taxable year or have the same elections under section 970(c)(4) and § 1.970–2 in force, or not in force, as the case may be, as such first-tier corporation, or

(iii)(*a*) In respect of which the Commissioner, upon application made by a United States shareholder who made the election to consolidate, or his successor in interest, consents to a termination of the election. Approval will not be granted unless the United States shareholder and the Commissioner agree to the terms, conditions, and adjustments under which the termination will be effected.

(*b*) The application for consent to termination shall be made by the United States shareholder's mailing a letter for such purpose to the Commissioner of Internal Revenue, Washington, D.C., 20224. The application shall be mailed before the close of the taxable year of the foreign corporations with respect to which the shareholder desires to terminate the consolidation and shall include the following information:

(*1*) The name, address, and taxable year of each export trade corporation in the chain of such corporations for which the election was made,

(*2*) The amount and percentage of each class of stock owned by such shareholder within the meaning of section 958(a)(1)(A), and within the meaning of section 958(a)(2), respectively, corporation by corporation, in each of such export trade corporations, and

(3) A list of the names and addresses, and a description of the ownership interests, of all other United States shareholders, if any, who participated in making the election with such United States shareholder, or their successors in interest, and a statement whether such other persons are or are not terminating the election.

(7) *Election subsequent to initial election.* If a United States shareholder elects under subparagraph (4) of this paragraph to consolidate his interest in a chain of export trade corporations and the election to consolidate such corporations terminates under the provisions of subparagraph (6) of this paragraph, such shareholder may not thereafter elect under this section to consolidate his interest in any corporation which was in that chain of export trade corporations unless he receives the consent of the Commissioner to do so. Application to obtain such consent of the Commissioner shall be made by a letter mailed to the Commissioner of Internal Revenue, Washington, D.C., 20224, before the close of the first taxable year of the first-tier corporation of the chain of export trade corporations in which the election to include such interest is to apply. Such application for consent shall include a statement showing:

(i) With respect to such chain, the information required to be shown in the statement described in subparagraph (4)(i) of this paragraph, and

(ii) The United States shareholder's interest in such chain which was previously included in a consolidation, the taxable years of such previous consolidation, and the manner in which such previous consolidation was terminated.

(8) *Illustration.* The application of this paragraph may be illustrated by the following example:

Example. Domestic corporation M owns 60 percent of the only class of stock of foreign corporation A, and 100 percent of the only class of stock of foreign corporation F, respectively. Corporation A owns 80 percent of the only class of stock of foreign corporations B and C, respectively. Corporation M also owns 20 percent of the stock of B Corporation. Corporation B owns 80 percent of the only class of stock of foreign corporation D. Corporations B and C each own 50 percent of the only class of stock of foreign corporation E. Corporation F owns 100 percent of the only class of stock of foreign corporation G, which owns 100 percent of the only class of stock of foreign corporation H. Corporation F also owns 20 percent of the stock of C Corporation. Domestic corporations N and R own 30 percent and 10 percent, respectively, of the stock of A Corporation. All corporations use the calendar year as a taxable year, and all foreign corporations qualify as export trade corporations for 1963. Corporation M may elect for 1963 to consolidate its interest in the chain (the "A" chain) of export trade corporations which includes corporations A, B, C, D, and E; and Corporation M need not, but may, elect to consolidate its interest in the chain (the "F" chain) of export trade corporations which includes corporations F, G, and H. Consolidation of M Corporation's interest in the "A" chain with its interest in the "F" chain is not permitted. If M Corporation elects to consolidate the "A" chain, M Corporation must include in the consolidation its 20 percent directly owned interest in B Corporation and its 20 percent indirectly owned (through F Corporation) interest in C Corporation. Either N Corporation or R Corporation, or both, may join M Corporation in electing to consolidate their interests in the "A" chain. However, neither N Corporation nor R Corporation may elect to consolidate the "A" chain unless M Corporation also agrees to so elect, because corporations N and R, neither jointly nor separately, own more than 50 percent of the total combined voting power of all classes of stock entitled to vote of A Corporation. If corporations M, N, and R elect to consolidate the "A" chain, the determinations specified in subparagraph (1) of this paragraph will be made on a consolidated basis with respect to such corporations' respective interest in the chain as shown in the following tabulation:

	A %	*B* %	*C* %	*D* %	*E* %
M Corporation's interest:					
Direct interest	60				
(60%×80%)+20% direct interest		68			
(60%×80%)+20% indirect interest			68		
(68%×80%)				54.4	
(68%×50%)+(68%×50%)					68
N Corporation's interest:					
Direct interest	30				
(30%×80%)		24			
(30%×80%)			24		
(24%×80%)				19.2	
(24%×50%)+(24%×50%)					24
R Corporation's interest:					
Direct interest	10				
(10%×80%)		8			
(10%×80%)			8		
(8%×80%)				6.4	
(8%×50%)+(8%×50%)					8
Total interests to which consolidation applies	100	100	100	80	100

(b) *Effect of consolidation—(1) Determination of subpart F income, export trade income, etc.* An election under paragraph (a) of this section to consolidate export trade corporations in a chain of such corporations shall have no effect on the determination of the character of income as subpart F income or on the determination of export trade income, export trade income which constitutes foreign base company income, or earnings and profits of the individual export trade corporations in the chain. Thus, the consolidation of export trade corporations under this section shall not have the effect of reducing earnings and profits of such corporations or of changing the characterization of income from that which is, for example, foreign base company income to that which is not. The application of this paragraph may be illustrated by the following example:

Example. Corporation A, incorporated under the laws of foreign country X, and corporation B, incorporated under the laws of foreign country Y, are both wholly owned subsidiaries of domestic corporation M. Corporations A and B both qualify under section 971(a) as export trade corporations. Corporation A purchases personal property produced in the United States from an unrelated person and sells the property to B Corporation for use outside of country X. Corporation B resells the property to an unrelated person for use in foreign country Z. Corporations A and B each derive foreign base company sales income described in § 1.954–3 from the purchase and sale transactions. Consolidation of Corporations A and B under this section does not result in the two transactions being treated as one transaction which is a purchase of property from an unrelated person and a sale of property to an unrelated person or the nonrecognition of gain on the sale of export property by A Corporation to B Corporation.

(2) *Determination of amount by which consolidated subpart F income is reduced—(i) In general.* In determining the amount by which the subpart F income of each export trade corporation includible in a consolidation of export trade corporations shall be reduced as provided in section 970(a) and paragraph (b)(1) of § 1.970–1 for any taxable year of consolidation, the limitations provided by section 970(a) and paragraph (b)(2) of § 1.970–1 on such amount for each such export trade corporation shall be determined on the basis of such corporation's separate share of—

(*a*) Amounts included in the total export promotion expense,

(*b*) The total gross receipts from the sale, installation, operation, maintenance, or use of property in respect of which each such corporation derives such export trade income as is properly allocable to the export trade income which constitutes foreign base company income, and

(*c*) The total increase in investments in export trade assets,

of all export trade corporations to which the consolidation applies for the taxable year.

(ii) *Limitations not effective.* If for any taxable year each of the limitations under paragraph (b)(2) of § 1.970–1, determined on a consolidated basis, equals or exceeds the total export trade income which constitutes foreign base company income of all corporations includible in the consolidation of export trade corporations, the subpart F income of each includible corporation shall be reduced under section 970(a) for such year by its separate export trade income which constitutes foreign base company income.

(iii) *Limitation effective.* If for any taxable year one of the limitations under paragraph (b)(2) of § 1.970–1, determined on a consolidated basis, is less than the total export trade income which constitutes foreign base company income of all corporations includible in the consolidation of export trade corporations, the amount by which the subpart F income of each includible corporation shall be reduced under section 970(a) for such year shall be an amount which bears the same ratio to the amount by which the Subpart F income may be reduced on a consolidated basis as the export trade income which constitutes foreign base company income of each includible corporation bears to the total export trade income which constitutes foreign base company income of all export trade corporations includible in the consolidation of export trade corporations.

(iv) *Illustration.* The application of this subparagraph may be illustrated by the following example:

Example. (a) Domestic corporation M owns 100 percent of the only class of stock of controlled foreign corporation A, which, in turn, owns 100 percent of the only class of stock of controlled foreign corporation B. All corporations use the calendar year as the taxable year, and corporations A and B are export trade corporations throughout the period here involved. Corporation M elects under this section to consolidate corporations A and B for the entire period here involved. Corporation M elects under paragraph (a)(2) of § 1.970–2 for 1963 to determine both A Corporation's and B Corporation's investments in export trade assets other than facilities as of the close of the

75th day after the close of such corporations' taxable year.

(b) **The following amounts are applicable to corporations A and B for 1964:**

	Corporation A	*Corporation B*
Subpart F income	$100	$200
Export trade income which constitutes foreign base company income	25	75
Other export trade income	10	15
Export promotion expenses allocable to export trade income which constitutes foreign base company income	10	80
Gross receipts from the sale of property in respect of which export trade income which constitutes foreign base company income is derived	400	600
Increase in investments in export trade assets other than facilities for period beginning with March 16, 1964, and ending with March 16, 1965	35	120

(c) **The amount by which subpart F income of corporations A and B is reduced for 1964 on a separate-company basis without regard to section 972 may be determined as set forth in items (i) through (vii) below, and the results of the consolidation of corporations A and B for 1964 are set forth in items (viii) through (x). Assuming an alternative case in which for 1964 the facts are the same as set forth in paragraphs (a) and (b) of this example except that B Corporation incurs export promotion expenses of $50 (rather than $80) which are allocable to the export trade income which constitutes foreign base company income, the results of the consolidation of corporations A and B for such year (a case where one of the limitations under paragraph (b)(2) of § 1.970–1 is effective) are set forth in items (xi) through (xiii):**

	A Corporation (1)	*B Corporation* (2)	*Total* (3)
(i) Supart F income	$100	$200	$300
(ii) Export trade income which constitutes foreign base company income	25	75	100
(iii) Other export trade income	10	15	25
(iv) Total export trade income	35	90	125
(v) Limitations under §1.970–1 (b) (2):			
(a) Increase in export trade assets limitation:			
($35×$25/$35)	25	------	------
($120×$75/$90)	------	100	------
([$35+$120]×$100/$125)	------	------	124
(b) Gross receipts limitation:			
(10% of $400)	40	------	------
(10% of $600)	------	60	------
(10% of $1,000)	------	------	100
(c) Export promotion expenses limitation:			
(150% of $10)	15	------	------
(150% of $80)	------	120	------
(150% of $90)	------	------	135
(d) Export promotion expenses limitation (alternative case):			
(150% of $10)	15	------	------
(150% of $50)	------	75	------
(150% of $60)	------	------	90
(vi) Reduction in subpart F income on a separate company basis determined without regard to section 972 (item (ii), but not to exceed smallest of items (v) (a), (b), and (c), in columns (1) and (2))	15	60	75
(vii) Subpart F income as reduced on a separate company basis (item (i) minus item (vi))	85	140	225
(viii) Reduction in subpart F income on a consolidated basis determined under section 972 (item (ii), but not to exceed smallest of items (v) (a), (b), and (c), in column (3))	------	------	100
(ix) Apportionment of reduction in subpart F income (item (ii))	25	75	100
(x) Subpart F income as reduced on a consolidated basis (item (i) minus item (ix))	$75	$125	$200
ALTERNATIVE CASE			
(xi) Reduction in subpart F income on a consolidated basis determined under section 972 (item (ii) but not to exceed smallest of items (v) (a), (b), and (d), in column (3))	------	------	$90
(xii) Apportionment of reduction in subpart F income (item (xi) times [item (ii) of column (1) over item (ii) of column (3)] and item (xi) times [item (ii) of column (2) over item (ii) of column (3)]; ($90 × $25/$100)	$22.50		
($90 × $75/$100)		$67.50	90
(xiii) Subpart F income as reduced on a consolidated basis (item (i) minus item (xii))	77.50	132.50	210

(3) *Determination of pro rata share of consolidated withdrawal of previously excluded export trade income*—(i) *In general.* If, for any taxable year, there is a decrease in investments in export trade assets under section 970(b) and paragraph (c)(1) of § 1.970–1, determined on a consolidated basis, of export trade corporations includible in a consolidated chain of such corporations, each United States shareholder who has elected under paragraph (a) of this section to consolidate his interest in such chain of corporations shall include in his gross income, under section 951(a)(1)(A)(ii) and the regulations thereunder as an amount to which section 955 applies, his pro rata share of the amount of such consolidated decrease in investments but only to the extent such pro rata share does not exceed the lesser of the limitations provided by section 970(b) and paragraph (c)(2) of § 1.970–1 with respect to such shareholder determined on a consolidated basis. The consolidated decrease in investments and the consolidated limitations shall be determined by aggregating the applicable amounts determined under paragraph (c) of § 1.970–1 with respect to such shareholder's interest in each corporation includible in the consolidation.

(ii) *Allocation of pro rata share of consolidated decrease in investments in export trade assets.* For purposes of determining the amount referred to in paragraph (c)(2)(i)(*b*)(*3*) of § 1.970–1 for a subsequent taxable year, a United States shareholder's pro rata share of a consolidated decrease in investments determined under subdivision (i) of this subparagraph for the current taxable year shall be allocated to such shareholder's interest in each of the export trade corporations includible in the consolidation in that ratio which—

(*a*) The net amount determined under paragraph (c)(2)(i)(*b*) of § 1.970–1 with respect to such shareholder's interest in such corporation for all prior taxable years (whether or not a taxable year occurring during the period of consolidation) bears to

(*b*) The total of the net amounts determined under paragraph (c)(2)(i)(*b*) of § 1.970–1 with respect to such shareholder's interests in all export trade corporations includible in such consolidation for all prior taxable years (whether or not a taxable year occurring during the period of consolidation).

(ii) *Illustration.* The application of this subparagraph may be illustrated by the following example:

Example. (a) Domestic corporation M owns 60 percent of the only class of stock of controlled foreign corporation A, which, in turn, owns 100 percent of the only class of stock of controlled foreign corporation B. All corporations use the calendar year as a taxable year, and corporations A and B are export trade corporations throughout the period here involved. Corporation M elects to consolidate corporations A and B for the entire period here involved.

(b) The following amounts are applicable to corporations A and B for 1964:

	A (1)	*B* (2)	*Consolidated* (3)
(i) Consolidated decrease in investments in export trade assets (determined before application of § 1.970-1(c)(2))	----	----	$100
(ii) M Corporation's pro rata share of consolidated decrease (60)%	----	----	60
(iii) M Corporation's pro rata share of earnings and profits for 1963 and 1964 (§ 1.970-1(c)(2)(i)(*a*))	$120	$90	210
(iv) M Corporation's pro rata share of net amount determined under § 1.970-1(c)(2)(i)(*b*) for 1963	180	60	240
(v) Amount includible in M Corporation's gross income for 1964 (smallest of items (ii), (iii), and (iv) in column (3))	----	----	60

Corporation M must include $60 in its gross income for 1964 under section 951(a)(1)(A)(ii) by reason of the application of section 970(b) as its pro rata share of the consolidated decrease in investments in export trade assets; and, for purposes of determining the amount under paragraph (c)(2)(i)(*b*)(*3*) of § 1.970–1 with respect to M Corporation's interest in each of corporations A and B for a subsequent taxable year, such consolidated decrease for 1964 is allocated as follows: to M Corporation's interest in A Corporation, $45 ($60 times $180/$240); and to its interest in B Corporation, $15 ($60 times $60/$240).

(c) The following amounts are applicable to corporations A and B for 1965:

	A (1)	*B* (2)	*Consolidated* (3)
(i) Consolidated decrease in investments in export trade assets (determined before application of § 1.970-1(c)(2))	----	----	$150
(ii) M Corporation's pro rata share of consolidated decrease (60%)	----	----	90
(iii) M Corporation's pro rata share of earnings and profits (and deficits in earnings and profits) for 1963, 1964, and 1965 (§ 1.970-1(c)(2)(i)(*a*))	$100	($20)	80
(iv) M Corporation's pro rata share of the net amount determined under § 1.970-1(c)(2)(i)(*b*) for 1963 and 1964			
($180—$45)	135		
($60—$15)		45	
Total			180
(v) Amount includible in M Corporation's gross income for 1965 (smallest of items (ii), (iii), and (iv) in column (3))			80

Corporation M must include $80 in its gross income for 1965 under section 951(a)(1)(A)(ii) by reason of the application of section 970(b) as its pro rata share of the consoli-

dated decrease in investments in export trade assets; and, for purposes of determining the amount under paragraph (c)(2)(i) (b)(3) of § 1.970–1 with respect to M Corporation's interest in each of corporations A and B for a subsequent taxable year, such consolidated decrease for 1965 is allocated as follows: to M Corporation's interest in A Corporation, $60 ($80 times $135/$180); and to its interest in B Corporation, $20 ($80 times $45/$180).

(d) The following amounts are applicable to corporations A and B for 1966:

	A (1)	B (2)	Consolidated (3)
(i) Consolidated decrease in investments in export trade assets (determined before application of § 1.970–1(c)(2))	----	----	$200
(ii) M Corporation's pro rata share of consolidated decrease (60%)	----	----	120
(iii) M Corporation's pro rata share of earnings and profits (and deficits in earnings and profits) for 1963, 1964, 1965, and 1966 (§ 1.970–1(c)(2)(i)–(a))	$120	$50	170
(iv) M Corporation's pro rata share of the net amount determined under § 1.970–1(c)(2)(i)(b) for 1963, 1964, and 1965			
($180 minus [$45+$60])	75		
($80−[$15+$20])		25	
Total			100
(v) Amount includible in M Corporation's gross income for 1966 (smallest of items (ii), (iii), and (iv) in column (3))	----	----	100

Corporation M must include $100 in its gross income for 1966 under section 951(a)(1)(A)(ii) by reason of the application of section 970(b) as its pro rata share of the consolidated decrease in investments in export trade assets; and, for purposes of determining the amount under paragraph (c)(2)(i)(b)(3) of § 1.970–1 with respect to M Corporation's interest in each of corporations A and B for a subsequent taxable year, such consolidated decrease for 1966 is allocated as follows: to M Corporation's interest in A Corporation, $75 ($100 times $75/$100); and to its interest in B Corporation, $25 ($100 times $25/$100).

[F.R. Doc. 64–4774; Filed, May 13, 1964; 8:45 a.m.]

[26 CFR Part 41]

EXCISE TAXES

Use of Certain Highway Motor Vehicles; Notice of Hearing

Proposed amendments to the regulations under sections 4481, 4482, 4483, 6001, 6071, 6091, 6101, 6151, 6156, and 7701 of the Code, to provide for a change in the meaning of the term "fully equipped for service" in the case of buses to include air conditioning equipment, sanitation facilities, etc., as taxable gross weight, were published in the FEDERAL REGISTER for April 30, 1964.

A public hearing on these proposed amendments to the regulations will be held on Friday, June 5, 1964, at 10:00 a.m., e.d.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: Technical Planning Division, Washington, D.C., 20224, by June 2, 1964.

MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 64–4869; Filed, May 13, 1964; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

ROCKY MOUNTAIN NATIONAL PARK, COLORADO

Fishing and Trucking

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM–1 (27 F.R. 6395), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Midwest Region, Order No. 3 (21 F.R. 1494), as amended, it is proposed to amend § 7.7 of Title 36 Code of Federal Regulations as set forth below. The purpose of this amendment is to revise certain fishing regulations to conform more closely to those of the State of Colorado and to control commercial trucking operations on Park roads.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to the Superintendent, Rocky Mountain National Park, Estes Park, Colorado, 80517, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

ALLYN F. HANKS,
Superintendent, Rocky Mountain National Park.

Paragraphs (b) and (e) of § 7.7 are amended to read as follows:

§ 7.7 Rocky Mountain National Park.

* * * * *

(b) *Fishing.* * * *

(2) Elsewhere in the park, fishing shall be permitted in conformity with the laws and regulations of the State of Colorado, except for the following additional provisions:

(i) In all waters above 9,500 feet elevation, the open season for fishing shall be June 1 through October 31.

(ii) Permissible hours for fishing in all open waters shall be from 4:00 a.m. to 9:00 p.m., m.s.t.

(iii) [Deleted]

(iv) [Deleted]

(v) [Deleted]

* * * * *

(e) *Trucking.* (1) The Park Superintendent may issue permits for the use of park roads for trucking by ranchers, farmers, and business concerns located in the counties of Larimer, Boulder and Grand, Colorado, when the loads carried originate and terminate within these counties, for which fees shall be charged. For applicable fees, set Part 6 of this chapter.

* * * * *

[F.R. Doc. 64–4786; Filed, May 13, 1964; 8:46 a.m.]

[36 CFR Part 7]

GLACIER NATIONAL PARK, MONTANA

Fishing

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM–1 (27 F.R. 6395), National Park Service Order No. 14 (19 F.R. 8824), and Regional Director, Midwest Region, Order No. 3 (21 F.R. 1494), as amended, it is proposed to amend § 7.3 of Title 36, Code of Federal Regulations as is set forth below. The purpose of this amendment is to allow fishing under conditions which conform, insofar as possible, with State laws and regulations.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Glacier National Park, West Glacier, Montana, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Paragraphs (a), (b), and (c) of § 7.3 are amended to read as follows:

§ 7.3 Glacier National Park.

(a) *Fishing; open season.* All waters within the Park are open to fishing in conformance with the State of Montana opening date for high mountain streams and shall close at 10:00 p.m., on October 15, subject to the following exceptions and restrictions:

* * * * *

(6) Hidden Lake, Logging Creek from the head of Logging Lake and including Grace Lake, and Quartz Creek between Lower Quartz Lake and Quartz Lake shall be open to fishing from July 1 to October 15, inclusive.

* * * * *

(8) Kintla Creek between Kintla Lake and Upper Kintla Lake shall be open to fishing from July 1 to August 31, inclusive.

(9) Nyack Creek and Ole Creek shall be open to fishing from the opening date of the general Park fishing season to August 31, inclusive.

(b) *Fishing; limit of catch and in possession.* (1) The limit of catch per fisherman per day shall be ten (10) pounds of fish (dressed weight with heads and tails intact) and one fish, not exceeding a total of ten (10) fish, except that two legal-size fish may be in possession without regard to weight limitation. There is no size limitation on fish that can be retained, except Dolly Varden (bull trout) which must be at least eighteen (18) inches in length with head and tail intact.

* * * * *

(c) *Fishing; bait; license.* * * *

(2) The possession or use for bait of any live or dead fish eggs, fish or any part thereof, or the placing or depositing of fish eggs, fish roe, food or other substance in the waters for the purpose of attracting, feeding, or collecting fish is pro-

hibited: *Except*, That dead salmon eggs may be used as bait in conformance with the laws of the State of Montana.

* * * * *

(4) The snagging of fish by any method is prohibited.

HARTHON L. BILL,
Superintendent,
Glacier National Park.

JANUARY 1964.

[F.R. Doc. 64-4787; Filed, May 13, 1964; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 147]

ANTIBIOTIC DRUGS INTENDED FOR USE IN LABORATORY DIAGNOSIS OF DISEASE

Sulfonamide Sensitivity Discs; Denial of Petition and Termination of Action

In the FEDERAL REGISTER of January 23, 1963 (28 F.R. 595), notice was given of the filing of a petition by Consolidated Laboratories, Inc., P.O. Box 234, Chicago Heights, Illinois, proposing the issuance of regulations to provide for the inclusion of sensitivity discs of sulfadiazine, sulfamethoxypyridazine, sulfisoxazole, and sulfisomidine (N'-(2,6-dimethyl-4-, pyrimidinyl) sulfanilamide) in packaged combinations with discs of certifiable antibiotics. It was proposed that each sensitivity disc contain not less than 50 micrograms and not more than 300 micrograms of one of the sulfonamides.

The Commissioner of Food and Drugs has thoroughly studied the petition, the comments received from interested persons, and the objections raised by persons who would be adversely affected if the petition were granted. He has concluded that the information available to him is inadequate to make a finding that the sensitivity discs proposed by the petitioner will accurately guide the physician in his selecting the drug of choice for treating an infection.

Therefore, it is ordered, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507(f), 59 Stat. 463 as amended; 21 U.S.C. 357(f)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), that the petition be denied.

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

Effective date. This order shall become effective 45 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

Dated: May 8, 1964.

JOHN L. HARVEY,
Deputy Commissioner of
Food and Drugs.

[F.R. Doc. 64-4826; Filed, May 13, 1964; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 140]

FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Proposed Amendatory Endorsement

The Nuclear Energy Liability Insurance Association (NELIA) and the Mutual Atomic Energy Liability Underwriters (MAELU) have proposed an endorsement to the form of the nuclear energy liability policy set forth in Appendix "A", 10 CFR Part 140 (25 F.R. 2944, 26 F.R. 6641 and 28 F.R. 7077). Appendix "A" is the form of nuclear energy liability insurance policy issued by the two Associations and approved by the Commission as financial protection under this part. The form of endorsement is set forth in its entirety in the following amendment.

Frequently licensees of the Commission who are authorized to operate nuclear reactors also carry on other licensed atomic energy activities at the installations where their reactors are located. The licensed operation of a reactor is covered by an indemnity agreement pursuant to the provisions of section 170c of the Atomic Energy Act of 1954, as amended, while the other nuclear activities are generally not covered by such an agreement.

Where a licensee operates a nuclear reactor and engages in other atomic energy activities at the same installation, NELIA and MAELU will each issue only a single nuclear energy liability policy (facility form) covering all nuclear energy activities at that location. If, as is sometimes the case, the licensee desires to obtain more liability insurance than the Commission requires as financial protection under the provisions of Part 140, the insurance is issued in such higher amount for all nuclear activities at the site, including the nuclear reactor activities.

The indemnity protection afforded by the Commission's indemnity agreements with reactor licensees under Subpart B, Part 140, applies to public liability in excess of the amount of financial protection required of the licensee. Consequently, where the licensee also has nuclear energy liability insurance in an amount exceeding the amount of financial protection, public liability claims in excess of the amount of financial protection may be covered both by the liability insurance and the Commission's indemnity agreement to the extent of the additional insurance applicable.

The Commission has been advised that certain licensees in this position, in order to obtain a reduction in insurance premiums, wish to have their liability insurance policies amended to eliminate therefrom coverage of public liability claims which are also covered by the Commission's indemnity agreements. For this purpose NELIA and MAELU have requested Commission approval of the proposed form of endorsement. In determining the attachment point of the Commission's indemnity agreements, policies so endorsed will be interpreted by the Commission as affording only the amount of financial protection required of the licensee.

The proposed amendment to the liability insurance policy requires no modification in the form of indemnity agreement issued by the Atomic Energy Commission and set forth in Appendix "B", 10 CFR Part 140 (26 F.R. 3455, 26 F.R. 7770 and 27 F.R. 2884).

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that the Commission is considering adoption of the following amendment of 10 CFR Part 140. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed amendment should send them to the Secretary, United States Atomic Energy Commission, Washington, D.C., 20545, within thirty days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

Amend § 140.75—*Appendix "A"*, by adding the following at the end thereof:

NUCLEAR ENERGY LIABILITY POLICY

(FACILITY FORM)

Amendatory Endorsement

This policy does not apply to bodily injury or property damage with respect to which the insured is entitled to indemnity from the United States Atomic Energy Commission under the provisions of Indemnity Agreement No. ------ between the United States Atomic Energy Commission and ----------, dated ----------, as now in effect or as hereafter amended.

* * * * *

Effective date of this endorsement ------
---- to form a part of Policy No. ------.
Issued to ----------.
Date of issue ----------.
For the subscribing companies ----------

By ----------
Countersigned by ----------
Endorsement No. ------.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 170, 71 Stat. 576; 42 U.S.C. 2210)

Dated at Washington, D.C., this 29th day of April 1964.

For the United States Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 64-4791; Filed, May 13, 1964; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Doc. No. 63-CE-71]

TRANSITION AREA

Proposed Designation; Alteration

In a notice of proposed rule making published in the FEDERAL REGISTER on December 12, 1963 (28 F.R. 13463), it was stated, in part, that the Federal Aviation Agency proposed to designate a transition area at Lafayette, Ind.

Subsequent to the publication of the notice, an ILS instrument approach procedure and an ADF instrument approach procedure, based on the outer marker, have been developed for Purdue University Airport. In addition, a VOR-DME instrument approach procedure is being developed for the Halsmer Airport near Lafayette. To provide protection for aircraft executing these prescribed procedures, the notice is hereby amended to add to the description of the 700-foot floor portion of the proposed Lafayette transition area that airspace within a 5-mile radius of Halsmer Airport (latitude 40°23'42" N., longitude 86°48'53" W.), within 2 miles each side of the Lafayette VORTAC 129° True radial extending from the 5-mile radius area to 6 miles southeast of the Halsmer Airport, and within 2 miles each side of the Purdue University ILS west course extending from the 6-mile radius area to 8 miles west of the outer marker. No change in extent of the proposed control zone would be required.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material is extended to 30 days after publication of this supplemental notice of proposed rule making in the FEDERAL REGISTER.

Communications should be submitted to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 479; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 6, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-4784; Filed, May 13, 1964; 8:46 a.m.]

[14 CFR Parts 71 [New], 75 [New]]

[Airspace Doc. No. 63-SW-110]

AIRWAY SEGMENT AND JET ROUTES

Proposed Revocation and Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] and Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 46 presently extends from the Tulsa, Okla., VORTAC via the Flippin, Ark., VOR to the Nashville, Tenn., VORTAC. The FAA proposes to realign J-46 from the Tulsa VORTAC, via the Walnut Ridge, Ark., VOR to the Nashville VORTAC.

Jet Route No. 105 presently extends in part from the Dallas, Tex., VORTAC to the Springfield, Mo., VORTAC. The FAA proposes to realign that portion of J-105 from the Dallas VORTAC, via the Fayetteville, Ark., VOR to the Springfield VORTAC.

VOR Federal airway V-16 presently extends in part from the Texarkana, Ark., VORTAC to the Pine Bluff, Ark., VOR and includes a south alternate between those facilities via the intersection of the Texarkana 090° and Pine Bluff 233° radials. The FAA proposes to revoke that south alternate.

The proposed action would provide for more precise navigational guidance on the jet route segments involved and eliminate a VOR airway segment for which no aircraft movement was recorded in the most current FAA IFR Peak Day airway survey.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 6, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-4785; Filed, May 13, 1964; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 13961; FCC 64-419]

PRACTICE AND PROCEDURE

Broadcast Application Forms; Order

In the matter of amendment of Section IV (Statement of Program Service) of Broadcast Application Forms 301, 303, 314 and 315.

At a session of the Federal Communications Commission held at its offices at Washington, D.C., this 6th day of May 1964;

The Commission has received two requests for extension of time in this proceeding, in which en banc oral proceedings concerning new program forms are now scheduled for June 1, 1964, for the television forms, and June 8, 1964, for the radio forms. These requests are as follows:

(1) The Texas Association of Broadcasters, in a petition filed May 1, requests that the date for the oral presentation and written comments on the television form be extended one month, from June 1 to July 1. In support of this request, the Association states that it desires to get comments from its television members about this matter (which it asserts involves many questions requiring careful consideration) and to tabulate and collate these in a meaningful presentation; and that this process will take two months instead of the approximately one month between the time the new proposed form was released and June 1.

(2) The National Association of Broadcasters (NAB), by a letter dated May 4, requests an extension of time in connection with the radio proceeding, from June 8 to June 30. It is stated that the work of the present ad hoc committee may lead to simplification of the form we proposed in our Third Notice of Further Proposed Rule Making (FCC 64-45, and elimination of some objections which may be raised in this area; but that if it proves to be necessary to make extensive presentations by broadcasters, it will be extremely difficult for the NAB to arrange this by June 8. Noted in this connection are a number of other important NAB activities between now and then, including the TV form proceeding, a meeting of the Future of Television in America Committee, meetings of the NAB Television Code Board and the American Bar Association's Standing Committee on Communications, and preparation for the NAB Board of Directors Meeting in mid-June.

With respect to the petition for postponement of the television proceeding to July 1, in our view grant of this

request is not warranted. We note in this connection that after release of the Fourth Notice herein (April 24, 1964), we granted one extension of time, from May 18 to June 1; that the release date, April 24, was more than five weeks before the June 1 date for oral and written comments; and that a copy of the Fourth Notice, with the proposed TV program forms attached, was mailed to all television licensees. Moreover, while our specific present proposal was made public only on April 24, this general aspect of the proceeding has been pending since issuance of the Second Notice last December, so that licensees have had time already to formulate at least their basic ideas in this area. The Association describes its membership as including "in excess of 27" television stations, and we do not believe that compiling and properly presenting the views of these licensees is so time-consuming a task as to warrant grant of the request. Resolution of at least part of this long-standing proceeding as quickly as possible is definitely in the public interest. Therefore this petition is denied, and the June 1 date (and May 20 date for filing notices of intention to appear) are adhered to.

With respect to the petition for postponement of the radio proceeding, the first results of the ad hoc committee's work on the proposed radio forms have only this week been made available, and the Commission has not yet had time to consider them and, if appropriate, issue a revised proposal for radio. Therefore, and in view of the important NAB activities mentioned above, we believe the extension of time requested by the NAB, to June 30, 1964, is warranted. If a new proposal is appropriate, it will be issued in the near future.

In view of the foregoing, it is ordered, That, the "Motion for Postponement of En Banc TV Oral Proceeding" filed by the Texas Association of Broadcasters on May 1, 1964, is denied: and that the date for the en banc oral proceeding concerning the television program forms, and submission of written statements in lieu of oral presentations, remains June 1, 1964 (with parties intending to appear orally to notify the Secretary of the Commission on or before May 20, 1964 stating the amount of time they wish to use); and

It is further ordered, That, the informal request of the National Association of Broadcasters, by letter dated May 4, 1964, is granted: and that the date for the en banc oral proceeding concerning the radio program forms, and filing of written statements in lieu of oral presentation, is postponed, to June 30, 1964, with parties intending to appear orally to notify the Secretary of the Commission of their intention to appear by June 15, 1964, stating the amount of time they wish to use.

Released: May 11, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4817; Filed, May 13, 1964; 8:48 a.m.]

[1] Commissioner Hyde absent.

[47 CFR Part 73]

[Docket No. 15458; FCC 64-417]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Naples and Fort Myers, Fla.

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Naples and Fort Myers, Florida), Docket No. 15458, RM-563.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition for rule making filed on January 28, 1964, by Robert Hecksher, licensee of radio Station WMYR-AM, Fort Myers, Florida, proposing amendments in the FM Table of Assignments (§ 73.202 of the Commission's rules and regulations). Petitioner seeks reassignment of Channel 270 from Naples, Florida, to Fort Myers and also proposes that Channel 228A be substituted at Naples. The communities in question are approximately 36 miles apart; and Fort Myers lies approximately due north of Naples.

3. Petitioner states that: Fort Myers, population 22,523, is located in Lee County, population 54,539 (1960 Census); Naples, population 4,655, is located in Collier County, population 15,753; presently assigned to Fort Myers is FM Channel 245, for which Station WINK-FM has an outstanding construction permit (BPH-4150); assigned to Naples are FM Channels 233 and 270, and the latter is neither occupied nor applied for, while the former is operated by WNFM-FM.[1]

4. Petitioner states that a second Class C Channel is needed at Fort Myers in order to provide competitive local service. Petitioner feels that it is in the public interest that Fort Myers be assigned two wide coverage FM channels even though in order to make such an assignment the present assignment of two wide coverage FM channels to Naples would have to be changed to one wide coverage and one limited coverage channel. He supports this contention by making a comparison of populations and discussing relative business activity. The petitioner states that Fort Myers is the county seat and cites various business statistics which assertedly further support the view that Fort Myers is a more important community than Naples, e.g., for purposes of the U.S. Census of Business, Naples is not considered of sufficient size to be reported for certain purposes. Petitioner recognizes that there would be some restrictions on the transmitter site because Station WYAK, Sarasota, is operating on Channel 273. In this respect, it is here pointed out that the separation between the WYAK transmitter and petitioner's AM transmitter site (WMYR) is 65.1 miles whereas the required spacing is 65 miles.[2]

5. The Commission is of the opinion that rule making should be instituted on this proposal and invites comments on the following:

City	Channel number	
	Present	Proposed
Fort Myers, Fla.	245	245, 270
Naples, Fla.	233, 270	228A, 233

6. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and (j), 303(r), and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in Section 1.415 of the Commission's rules and regulations, interested persons may file comments on or before June 5, 1964, and reply comments on or before June 15, 1964. All submissions by parties to this proceeding or by persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: May 6, 1964.

Released: May 8, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4818; Filed, May 13, 1964; 8:48 a.m.]

[1] Mention is also made of the AM and TV assignments for these communities. At Fort Myers: WMYR-AM is licensed to petitioner; also in operation is WINK-AM; there is an outstanding construction permit for Station WXYC-AM; and Station WINK-TV Channel 11, is a licensed operation. At Naples: Station WNOG-AM is operating; and there is no TV assignment there.

[2] The engineering data furnished in support of the petition also discloses that Channel 228A cannot be assigned to Fort Myers because Channel 227 at Tampa (Station WFLA-FM) is operated from a transmitter site substantially less than the required co-channel separation (the distance from the transmitter site to the Fort Myers reference point is approximately 88 miles, while the required separation is 105 miles.

[3] Commissioner Hyde absent.

FEDERAL MARITIME COMMISSION

[46 CFR Part 536]

[Foreign Tariff Circular 1; Docket No. 964]

COMMON CARRIERS BY WATER IN FOREIGN COMMERCE OF U.S. AND CONFERENCES OF SUCH CARRIERS

Filing of Tariffs; Extension of Time for Filing Comments

On April 21, 1964, the Federal Maritime Commission published in the FEDERAL REGISTER (29 F.R. 5350) a Notice of Modification of Proposed Tariff Filing Rules and directed that all written statements, data, views or arguments be submitted within thirty days of the date of publication.

Upon petition of various interested parties, and for good cause shown, the time for submission is hereby extended to the close of business on June 22, 1964.

By the Commission, May 5, 1964.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 64-4809; Filed, May 13, 1964; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 200, 201]

[Release 33-4687, etc.]

HEARING OFFICERS; DELEGATION AND PROCEDURES

Notice of Proposed Rulemaking

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of a delegation rule (17 CFR 200.30-7) and various amendments to the rules of practice (17 CFR Part 201).

Rules relating to delegation of authority to make initial decisions. Delegation of authority to make initial decisions is authorized by Public Law No. 87-592, 76 Stat. 394, which provides that "* * * in addition to its existing authority, the Securities and Exchange Commission * * * shall have the authority to delegate, by published rule or order, any of its functions to a division of the Commission, an individual Commissioner, a hearing examiner, or an employee or employee board, including functions with respect to hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business or matter * * *." In addition section 8(a) of the Administrative Procedure Act, 5 U.S.C. 1007(a), permits an agency to provide that hearing officers "* * * shall initially decide * * *" a case and declares that "[w]henever such officers make the initial decision and in the absence of either an appeal to the agency or review upon motion of the agency within time provided by rule, such decision shall without further proceedings then become the decision of the agency."

The proposed delegation rule authorizes each hearing officer to make an initial decision in any proceeding at which he has presided and in which a hearing is required to be conducted in conformity with section 7 of the Administrative Procedure Act unless such initial decision is waived by all parties and the Commission does not subsequently order that an initial decision nevertheless be made. In addition the hearing officer is authorized to make an initial decision in any other proceeding in which the Commission has directed him to prepare such a decision.

The proposed amendments to the Commission's rules of practice (17 CFR Part 201) delete procedures respecting recommended decisions by hearing officers and add procedures for initial decisions and their review by the Commission, either on its own initiative or in response to a petition for review. Minor conforming changes are made in §§ 201.8 (b) and (c), 201.9(d), 201.11 (d) and (e), and 201.14(d) (Rules 8 (b) and (c), 9(d), 11 (d) and (e) and 14(d)).

Proposed § 201.16 specifies procedures for the preparation of initial decisions. A proposed amendment to § 201.16(e) enlarges the authority of the hearing officer in fixing the time for filing proposed findings and briefs by providing that the period for the first such filing normally should be no more than 30 days and should not exceed 60 days. In addition, the hearing officer could extend the time for such filings up to 30 days on a showing of good cause. Proposed § 201.16(f) does not contain a requirement that a hearing officer's decision set forth separately in numbered paragraphs the findings of fact and conclusions. A proposed new § 201.16(g) enables a hearing officer at his discretion to hear oral argument any time before he files his initial decision with the Secretary.

The proposed amendments to § 201.17 (Rule 17) prescribe a procedure under which initial decisions may be reviewed by the Commission. Proposed § 201.17 (a) authorizes the filing of a petition for review by any party to a proceeding, and by any person who would have been entitled to judicial review of the final order entered in a proceeding if the Commission itself had made the initial decision. Proposed § 201.17(b) requires that petitions for Commission review be filed by a person within 15 days after service of an initial decision on him or, if he is not served, within 15 days after notice of the filing of the initial decision is published in the Securities and Exchange Commission News Digest. The proposed rule requires that a petition for Commission review indicate specifically the findings and conclusions as to which exceptions are taken and also supporting reasons (which may be stated in summary form) for the exceptions.

Proposed § 201.17(c) provides that the Commission may review on its own initiative within 30 days after an initial decision is served on all parties. A party not seeking Commission review but desiring to have the Commission make its determination within a shorter time may so advise the Commission in writing. Such a writing should include a waiver of the person's right to file a petition for review.

Proposed § 201.17(d) provides that when the Commission receives a petition for review it will order review where the initial decision suspends, denies or revokes a broker-dealer registration pursuant to section 15(b) of the Securities Exchange Act of 1934, suspends, denies or withdraws a registration or expels a member of a national securities exchange or suspends trading on an exchange pursuant to section 19(a) of that Act. This provision is in accord with the congressional requirement in Public Law 87-592, 76 Stat. 394, that a person adversely affected by such a determination be entitled to review by the Commission. The Commission also will order review of an initial decision where a petition makes a reasonable showing that a prejudicial procedural error was committed in the conduct of the proceeding or that the initial decision embodies a finding or conclusion of material fact that is clearly erroneous, a legal conclusion that is erroneous, or an exercise of discretion or decision of law or policy which is important and which the Commission should review. These proposed standards for review are modeled after Recommendation Number 9 of the Administrative Conference of the United States. Proposed § 201.17(d) also provides that the Commission may decline to review in situations other than those described above. In addition, where the Commission orders review it may summarily affirm on the basis of the petition for review except where the petition makes a reasonable showing of a type described above.

Proposed § 201.17(e) authorizes the filing of briefs in support of a petition generally within 30 days after the Commission orders review (in the absence of a summary affirmance). Responding briefs may be filed within 30 days after service of the original briefs. Any such briefs may be filed by any person who is entitled to Commission review of an initial decision, whether or not he has filed a petition.

Proposed § 201.17(f) provides for the entry of a Commission order pursuant to an initial decision by a hearing officer upon the expiration of 30 days after the decision is served on all the parties. However, such an order will be entered earlier if the Commission earlier determines not to review the decision on its own initiative. On the other hand, no such order will be entered if a petition for review is timely filed or if the Commission orders review on its own initiative. Proposed § 201.17(g) delineates the nature of the Commission's activities upon review. Review would be limited to the matters specified in the Commission's order for review; however, the Commission could raise and determine other matters upon notice to all parties and opportunity for argument by them. The Commission may affirm, reverse, modify, set aside or remand for further proceedings in whole or in part an initial decision and may make findings and conclusions which it deems proper on the record.

Section 10(c) of the Administrative Procedure Act enables an agency to provide by rule that a person must give an agency an opportunity to review a hearing officer's initial decision before the person seeks judicial review of the initial decision. Accordingly, proposed § 201.17(h) provides that a petition to the Commission for review of an initial decision is a prerequisite to the seeking of judicial review of a final order entered pursuant to the initial decision.

Proposed § 201.19 provides certain special procedures applicable to proceedings for suspension of broker-dealer registrations pending final determinations whether to revoke such registrations. The proposed rule shortens considerably the time periods for the filing of proposed findings and briefs, initial decisions, petitions for review and related briefs. These time periods correspond to those pro-

vided in the present § 201.19 relating to recommended decisions in broker-dealer suspension cases. Proposed § 201.19(e) makes clear that the Commission would not on its own initiative review an initial decision in a suspension proceeding.

Proposed § 201.20(a) contains minor conforming changes. To the existing exceptions to the provisions in § 201.21 (a) for oral argument before the Commission it is proposed that there be added an exception for determinations by the Commission whether to order review of an initial decision. Minor conforming changes are made in §§ 201.23 (a) and (d), 201.25 (a) and (c), and 201.26(b) (Rules 23 (a) and (d), 25 (a) and (c) and 26(b)).

Rules governing default procedures. The Commission also proposes to adopt new rules relating to defaults. Section 201.7(e) (Rule 7(e)) of the Commission's rules of practice now provides that a proceeding may be determined against a party in accordance with the allegations in the order for proceeding only if he fails to file an answer that is specifically required in the order. Since answers are not required in the majority of Commission proceedings, the Commission's present rules of practice provide no general procedure for determining in advance of a hearing whether persons named in the order for proceeding intend to participate in the hearing. Moreover, under the present § 201.16 (Rule 16 of the present rules of practice), when such persons do not appear at a hearing they waive only their rights to a recommended decision and to object to participation by the staff in the preparation of that decision. In many cases the Commission has been required to convene a hearing for the sole purpose of introducing evidence on which to base findings and impose sanctions against persons named in the order for proceeding who have not indicated any interest in contesting the allegations of the order or otherwise participating in the proceeding. This lack of a general default procedure for Commission proceedings has caused unnecessary expense in the development of the record of proceedings, including needless travel by the Commission's hearing examiners and members of the staff in order to attend hearings convened in various parts of the country for the convenience of the parties and witnesses.

The proposed rules governing default procedures are designed to eliminate such unnecessary hearings. Proposed § 201.6(e) (Rule 6(e)) provides that a person named in an order for proceeding as a person against whom findings may be made or sanctions imposed shall be deemed in default unless he files a notice of appearance in the proceeding within 15 days after service on him of the order for proceeding, or within such other time specified in the order, and unless he appears at any hearing of which he has been duly notified. In the event a person defaults, the Commission may determine the proceeding against him upon consideration of the allegations of the order for proceeding, which may be deemed to be true. Whenever a party to a proceeding files a timely answer to the order for proceeding pursuant to present § 201.7(e), such answer shall be deemed a notice of appearance. For the purpose of clarification, § 201.7(e) also would be amended to state expressly that a person who does not file a timely answer as required by the rule shall be deemed in default.

To avoid any injustice, the Commission also proposes to add a new § 201.12 (d) (Rule 12(d)) to its rules of practice to provide that, for good cause, the hearing officer, at any time prior to the filing of initial decision, or the Commission at any time, may set aside a default under §§ 201.6(e) or 201.7(e) (Rules 6(e) or 7(e)) under such conditions as it deems appropriate. The proposed rule also provides that any person who is in default may file a motion to set it aside within a reasonable time, stating the reasons for his failure to appear and specifying the nature of the proposed defense. Finally, the Commission proposes to delete present § 201.16(a) (Rule 16(a)), since the waiver of rights by persons who fail to appear at a hearing provided for by that rule would be encompassed in new § 201.6(e) (Rule 6(e)).

The proposed action of the Commission is as follows:

I. A new § 200.30–7 would be added to 17 CFR Part 200 to read as follows:

§ 200.30–7 Delegation of authority to hearing officers.

Pursuant to the provisions of Public Law No. 87–592, 76 Stat. 394, the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, to each hearing officer the authority to make an initial decision in any proceeding at which he presides in which a hearing is required to be conducted in conformity with section 7 of the Administrative Procedure Act unless such initial decision is waived by all parties and the Commission does not subsequently order that an initial decision nevertheless be made by the hearing officer, and in any other proceeding in which the Commission directs him to make such a decision.

II. Part 201 of Title 17 would be amended as follows:

§ 201.6 Notice of proceedings and hearings.

* * * * *

(e) *Effect of failure to appear.* If any person who is named in an order for proceeding as a person against whom findings may be made or sanctions imposed in the proceeding does not file a notice of appearance in the proceeding within 15 days after service upon him of the order for proceeding (unless a different period is specified in the order), or if he fails to appear at a hearing of which he has been duly notified, such person shall be deemed in default and the proceeding may be determined against him upon consideration of the order for proceeding, the allegations of which may be deemed to be true. For the purpose of this paragraph an answer shall constitute a notice of appearance.

§ 201.7 Answers.

* * * * *

(e) *Effect of failure to file answer.* If a party fails to file an answer required by this rule within the time provided, such person shall be deemed in default and the proceeding may be determined against him by the Commission upon consideration of the order for proceeding, the allegations of which may be deemed to be true.

§ 201.8 Settlements, pre-trial conferences and procedural agreements.

* * * * *

(b) *Specification of procedures.* In any proceeding the moving party shall, in the moving papers or the notice of hearing if that is practicable, or, if not, as early as practicable in the course of the hearing, specify the procedures considered necessary or appropriate in the proceeding with particular reference to (1) whether there should be an initial decision by a hearing officer, (2) whether the interested division of the Commission may assist in the preparation of the Commission's decision, and (3) whether there should be a 30-day waiting period between the issuance of the Commission's order and the date it is to become effective. Any other party may object promptly or within such time as shall be designated by the hearing officer, having due regard to the circumstances of the case and to the procedure so specified, and such party may specify such additional procedure as he considers necessary or appropriate; in the absence of such objection or specification of additional procedure, such party may be deemed to have waived objection to the specified procedure and to the omission of any procedure not specified, unless the Commission, for good cause shown and upon taking into account any resulting prejudice to other parties, determines the contrary.

(c) *Conferences on procedure; stipulations.* The hearing officer on his own motion may, or at the request of any party shall, call a conference of the parties at the opening of the hearing or at any subsequent time for the purpose of specifying and agreeing on the procedural steps to be followed or omitted in the proceeding. Any proposal as to the procedural matters enumerated in paragraph (b) of this section, or, subject to the approval of the hearing officer, any other procedural matter which is agreed upon by all parties present and which is not contrary to any specific provision of this part, shall be embodied in an appropriate stipulation, which shall become part of the record, and shall determine the procedure in that respect, except that the Commission may order that the hearing officer prepare an initial decision notwithstanding any waiver by the parties and may, upon taking into account any prejudice to the parties resulting from any other such procedure, vary any other such procedure at the request of any party or on its own motion.

* * * * *

§ 201.9 Parties and limited participation.

* * * * *

(d) *Rights of participant.* Leave to be heard pursuant to paragraph (c) of this section may include such rights of a party as the hearing officer may deem

appropriate, except that oral argument before the Commission may be permitted only by the Commission upon written request therefor. Persons granted leave to be heard shall be bound, except as may be otherwise determined by the hearing officer, by any stipulation between the parties to the proceeding with respect to procedure, including submission of evidence, substitution of exhibits, corrections of the record, the time within which briefs or exceptions may be filed or proposed findings and conclusions may be submitted, the filing of initial decisions, the procedure to be followed in the preparation of decisions, and the effective date of the Commission's order in the case. Where the filing of briefs or exceptions or the submission of proposed findings and conclusions are waived by the parties to the proceedings, a person granted leave to be heard pursuant to paragraph (c) of this section shall not be permitted to file a brief or exceptions or submit proposed findings and conclusions except by leave of the Commission or of the hearing officer, if the hearing is pending before the hearing officer. Except as may otherwise be specifically directed by the hearing officer at the request of any person granted leave to be heard, such person shall be expected to inform himself by attendance at public hearings and by examination of the public files of the Commission as to the various steps taken in the proceeding including continuances, the filing of amendments, answers, motions, or briefs by parties to the proceeding, or the fixing of time for any such action, and such person shall not be entitled as of right to other notice thereof, or to service of copies of documents.

* * * * *

§ 201.11 Hearings for the purpose of taking evidence; motions and applications to hearing officer.

* * * * *

(d) *Functions of hearing officer.* The hearing officer shall regulate the course of the hearing and shall perform the functions specified in paragraph (e) of this section. Upon notice to all parties, the hearing officer may reopen any hearing prior to the filing of an initial decision therein, or, if no initial decision is to be filed, prior to the time fixed for the filing of final briefs with the Commission.

(e) *Rulings by hearing officer; exemptions.* Except as otherwise directed by the Commission, or where these rules specifically provide otherwise, all applications, motions and objections made during a proceeding prior to the filing of an initial decision therein, or, if no initial decision is to be filed, prior to the time fixed for the filing of final briefs with the Commission, shall be made to or referred to and decided by the hearing officer, except that where his ruling would dispose of the proceeding in whole or in part, it shall be made only in an initial decision submitted after the conclusion of the hearing. Except where the hearing officer prescribes or permits a different procedure, any application or motion shall be in writing and shall be accompanied by a written brief of the points and authorities relied upon in service of the same and any party may file an answer within five days after service upon him of such motion or application as provided in § 201.23. Objections to the admission or exclusion of evidence must be made on the record and shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument or debate thereon except as ordered by the hearing officer. Rulings by the hearing officer on all applications, motions and objections shall be part of the record. Exceptions to any ruling thereon by the hearing officer need not be noted at the time of the ruling in order to be urged before the Commission. Such exceptions will be deemed waived however, unless raised (1) in accordance with § 201.12(a), (2) in the manner of a proposed finding in accordance with § 201.16(d), or (3) in a petition for Commission review of an initial decision in accordance with § 201.17.

* * * * *

§ 201.12 Motions and applications.

* * * * *

(d) *Motions to set aside defaults.* In order to prevent injustice and on such conditions as may be appropriate, the hearing officer at any time prior to the filing of his initial decision or the Commission at any time, may for good cause, set aside a default under § 201.6(e) or 201.7(e). Any motion to set aside a default shall be made within a reasonable time, and shall state the reasons for the failure to file or appear and specify the nature of the proposed defense in the proceedings.

* * * * *

§ 201.14 Evidence.

* * * * *

(d) *Official notice.* In any proceeding official notice may be taken of any material fact which might be judicially noticed by a district court of the United States, any matter in the public official records of the Commission, or any matter which is peculiarly within the knowledge of the Commission as an expert body. If official notice is requested or taken of a material fact not appearing in the evidence in the record, the parties, upon timely request, shall be afforded an opportunity to establish the contrary.

* * * * *

§ 201.16 Proposed findings and conclusions; initial decision.

(a) [Rescinded]

(b) *When initial decision required.* The hearing officer shall make an initial decision in any proceeding in which a hearing is required to be conducted in conformity with section 7 of the Administrative Procedure Act, unless an initial decision is waived by all parties and the Commission does not subsequently order that an initial decision nevertheless be made by the hearing officer, and in any other proceeding in which the Commission directs him to make such a decision.

(c) [Rescinded]

* * * * *

(e) *Time for filing proposed findings and briefs prescribed by hearing officer.* At the end of every hearing, the hearing officer shall, after consultation with the parties, prescribe the period within which such proposed finding and conclusions and supporting briefs are to be filed and shall direct such filing to be either simultaneous or successive: *Provided, however,* That the period within which the first filing is to be made normally should be no more than 30 days, and shall not exceed 60 days, after the close of the hearing. If successive filings are directed the proposed findings and conclusions of the moving party shall be set forth in serially numbered paragraphs and any counter statement of proposed findings and conclusions must, in addition to any other matter, indicate as to which paragraphs of the moving party's proposals there is no dispute. Reply briefs may be filed by the moving party or, where simultaneous filings are directed, reply briefs may be filed by all parties, within the period prescribed therefor by the hearing officer. The hearing officer may extend any time for filing hereunder on a showing of good cause therefor, but in no event shall such time extension exceed 30 days.

(f) *Service of record; preparation and filing of initial decision.* In proceedings in which an initial decision by a hearing officer is to be made, the record in the proceeding shall, promptly after the time for the last filing of briefs in reply to proposed findings, be served by the Records Officer upon the hearing officer. The hearing officer shall file his initial decision with the Secretary within 30 days after such service and it shall promptly be served upon the parties.

(g) *Oral argument.* At his discretion the hearing officer may hear oral argument by the parties any time before he files his initial decision with the Secretary.

§ 201.17 Review by the Commission of initial decisions by hearing officers.

(a) *Petition for review; when available.* In any proceeding in which an initial decision is made by a hearing officer, any party to the proceeding, and any person who would have been entitled to judicial review of the final order entered in the proceeding if the Commission itself had made the initial decision, may file a petition for Commission review of the initial decision.

(b) *Petition for review; procedure.* Any person who seeks Commission review of an initial decision by a hearing officer shall, within 15 days after service of such initial decision on him or, if the person seeking review is not served, within 15 days after notice of the filing of the initial decision is published in the Securities and Exchange Commission News Digest, serve and file a petition for Commission review containing exceptions thereto indicating specifically the findings and conclusions as to which exceptions are taken together with supporting reasons for such exceptions. These reasons may be stated in summary form. Any objections to an initial decision not saved by written exception filed pursuant to this rule will be deemed to have been abandoned and may be disregarded.

(c) *Review by the Commission on its own initiative.* The Commission may on

its own initiative order review of any initial decision by a hearing officer within 30 days after the initial decision has been served on all parties. When parties who do not intend to file a petition for review desire this determination to be made in a shorter time, they may so advise the Commission in writing; stating that they waive their right to file a petition for review. Notice of any order of the Commission directing review on its own initiative shall be served on all parties by the Secretary.

(d) *Review by the Commission pursuant to petition for review.* After a petition for review has been filed the Commission may decline to review the initial decision except that it will order review where

(1) The initial decision:

(i) Suspends, denies or revokes a broker-dealer registration pursuant to section 15(b) of the Securities Exchange Act of 1934; or

(ii) Suspends, denies or withdraws any registration or suspends or expels a member of a national securities exchange pursuant to section 19(a) of the Securities Exchange Act of 1934; or

(iii) Suspends trading on an exchange pursuant to section 19(a) of the Securities Exchange Act of 1934; or

(2) The petition for review makes reasonable showing that

(i) A prejudicial procedural error was committed in the conduct of the proceeding; or

(ii) The initial decision embodies

(*a*) A finding or conclusion of material fact which is clearly erroneous; or

(*b*) A legal conclusion which is erroneous; or

(*c*) An exercise of discretion or decision of law or policy which is important and which the Commission should review.

After ordering review the Commission may summarily affirm the initial decision except where the petition for review presents a matter within subparagraph (2) of this paragraph.

(e) *Time for filing briefs.* (1) Unless the Commission has summarily affirmed the initial decision, the petitioner and any other person entitled to Commission review may serve and file briefs in support of the petition within 30 days after the Commission has ordered review pursuant to a petition for review (or within such other time as the order may provide). Other persons entitled to Commission review in the proceeding may serve and file reply briefs within 30 days of service of a brief in support of the petition. (2) When the Commission orders review on its own initiative pursuant to paragraph (c) of this section, within 30 days after the Commission has ordered review (or within such other time as the order may provide), any person entitled to Commission review may serve and file cross briefs in support of their positions and reply briefs within 30 days of service of the original briefs.

(f) *Order pursuant to initial decision.* Except where a petition for review of an initial decision has been timely filed or the Commission on its own initiative has ordered that the initial decision be reviewed, an order pursuant to an initial decision shall be entered by the Commission upon the expiration of 30 days after such decision has been served on all the parties or at such earlier date as the Commission may have determined not to review the decision on its own initiative. The Commission may at any time enter an order pursuant to an initial decision as to any person who has not filed a timely petition for review thereof.

(g) *Scope of review.* (1) Review by the Commission of an initial decision by a hearing officer shall be limited to the matters specified in the order for review. On notice to all parties, however, the Commission on review may raise and determine any other matters which it deems material, with opportunity for oral or written argument thereon by the parties. (2) On review the Commission may affirm, reverse, modify, set aside or remand for further proceedings, in whole or in part, the initial decision by the hearing officer and make any findings or conclusions which in its judgment are proper on the record.

(h) *Petition for review a prerequisite to judicial review.* Pursuant to the provisions of section 10(c) of the Administrative Procedure Act, a petition to the Commission for review of an initial decision in any proceeding is a prerequisite to the seeking of judicial review of a final order entered pursuant to the initial decision.

* * * * *

§ 201.19 Special provisions relating to proceedings for suspension of broker-dealer registrations pending final determination.

In any proceeding pursuant to section 15(b) of the Securities Exchange Act of 1934 on the question of suspension of registration of a broker or dealer pending final determination whether such registration shall be revoked, the following time limits shall be applicable, unless otherwise ordered by the Commission, in lieu of the time limits prescribed by other provisions of this part:

* * * * *

(b) *Service of record; filing of decision.* In proceedings in which an initial decision by a hearing officer is to be prepared, the record in the proceedings shall, promptly after the time for filing proposed findings and conclusions and briefs in support thereof, be served by the Records Officer upon the hearing officer. The initial decision shall be filed with the Secretary within 5 days after such service.

(c) *Petition for review.* Any petition for review must be filed within 3 days after receipt of the initial decision.

(d) *Briefs.* Briefs in support of a petition for review, or in support of or in opposition to any portion of an initial decision, may be served and filed within 5 days after receipt of notice that the Commission has ordered review of the initial decision. Reply briefs may be served and filed within 5 days of receipt of an original brief.

(e) *No review by the Commission on its own initiative.* The provisions of § 201.17(c) shall not be applicable to the proceedings to which this rule applies.

§ 201.20 Contents and certification of record.

(a) *Contents of record.* (1) The record in every proceeding before the Commission for final decision shall include:

* * * * *

(xiii) Any initial decision and any petition for review.

* * * * *

(4) Promptly after the close of the hearing, the hearing officer shall transmit to the Records Officer of the Commission or his designated deputy a list of documents or portions thereon constituting part of the public official records of the Commission which during the course of the hearing have been admitted as exhibits pursuant to subparagraph (1)(x) of this paragraph, or excluded pursuant to subparagraph (1)(iv) of this paragraph, and a copy of any written communication accepted pursuant to § 201.9(f), application, motion, objection, ruling or stipulation made in writing during the proceeding which has not theretofore been filed with the Secretary or other duly designated officer of the Commission or included in the transcript. Promptly after the last date for filing briefs where the Commission has ordered review of the initial decision, or at such earlier time as the Commission may direct after receipt of a petition for review, and prior to any oral arguments before the Commission, the Records Officer of the Commission or his duly designated deputy shall certify the entire record to the Commission, provided that documents or portions thereof constituting part of the official records of the Commission may be incorporated by reference and need not be physically transferred to the record.

* * * * *

§ 201.21 Hearing before the Commission.

(a) *Oral argument.* Except as to motions and applications dealt with in § 201.12 and determinations whether to order review of an initial decision by a hearing officer, upon written request of any party a matter to be decided by the Commission will be set down for oral argument before the Commission unless exceptional circumstances make oral argument impractical or inadvisable. Such request must be made within the time provided for filing the original briefs.

* * * * *

§ 201.23 Service of pleadings, etc., other than moving papers.

(a) *Service of documents filed with Commission.* All amendments to moving papers, all answers, all motions or applications made in the course of a proceeding (unless made orally during a hearing), all proposed findings and conclusions, all petitions for review of any initial decision, and all briefs shall be filed with the Commission and shall, at the time of personal delivery or dispatch to the Commission, be served by the filing person upon all parties to the proceeding (including the interested division of the Commission), provided that such papers relating to proceedings concerning confidential treatment pursuant to pro-

visions of Clause 30 of Schedule A of the Securities Act of 1933, section 24(b) of the Securities Exchange Act of 1934, section 22(b) of the Public Utility Holding Company Act of 1935, section 45(a) of the Investment Company Act of 1940, or section 210(a) of the Investment Advisers Act of 1940, and the rules and regulations promulgated under such sections, shall be served only by filing the appropriate number of copies thereof upon the Commission.

* * * * *

(d) *Service of decisions and orders.* Copies of all rulings by the Commission on any written application and decisions and orders of the Commission (including those pursuant to delegated authority) shall be served by the Secretary or other duly designated officer of the Commission on the applicant and, if made in connection with a pending proceeding, on all parties thereto.

* * * * *

§ 201.25 Availability of information to public.

(a) *Information in documents filed with Commission generally public.* Unless otherwise provided by statute or rule or otherwise directed by the Commission, all information contained in any notification, statement, application, declaration, initial decision, or other document filed with the Commission pursuant to requirement of a statute or a rule or order of this Commission shall be available to the public.

* * * * *

(c) *Publication of final opinions, orders and rules.* All final opinions and orders entered in the adjudication of cases, and all rules of the Commission shall be released for general publication, except where confidential treatment has for good cause been directed by the Commission. Copies of such published material shall be available for public inspection at the office of the Commission or may be obtained by mail on request. Bound volumes of past Decisions and Reports are obtainable from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., at a prescribed charge.

* * * * *

§ 201.26 Confidential treatment of certain matters.

* * * * *

(b) *Procedure in confidential treatment cases.* All papers containing data as to which confidential treatment is sought, together with any application making objection to the disclosure thereof, or other papers relating in any way to such application, shall be made available to the public only in accordance with orders of the Commission and/or the applicable provisions of §§ 230.485, 240.24b–2, 250.104 of this chapter (Rule 485 issued under the Securities Act of 1933, Rule 24b–2 issued under the Securities Exchange Act of 1934, Rule 104 issued under the Public Utility Holding Company Act of 1935), section 45 of the Investment Company Act of 1940 and § 270.45a–1 of this chapter (Rule 45a–1 issued under that Act), or section 210(a) of the Investment Advisers Act of 1940.

Proposed findings and conclusions and briefs in support of such proposed findings and conclusions, an initial decision, any petition for Commission review thereof, and any briefs pursuant to Commission order for review which are filed in connection with any proceeding concerning confidential treatment shall, unless otherwise ordered by the Commission, be for the confidential use only of the hearing officer, the Commission, the parties and counsel. The initial page of copies of such an initial decision will contain a statement that such decision is nonpublic. The order of the Commission sustaining or denying the application for confidential treatment shall be made available to the public. Any findings or opinion issued by a hearing officer or by the Commission in any proceeding relating to confidential treatment shall be made public at such time as the material filed confidentially is made available to the public.

* * * * *

While notice and public procedures of the character specified in section 4(a) of the Administrative Procedure Act appear to be unnecessary for these rules, the Commission is nevertheless giving notice of their proposed adoption and invites public comment thereon. All interested persons are invited to file comments with respect to the proposed rules. All such comments, which will be available for public inspection, should be submitted to the Securities and Exchange Commission, Washington, D.C., 20549, on or before June 1, 1964.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MAY 1, 1964.

[F.R. Doc. 64–4789; Filed, May 13, 1964; 8:46 a.m.]

[17 CFR Part 270]

[Release 40–3969]

DISCLOSURES REQUIRED IN PROXY STATEMENTS OF REGISTERED INVESTMENT COMPANIES

Extension of Time for Comments on Proposed Rulemaking Proceedings

The Securities and Exchange Commission has extended from May 4, to June 1, 1964, the period within which views and comments may be filed upon its proposal to amend § 270.20a–2 (Rule 20a–2 under the Investment Company Act of 1940). That proposal, announced on March 18, 1964 (Release IC–3931) and in the FEDERAL REGISTER of March 26, 1964 (29 F.R. 3777), relates to certain financial and other information to be disclosed in proxy statements of registered investment companies. The extension was requested by several organizations and individuals, including the Investment Company Institute and the National Association of Securities Dealers, Inc.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

APRIL 30, 1964.

[F.R. Doc. 64–4790; Filed, May 13, 1964; 8:46 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

May Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during May 1964 were announced today by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, dry beans, cotton (upland and extra long staple), cottonseed oil, wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, and flax.

Dry beans and cottonseed oil are being added to the list for May. Barley is being deleted from the list of commodities eligible for barter.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Interest rates per annum under the CCC Export Credit Sales Program for May 1964 are 4 percent for periods up to and including 12 months, and 4½ percent for periods from over 12 months up to a maximum of 36 months. All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are available for export sale under the CCC Export Credit Sales Program.

The following commodities are available for programing under Title IV, Public Law 480, private trade agreements: wheat, corn, rye, rice, grain sorghum, upland and extra long staple cotton, tobacco from CCC loan stocks, butter, cheese, and nonfat dry milk. In addition, other surplus agricultural commodities are also eligible for Title IV programing. A list of all commodities available under this program, and current information on interest rates and other phases of the program are being sent separately to recipients of the CCC Monthly Sales List.

The following commodities are currently available for barter: Nonfat dry milk, butter, cheddar cheese, cotton, tobacco, wheat, corn, and grain sorghum. (In addition, free market stocks of cottonseed and soybean oils are eligible for barter programming.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C., 20250, with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When a satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled area of the Far East including Communist China, North Korea and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR §§ 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commod-

ities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, 15 CFR § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in-store at storage location of products. Submission of offers: Submit offers to the Minneapolis ASCS Commodity Office.
Butter	Domestic, unrestricted use: Announced prices, under LD-29, as amended: 62.0 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 61.25 cents per pound—Washington, Oregon, and California. All other States 61.0 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD-35: Any butter offered but not sold under the invitation to bid issued pursuant to LD-33 will be offered for sale through the following Wednesday at prices announced by press release in Washington each Thursday.
Cheddar cheese	Domestic, unrestricted use: Announced prices under LD-29, as amended: 40.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 39.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD-35: Any cheese offered but not sold under the invitation to bid issued pursuant to LD-33 will be offered for sale through the following Wednesday at prices announced by press release in Washington each Thursday.
Nonfat dry milk	Domestic, unrestricted use: Announced prices, under LD-29, as amended: Spray process, U.S. Extra Grade, 16.40 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices, under LD-35: Any nonfat dry milk offered but not sold under the invitation to bid issued pursuant to LD-33 will be offered for sale through the following Monday at prices announced by press releases in Washington each Tuesday.
Cotton, upland	Domestic, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16, as amended (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price support programs will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC. Export, CCC sales for export: Competitive bid under the terms and conditions of Announcements CN-EX-18 Cotton Export Program—Sales (1963-64 Marketing Year), as amended, and NO-C-22 Sale of Upland Cotton (Cotton Export Program—1963-64 Marketing Year), as amended, and NO-C-24 Sale of Irregular Upland Cotton for Export. Also CCC will, under the terms and conditions of Announcement NO-C-25, sell its interest in 1963-crop upland loan cotton for export under Announcement CN-EX-18. Export, CCC Barter and Credit Sales: Competitive bid under the terms and conditions of Announcements CN-EX-21 (Acquisition of Upland Cotton for Export Under Barter and Credit Sales Programs), as amended, and NO-C-22 (Sale of Upland Cotton (Cotton Export Program 1963-64 Marketing Year)), as amended. Also CCC will, under the terms and conditions of Announcement NO-C-25, as amended, sell its interest in 1963-crop upland loan cotton for export under the CCC export credit sales provisions of Announcement CN-EX-21.
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcements NO-C-6 (Revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements domestic grown extra long staple cotton will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC. Export, CCC Sales for Export: Competitive bid under the terms and conditions of Announcements CN-EX-20 (Foreign-Grown Extra Long Staple Cotton Export Program) and NO-C-23 (Sale of Foreign-Grown Extra Long Staple Cotton). Available: Sales of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from that office.
Cottonseed oil, crude and refined, BPSY (bulk).	Domestic, unrestricted use: Cottonseed oil will be sold under terms and conditions of Announcement NO-CS-4, as amended, at the higher of 105 percent of the average investment cost to CCC, calculated monthly or the market price as determined by CCC. Available: For locations and prices contact New Orleans ASCS Commodity Office.
Grain sorghum, bulk	Domestic and export, unrestricted use: A. Redemption of domestic payment-in-kind certificates:[1] Such CCC dispositions of grain sorghum, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemption. Such formula price shall be the applicable 1963 price support loan rate for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved. B. General sales:[1] 1. Storable: Such CCC dispositions of storable grain sorghum, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1963 price support rate[3] (published price support loan rate plus 29 cents per hundredweight) for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown in C below. CCC will normally make general sales of grain sorghum when dispositions of such grain sorghum are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable grain sorghum as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and Agricultural Act of 1949 formula price examples (per hundredweight).

Markup in cents received by		Examples of in-store [2] formula minimum prices for No. 2 or better grain sorghum (ex-rail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
Cents 29	*Cents* 18	Kansas City, Mo	$2.65

D. Availability information: For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland or Minneapolis ASCS grain office listed at end of table.

See footnotes at end of table.

Commodity	Sales price or method of sale
Grain sorghum, bulk—Continued	Export announcement sales: (1) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. CCC stocks of grain sorghum held in California export terminals are the only stocks stored in California available for sale under these export announcements, except that such sorghum shall not be eligible for application to Title I, P.L. 480 purchase authorizations or for barter. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under the announcements. The statutory minimum price referred to in the price adjustment provision of these export sales announcements of 105 percent of the applicable price support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices. Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.
Barley, bulk	Domestic and export, unrestricted use:[1] Storable: Market price but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1963 price support rate[2] (published price support loan rate plus 14 cents per bu.) for the class, grade, and quality of the barley plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown below. Nonstorable: At not less than market price as determined by CCC. Markups and Agricultural Act of 1949 formula price examples (per bushel)

Markup in cents received by		Examples of in-store[2] formula minimum prices for No. 2 or better barley (ex-rail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
Cents 14	*Cents* 9	Minneapolis, Minn.	$1.30
		Kansas City, Mo.	1.32

Availability information: For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office listed at end of table.

Export announcement sales:
(1) Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for the sales under these announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustment referred to in table above. Sale is made at the applicable export market price as determined by CCC; export payment-in-kind rates are deducted from credit sales prices.
Available: Evanston and Kansas City ASCS offices. Stocks at West Coast seaboard terminals and stocks at Duluth or Minneapolis will be available through the Portland and Minneapolis ASCS grain offices, respectively.

See footnotes at end of table.

Commodity	Sales price or method of sale
Corn, bulk	Domestic and export—unrestricted use: A. Redemption of domestic payment-in-kind certificates:[1] Such CCC dispositions of corn, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which corn shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1963 price support loan rate for the class, grade and quality of the corn, plus the amount shown in C below applicable for the storage point involved. B. General sales:[1] 1. Storable: Such CCC dispositions of storable corn, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1963 price support rate[3] (published price support loan rate plus 18 cents per bushel) for the class, grade, and quality of the corn, plus the amount shown in C below, applicable to the storage point involved. Examples of these formula minimum prices are shown in C below. For corn in store at other than the point of production the freight from point of production to the present point of storage will also be added. CCC will normally make general sales of corn when dispositions of such corn are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable corn as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and Agricultural Act of 1949 formula price examples (per bushel).

Markup in cents in-store at		Example of in-store[2] formula minimum prices for No. 2 yellow corn (14 percent Mt. and 2 percent F.M.) (ex-rail or barge in dollars)	
Production point	Other points	Terminal	General sales price
Cents 7	*Cents* 8½	Minneapolis, Minn.[6]	$1.41¾
		Chicago, Ill.[5]	1.60½

D. Availability information: For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis or Portland ASCS grain office listed at end of table.

Export announcement sales:
(1) Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under the above announcements. CCC stocks of corn at West Coast seaboard terminals are available for sale under these export announcements, except such corn shall not be eligible for Title I, P.L. 480 purchase authorization or for barter. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

Commodity	Sales price or method of sale

Rye, bulk

Domestic and export,[1] unrestricted use:

Storable: Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1963 price support rate[3] for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

Per bushel markup received by		Examples of per bushel formula minimum price (ex-rail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 15	*Cents* 9	Minneapolis, Minn	No. 2 or better (or No. 3 on TW only).	$1.45

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Nonstorable (as available): At not less than market price as determined by CCC through the ASCS grain offices listed at end of table.

Export:

(1) Under Announcement GR-368 (Revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for approved CCC credit and other designated sales. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit sales prices.

Available: Evanston, Kansas City, and Portland ASCS offices; also Minneapolis ASCS grain office for rye stored in terminals in Minneapolis.

Oats, bulk

Domestic and export:[1]

Storable: Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1963 price support rate[3] for the class, grade, and quality of the oats plus the amount shown below applicable to the storage point involved. For oats in-store at other than the point of production, the freight from point of production to the present point of storage will also be added.

Per bushel markup in-store at		Examples of per bushel formula minimum prices basis in-store		
Production point	Other points	Terminal	Grade and class	Price
Cents 9	*Cents* 10½	Chicago,[5] Ill	No. 2 (or better)	$0.92
		Minneapolis,[6] Minn		.82¾

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Nonstorable (as available): At not less than the market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS grain offices listed at end of table.

Export announcement sales:

(1) Under Announcement GR-368 (Rev. Aug. 31, 1959) as amended for feed grain export payment-in-kind programs. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to approved CCC credit and other designated sales. Oats will not be sold for application to Title I, or Title IV, P.L. 480 purchase authorizations or for barter. Sale is at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit sales prices.

Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

See footnotes at end of table.

Commodity	Sales price or method of sale

Wheat, bulk

Domestic and export, unrestricted use:

A. Redemption of Domestic Payment-in-kind Certificates:[1] Such CCC dispositions of wheat, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under the 1963 wheat price-support program. The minimum price at which wheat shall be valued for such dispositions shall be the highest of (a) market price as determined by CCC, (b) a minimum price for such wheat determined by CCC, or, (c) the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1963 price support loan rate[3] for the class, grade, and quality[4] of the wheat plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to such formula price.

B. General sales:[1]

1. Storable: Such CCC dispositions of storable wheat, as CCC may designate will be general sales. Such sales shall be made at the same minimum price as redemptions of payments-of-kind certificates described in A above. CCC will normally make general sales of wheat when dispositions of such wheat are not being made against domestic payment-in-kind certificates.
2. Nonstorable: Such dispositions of nonstorable wheat as CCC may designate as general sales will be made at not less than market price, as determined by CCC.

C. Markups and formula minimum price examples.

Per bushel markup received by		Examples of per bushel formula minimum prices basis in-store[2] ex-rail or barge		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 15	*Cents* 9	Chicago	No. 1 RW	$2.30
		Minneapolis	No. 1 DNS	2.36
		Kansas City	No. 1 HW	2.27
		Portland	No. 1 SW	2.19

D. Availability information: For information on CCC wheat sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of wheat from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office listed at end of table.

Export announcement sales:

(1) Under Announcement GR-345 (Revised July 13, 1962) as amended, for export under the wheat export payment-in-kind program, except that durum wheat will not be eligible for P.L. 480, Title I sales, (2) under Announcement GR-212 (Rev. 2, Jan. 9, 1961), for specified offerings as announced and (3) under Announcement GR-261 (Rev. 2, Jan. 9, 1961, as amended) for export as wheat and under Announcement GR-262 (Rev. 2, Jan. 9, 1961) for export as flour for application under arrangements for barter and approved CCC credit sales only at prices determined daily. Sales under the above announcements are made at the applicable export market price as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices.

Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices. (At Portland ASCS office, Hard Red Winter wheat with 12.0 percent or less protein will be available for barter or Title I, P.L. 480 transactions for export to Korea, Okinawa, and Formosa only.)

Commodity	Sales price or method of sale
Dry Edible Beans (bagged)	Domestic: Domestic market price but not less than the following minimum price per cwt. for U.S. No. 1 f.o.b. indicated points of production. Amount of paid-in-freight to be added as applicable. For other grades and locations adjusted by applicable 1963 price support differentials.

Class	Price per cwt.	Area of production
Dark Red Kidney	$9.32	Michigan.
Pea	7.63	Michigan.

Export: Under announcement GR-409 at the following price per cwt. on the basis of U.S. No. 1 f.o.b. indicated points of production. Amount of paid-in-freight to be added as applicable. For other grades, adjust by market differentials. In other areas, adjust by the 1963 price support differential.

Class	Price per cwt.	Area of production
Dark Red Kidney	$8.64	Michigan.
Pea	7.03	Michigan.

Flaxseed, bulk — As available from the Evanston, Kansas City and Portland ASCS offices.
Domestic, unrestricted use:
Storable: Market price basis in store,[1] but not less than the applicable 1963 support price for the class, grade, and quality of the grain plus 14½ cents per bushel, and plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

Unit	Received by		Examples of minimum prices (ex-rail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
Bushel	*Cents* 17	*Cents* 9	Minneapolis	No. 1	$3.36½

Nonstorable (as available): At not less than market price as determined by CCC through the Minneapolis Grain Merchandising ASCS office.
Available: Through the Minneapolis Grain Merchandising ASCS office.
Export, restricted use: Competitive bid basis under Announcement Nos. EV-20 issued by the Evanston office under which flaxseed equal in grade and quantity to the flaxseed sold, or linseed oil equivalent computed on the basis of 19 pounds per bushel of flaxseed sold must be exported within 120 days after the date of sale.

Rice, rough — Domestic, unrestricted use: Market price but not less than 1963 loan rate plus 5 percent, plus 41 cents per hundredweight, basis in store.
Export: As milled or brown under Announcement GR-369, Revision II, Rice Export Program—Payment-in-Kind, and under GR-379, Revision I, for approved credit sales. Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

Peanuts, shelled or unshelled (farmers' stock as available) — Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (Revised Jan. 4, 1962), as amended and supplemented March 3, 1964.

[1] Such dispositions shall be for domestic unrestricted use or for export.
[2] The delivery basis for these examples is "in-store", and market prices will be on the same basis. The formula price delivery basis for bin site sales will be f.o.b.
[3] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight.
[4] On sales made on a protein basis, the loan rate shall be increased by the applicable market or loan bulletin protein premium for the protein content of the wheat, whichever is higher. On sales made on a sedimentation basis, the loan rate shall be increased by the applicable loan bulletin sedimentation premium for the sedimentation value of the wheat. On sales made on a combined sedimentation and protein basis, the loan rate shall be adjusted by the applicable loan bulletin sedimentation and protein premiums and discounts for the respective sedimentation value and protein contents of the wheat.
[5] Woodford County, Ill., origin.
[6] Redwood County, Minn., origin.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Evanston ASCS Commodity Office, 2201 Howard Street, Evanston, Ill., 60202. Telephone: Long distance—University 9-0600 (Evanston Exchange). Local—Rogers Park 1-5000 (Chicago, Ill.).
Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, and West Virginia.
Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn., 55415. Telephone: 334-2051.
Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Kansas City ASCS Commodity Office, 8930 Ward Parkway (P.O. Box 205), Kansas City, Mo., 64141. Telephone: Emerson 1-0860.
Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.
Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg., 97205. Telephone: Capitol 6-3361.
Alaska, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington (Domestic and Export Sales), Arizona and California (Export Sales only).
Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif., 94704. Telephone: Thornwall 1-5121.
Arizona and California (Domestic sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue, South Minneapolis, Minn., 55410. Telephone: 334-3200.

COTTON OFFICES—(ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112. Telephone: 529-2411.
Cotton Products and Export Operations Office, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2-8000.
Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2-8000.
Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Balboa Building, 593 Market Street, San Francisco 5, Calif. Telephone: Sutter 1-3179.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105(c), 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614–617; 7 U.S.C. 1427; and 1441 (note))

Signed at Washington, D.C., on May 8, 1964.

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

[F.R. Doc. 64-4796; Filed, May 13, 1964; 8:46 a.m.]

Office of the Secretary

ALABAMA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Blount County, Alabama, a natural 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, emergency loans will not be made in the above-named county after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 8th day of May 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-4797; Filed, May 13, 1964; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Notice of Application for Construction Permit and Facility License

Please take notice that Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse 2, New York, pursuant to section 104b of the Atomic Energy Act of 1954, as amended, has filed an ap-

plication, dated April 1, 1964, for a construction permit and facility license to authorize construction and operation of a boiling water nuclear reactor having a gross electrical capacity of 620 megawatts derived from 1583 thermal megawatts. The reactor is to be located at the applicant's proposed site consisting of approximately 1,500 acres located on Lake Ontario in the town of Scriba, New York.

A copy of the application is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 6th day of May 1964.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 64-4792; Filed, May 13, 1964; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 86]

AREA DIRECTORS

Redelegation of Authority With Respect to Execution of Oil and Gas Leases on Executive Order Reservations

APRIL 30, 1964.

Section 16(f) of Order 551 (an order by which the Commissioner of Indian Affairs redelegates authority to Bureau Area Directors) as amended (23 F.R. 4386), is further amended to read as follows:

SEC. 16. *Mineral leases and permits.*

* * *

(f) The execution of mining leases on behalf of the United States, in accordance with the provisions of 25 CFR Part 171, where the title to the mineral estate has been acquired by the United States by purchase with funds appropriated under grants of authority referred to in section 7 of the act of June 26, 1936 (49 Stat. 1967). The execution of oil and gas leases on lands withdrawn by Executive Order for Indian purposes or for the use or occupancy of any Indians or tribe, pursuant to section 1 of the act of March 3, 1927 (44 Stat. 1347, 25 U.S.C. 398a).

JOHN O. CROW,
Deputy Commissioner.

[F.R. Doc. 64-4804; Filed, May 13, 1964; 8:47 a.m.]

Bureau of Land Management

NEVADA

Notice of Delegation of Purchasing Authority

MAY 7, 1964.

1. Pursuant to authority contained in Order No. 698, as amended, of the Director, Bureau of Land Management, I hereby redelegate to the following classes of employees authority to enter into contracts for construction, supplies (including the rental of equipment), and services and to make open market purchases within the limitations here indicated:

Chief, Division of Administration and District Managers	$2,000
NSO Administrative Assistant	1,500
Procurement Clerk	1,000
District Administrative Assistants	1,000
except capitalized equipment	500

2. This authority shall be exercised in accordance with applicable limitations set forth in the Federal Property and Administration Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration.

J. R. PENNY,
State Director, Nevada.

[F.R. Doc. 64-4793; Filed, May 13, 1964; 8:46 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands; Amendment

MAY 6, 1964.

In F.R. Doc. 64-3315 of the issue for April 4, 1964, the following change should be made.

On page 4815 the description should be preceded by: "*Kotzebue, Alaska.*"

DANIEL A. JONES,
Manager.

[F.R. Doc. 64-4805; Filed, May 13, 1964; 8:47 a.m.]

[Small Tract Classification 128]

ALASKA

Small Tract Classification

MAY 7, 1964.

1. Pursuant to the authority redelegated to me from Bureau Order No. 684, dated August 28, 1961 (26 F.R. 6215) as amended, by the Alaska State Director in section 1, Delegation of Authority, dated February 27, 1964 (29 F.R. 3015), I hereby classify the following described public lands totaling approximately 120 acres, as suitable for recreation purposes under the Small Tract Act of June 1, 1938, as amended:

BYERS LAKE—CHULITNA RIVER AREA

An unsurveyed parcel of land situated in unsurveyed sections 20 and 21, T. 31 N., R. W., S.M., and completely encompassing two small unnamed lakes lying two miles northeast of Byers Lake. This parcel is more particularly described as follows:

Beginning at a point, corner No. 1, which is the westernmost at the south end and situated at approximate latitude 62°45'40.4" N., and longitude 150°03'15" W.

From corner No. 1 by metes and bounds, approx. N. 60° E., 35 chains to corner No. 2, approx. N. 20° E., 18 chains to corner No. 3, approx. S. 70° E., 20 chains to corner No. 4, approx. S. 20° W., 26 chains to corner No. 5, approx. S. 60° W., 41 chains to corner No. 6, approx. N. 30° W., 20 chains to corner No. 1, to the point of beginning.

Containing approximately 120 acres.

The intent of foregoing description is to embrace all the lands fronting on the said lakes.

2. The lands involved are located around two small attractive lakes, located in the highly scenic Chulitna River Valley some 110 miles north of Anchorage. The area is undeveloped. The valley affords excellent views of Mt. McKinley and its associated glacier systems as well as excellent fishing and hunting. Access is, at present, limited to small float aircraft, but the Anchorage-Fairbanks highway, which presently exists as a cleared right-of-way, will pass within a mile of the lands.

3. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

4. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid, except as to the five tracts listed below.

5. The following applicants, having filed prior applications, are accorded a preference right to purchase the specified tract at direct sale for the appraised value as provided for by 43 CFR 2233.0-6(b).

Land, Name, and Serial Number	
Tract 1—Calvin M. Osborne	A-057917
Tract 2—Michael G. Patterson	A-057933
Tract 3—Thelma L. Sinnett	A-057939
Tract 4—Linda L. Osborne	A-057965
Tract 5—Ruby M. Sinnett	A-057993

Any of the above tracts for which the preference right is not exercised within 60 days after being offered, will be closed to further applications until otherwise provided.

6. The issuance of patents to the above applicants will, in addition to the submission of the purchase price, be contingent on the execution of an approved plat of survey which will be executed as near as possible to the offered tract but may vary from it to a minor degree.

7. Each of the tracts offered is subject to fifty-foot easements along the northeasterly boundary. A second fifty-foot easement is also established at right angles to it on the boundary back from the lakes, northwesterly or southwesterly, whichever applies. In addition, a right-of-way easement for foot travel fifteen feet in width is established along the lakeshore of each of the offered tracts.

JAMES W. SCOTT,
District Manager.

[F.R. Doc. 64-4806; Filed, May 13, 1964; 8:47 a.m.]

[Small Tract Classification 129]

ALASKA

Small Tract Classification

MAY 7, 1964.

1. Pursuant to the authority redelegated to me by Bureau Order 684 of August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in section 1, Delegation of Authority (29 F.R. 3015), dated February 27, 1964, I

hereby classify the following described lands totaling 28.62 acres on Kodiak Island as suitable for lease and for sale under the Small Tract Act of June 1, 1938 (52 Stat. U.S.C. 682a) as amended:

U.S. Survey 3098, lots 10, 23, 24, 25, and 30;
U.S. Survey 3099, lot 30;
U.S. Survey 3100, lots 13 and 21;
U.S. Survey 3101, lots 25 and 26.

2. Classification of the above described lands segregates them from all appropriations except to applications under the mineral leasing laws and to selections by the State of Alaska. Such selections must be in accordance with and subject to limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b) and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

3. The lands described in paragraph 1 were restored from withdrawal by Public Land Order 917 of October 6, 1953. They have been retained in a reserve status pending issuance of an order opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a).

JAMES W. SCOTT,
District Manager.

[F.R. Doc. 64-4807; Filed, May 13, 1964; 8:47 a.m.]

ALASKA

Small Tract Public Sale Offer Cancellation

MAY 7, 1964.

1. Pursuant to the authority redelegated to me by Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in section 1, Delegation of Authority (29 F.R. 3015), dated February 27, 1964, it is ordered that Small Tract Sale Offer No. 16-ALD of June 18, 1962 is hereby cancelled.

2. This order will take effect immediately.

JAMES W. SCOTT,
District Manager.

[F.R. Doc. 64-4808; Filed, May 13, 1964; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14945; Order E-20799]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeoronautics Board at its office in Washington, D.C., on the 8th day of May 1964.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, names additional rates and cancels the rate as set forth in the attachment hereto.[1]

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17633, R-8 and R-9, be, and hereby is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-4823; Filed, May 13, 1964; 8:48 a.m.]

[Docket 13752]

UNITED'S SERVICE TO PROVIDENCE, R.I.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 3, 1964, at 10 a.m., e.d.t., in the Conference Room, New Terminal Building, T. F. Green Airport, Warwick, Rhode Island, before Examiner Henry F. Martin, Jr.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report served on February 10, 1964, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 11, 1964.

[SEAL] HENRY F. MARTIN, Jr.,
Hearing Examiner.

[F.R. Doc. 64-4824; Filed, May 13, 1964; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

UNITED STATES LINES CO.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that United States Lines Company, acting pursuant to Public Law 87-45, has applied to the Maritime Administration for approval of the following listed cruises:

Ship	Commences	Terminates	Itinerary
SS United States	Nov. 25, 1964	Nov. 30, 1964	New York, Bermuda, New York.
SS United States	Dec. 18, 1964	Dec. 27, 1964	New York, Curacao, Martinique, St. Thomas, New York.

Any person, firm or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing who desires to offer data, views or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C., 20235, by close of business on May 29, 1964.

In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: May 11, 1964.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64-4827; Filed, May 13, 1964; 8:48 a.m.]

[1] Filed as part of the original document.

Office of the Secretary

GEORGE E. LAWRENCE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of April 30, 1964.

Dated: April 30, 1964.

GEORGE E. LAWRENCE.

[F.R. Doc. 64-4816; Filed, May 13, 1964; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[List 56; FCC 64-410]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

MAY 11, 1964.

Notice is hereby given, pursuant to § 1.571(c) of the Commission rules, that on June 15, 1964, the standard broadcast applications listed in the attached appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(c) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list on with any other application on file by the close of business on June 12, 1964, which involves a conflict necessitating a hearing with an application on this list, must comply with the interim criteria governing acceptance of standard broadcast applications set forth in the note to § 1.571 of the Commission rules and be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on June 12, 1964, or (b) the earlier effective cutoff date which a listed application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: May 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

Applications from the top of the processing line:

BP-16094 New, Brookneal, Va.
Lester L. Williams.
Req: 1230 kc, 250 w, U.

BP-16102 WBGC, Chipley, Fla.
Lee-San Corp.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-16120 WPAX, Thomasville, Ga.
Radio Thomasville, Inc.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-16122 New, Lincoln, Maine.
The Radio Voice of Lincoln.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-16124 KDRO, Sedalia, Mo.
Sedalia Broadcasting Corp.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w. 1kw-LS, U.

BP-16126 KNDC, Hettinger, N. Dak.
Hettinger Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w. 1 kw-LS, U.

BP-16134 KRWB, Roseau, Minn.
Marlin T. Obie & Henry G. Tweten.
Has: 1410 kc, 1 kw, Day.
Req: 1410 kc, 1 kw, DA-N, U.

BMP-11196 KVIO, Cottonwood, Ariz.
Peter Viotti.
Has CP: 1600 kc, 1 kw, DA, Day.
Req MP: 1600 kc, 1 kw, Day.

BP-16142 New, Buena Vista, Va.
Altavista Broadcasting Corp.
Req: 1600 kc, 500 w, 1 kw-LS, DA-N, U.

BP-16146 KAVE, Carlsbad, N. Mex.
Voice of the Caverns, Inc.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw-LS, U.

[F.R. Doc. 64-4820; Filed, May 13, 1964; 8:48 a.m.]

[Docket No. 15322; FCC 64-403]

SPARTAN RADIOCASTING CO.

Memorandum Opinion and Order Amending Issues

In re application of Spartan Radiocasting Company, Asheville, North Carolina, Docket No. 15322, File No. BPTTV-1996; for construction permit for new television broadcast translator station.

1. The Commission has before it for consideration (a) a Petition for Reconsideration and Grant without Hearing, filed by Spartan Radiocasting Company (hereinafter sometimes Spartan) on March 13, 1964; (b) a Motion to Enlarge and Change Issues, filed by Spartan on March 2, 1964; and (c) pleadings filed ancillary thereto.[1]

2. This proceeding involves the application of Spartan Radiocasting Company, licensee of Station WSPA-TV, Channel 7, Spartanburg, South Carolina, for a VHF television broadcast translator station to rebroadcast its Station WSPA-TV signal on output Channel 9 to serve Asheville, North Carolina. The applicant has been involved in hearings before the Commission for approximately the past ten years in connection with an application to change its transmitter site, antenna height and power. Spartan's construction permit, granted on November 25, 1953, specified a transmitter site at Hogback Mountain. Thereafter, Spartan made application for modification of this permit specifying a site at Paris Mountain. Spartan never operated WSPA-TV, Channel 7, from the Hogback Mountain site until October 26, 1963. Up until that point, it was operating under special temporary authority granted April 26, 1956, from the aforementioned Paris Mountain site.

3. By order (FCC 64-95), released February 12, 1964, the Commission designated Spartan's translator application for hearing on the following issues:

1. To determine whether a grant of the above-captioned application would retard the development of UHF television in and about Asheville, North Carolina.

2. To determine in view of the evidence adduced pursuant to the foregoing issue whether a grant of the above-captioned application would serve the public interest, convenience and necessity.

PETITION FOR RECONSIDERATION AND GRANT WITHOUT HEARING

4. By means of a timely-filed petition, Spartan seeks reconsideration of our action designating this matter for hearing, advancing the following reasons in support of its request: (1) The facts which the Commission relied upon in determining to designate this application for hearing were materially in error, as they reflected that Spartan did not serve Asheville when, in actuality, operating from its Hogback Mountain site, its service now covers some 75 percent of the population of Asheville; (2) the Commission presumed that since Asheville has had an operating UHF for an extended period of time, a significant number of people in the area must be able to receive UHF signals when, in fact, surveys of television repair shops as well as the American Research Bureau (ARB Television Market Survey indicate that no homes in Asheville were able to receive UHF as late as March 1960; additionally, Spartan alleges that the limited programming and amount of time that WISE-TV is on the air may have created this lack of interest; (3) no consideration has been given to the fact that significant numbers of persons in Asheville have lost, or suffered deterioration of, service as a result of the move of WSPA-TV from Paris Mountain to Hogback Mountain; (4) that there are presently pending before the Asheville City Council two applications for authorizations to construct CATV systems, and that a denial of this application may result in the public's having to pay for what WSPA-TV is here seeking to provide without charge; and (5) if § 74.732(d) of the Commission's rules is applied to the facts in this proceeding, it follows, according to Spartan, that its application must be granted without hearing.

5. A careful study of all of the pleadings filed herein discloses that Spartan's petition does not resolve the question upon which this hearing is predicated, namely, whether a grant of Spartan's application could retard the development of UHF service in the Asheville area; that there is a substantial disagreement as to the factual basis of Spartan's petition; and that, therefore, a hearing is essential in this matter. See Revocation of License of Quality Broadcasting Corporation for Standard Broadcast Station WKYN, San Juan, Puerto Rico (FCC 63-1183), released December 30, 1963, and Walter L. Follmer, 20 Pike & Fischer, R.R. 1101 (1960). For these reasons, Spartan's petition for reconsideration and grant without hearing will be denied.

MOTION TO ENLARGE AND CHANGE ISSUES

6. In its motion to enlarge and change issues, Spartan requests the addition of 5 issues as follows: (1) To determine whether the shift of WSPA-TV from Paris Mountain to Hogback Mountain has resulted in loss of service from

[1] An Opposition to (a) above was filed by the Broadcast Bureau on April 3, 1964, and a Reply to such Opposition was filed by Spartan on April 15, 1964. An Opposition to (b) above was filed by the Broadcast Bureau on March 12, 1964, and Spartan's Reply to such Opposition was filed on March 24, 1964.

WSPA–TV to significant numbers of persons in the Beaucatcher area of Asheville; (2) to determine whether significant numbers of persons in and around Asheville can, and, if they can, do receive WISE–TV's signal; whether all-channel receiver sales will rapidly bring Asheville to a level of set conversion which would either attract applicants for new UHF commercial television stations in Asheville or persuade the licensee of WISE–TV of the feasibility of expanding its programming; and whether, for these and other reasons, Asheville offers a more heightened potential for the future expansion of UHF than communities which presently have no UHF stations on the air; (3) to determine whether denial of the above-captioned application would result in significantly more rapid development of UHF television in and about Asheville; (4) to determine whether, within the meaning of § 74.732 (d) of the rules, a grant of the above-captioned application would result in intermixture of VHF and UHF services; and (5) to determine whether Asheville is receiving satisfactory service from WISE–TV, and if it is receiving such service, whether, upon consideration of all applicable public interest factors, it can be determined that, exceptionally, intermixture of VHF and UHF services through a grant of the above-captioned application is justified.

7. All of the foregoing appear to be directed toward permitting Spartan to introduce evidence tending to show WISE–TV's lack of "satisfactory service", and that, this being the case, Spartan's grant comes within the provisions of § 74.732(d) of our rules which reads: "A VHF translator will not be authorized to serve an area which is receiving satisfactory service from one or more UHF television broadcast stations or UHF translators unless, upon consideration of all applicable public interest factors, it is determined that, exceptionally, such intermixture of VHF and UHF service is justified."

8. Based upon the specific allegations made by Spartan in support of its motion, we conclude that the issues as presently framed are narrow and will not allow the introduction into evidence of the type of information which would permit a weighing of the advantages and disadvantages which would inure to the public as a result of a grant of this application. In our view, however, all the evidence which Spartan wishes to introduce can be presented under the following two additional issues which we shall designate Issues 1 and 2 in place of those already so numbered:

1. To determine whether, within the meaning of § 74.732(d) of our rules, the area in question is receiving "satisfactory service" from WISE–TV.

2. To determine what public interest benefits, if any, would be derived from a grant of the instant application.

The original issues designated in this proceeding will be retained and redesignated as Issues 3 and 4.

Accordingly, it is ordered, This 6th day of May 1964, that the petition for reconsideration and grant without hearing filed by Spartan Radiocasting Company is denied; and that the Motion to Enlarge and Change Issues filed by Spartan Radiocasting Company is granted to the extent indicated in paragraph 8, above, and denied in all other respects.

Released: May 8, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–4821; Filed, May 13, 1964; 8:48 a.m.]

[Docket No. 8739 etc.; FCC 64–404]

WHDH, INC., ET AL.

Memorandum Opinion and Order

In the matter of WHDH, INC., Boston, Massachusetts, Docket No. 8739, File No. BPCT–248; Greater Boston Television Corp., Boston, Massachusetts, Docket No. 11070, File No. BPCT–1657; for construction permits for new television stations (Channel 5). In re applications of WHDH, Inc. (WHDH–TV), Boston, Massachusetts, Docket No. 15204, File No. BRCT–530; For renewal of license; Charles River Civic Television, Inc., Boston, Massachusetts, Docket No. 15205, Filed No. BPCT–3164; Boston Broadcasters, Inc., Boston, Massachusetts, Docket No. 15206; File No. BPCT–3170; Greater Boston TV Co., Inc., Boston, Massachusetts, Docket No. 15207, File No. BPCT–3171; for construction permits for new VHF television broadcast stations.

1. The Commission has for consideration the opinion of April 16, 1964, of the United States Court of Appeals for the District of Columbia Circuit, in Greater Boston Television Corporation v. Federal Communications Commission, —— U.S. App. D.C. ——, —— F. 2d —— (Case Nos. 17785 and 17788), remanding this case for further proceedings to determine the effect of the death of Robert B. Choate (a principal of WHDH, Inc.) on the Commission's Decision of September 25, 1962, in Docket Nos. 8739, et al. (33 F.C.C. 449; 34 F.C.C. 537).[1a] After noting that the death of Mr. Choate might also be pertinent to the proceedings in Docket Nos. 15204–15207 and that the evidence as to the merits and demerits of WHDH, absent Mr. Choate, might be material to both proceedings, the Court indicated that the "Commission could appropriately adopt a procedure which would permit the taking of this evidence only once." The Court's opinion further states:

> Under such circumstances, if the Commission deems it to be in the public interest for the sake of efficiency, economy and expedition to combine some or all of the features of these two proceedings into one proceeding, or to conduct the two simultaneously, the Commission is hereby authorized to consider such procedure as within the authority of this remand.

2. Consistently with the Court's opinion and in order to avoid delay in Docket Nos. 15204–15207, the Commission deems it in the public interest and more expeditious to take evidence as to the merits or demerits of WHDH, absent Mr. Choate, only once and in the context of the proceedings in Docket Nos. 15204–15207. Accordingly, on our motion, we are consolidating the reopened proceedings in Docket Nos. 8739 and 11070 with the proceedings in Docket Nos. 15204–15207 for the limited purpose of taking evidence as to the effect of Choate's death on the WHDH applications in these proceedings.[2] Issues will be added to determine the changes made by WHDH as a result of Choate's death and the effect of these changed circumstances and the absence of Mr. Choate on the Commission's Decision and Order of September 25, 1962 in Docket Nos. 8739 and 11070 (i.e. whether the grant to WHDH should be reaffirmed, whether a grant should be made to Greater Boston Television Corporation, or whether there should be no grant in Docket Nos. 8739 and 11070 in the circumstances). We contemplate that the Hearing Examiner will determine these issues first in his Initial Decision and then treat the issues in Docket Nos. 15204–15207 in the same document.

3. All parties should be permitted to adduce evidence and cross-examine as to the changes made by WHDH as a result of Choate's death. WHDH and Greater Boston Television Corporation should be permitted to adduce evidence on the additional issue as to the effect of such changes and the absence of Choate on Docket Nos. 8739 and 11070, and the new applicants in Docket Nos. 15204–15207 (i.e. Charles River Civic Television, Inc., Boston Broadcasters, Inc., and Greater Boston TV Company, Inc.) should be permitted to cross-examine to the extent that such evidence may also be material to the issues in Docket Nos. 15204–15207. However, the new applicants in Docket Nos. 15204–15207 should not be permitted to participate in the resolution of Docket Nos. 8739 and 11070, and should limit their proposed findings, conclusions, and argument to the issues in Docket Nos. 15204–15207.[3] While the Court indicated a belief that difficulties might be encountered in any formal consolidation of the two proceedings because the parties are different, it appears to us that the limited consolidation and procedures outlined above should be workable.

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[1] Commissioner Hyde dissenting and voting to grant petition for reconsideration; Commissioner Ford absent; Commissioner Cox dissenting and voting for oral argument.

[1a] The Commission's decision (33 F.C.C. 449) granted the application of WHDH, Inc. and denied competing applications filed by Greater Boston Television Corp. and Massachusetts Bay Telecasters, Inc. Massachusetts Bay Telecasters, Inc. did not seek reconsideration or judicial review of the denial of its application, and is no longer involved in the proceeding.

[2] In the unusual circumstances of this case, we think that the application of WHDH in Docket No. 15204 (File No. BRCT–530) should be amended to reflect the absence of Mr. Choate.

[3] While resolution of the issue in Docket Nos. 8739 and 11070 would be determinative of the legal status of WHDH in Docket Nos. 15204–15207 (i.e. whether the application of WHDH is for renewal or would be treated as one for initial licensing), the new applicants in Docket Nos. 15205–15207 were not parties to the proceeding in Docket Nos. 8739 and 11070 and hence would not have participated

It is ordered, That the record in the proceeding in Docket Nos. 8739 and 11070 is reopened and that this proceeding is remanded to Hearing Examiner Sharfman for hearing and initial decision on the following issues:

1. To determine the changes made by WHDH, Inc. as a result of the death of Robert B. Choate.

2. To determine, in light of the evidence adduced pursuant to the above issue and the absence of Mr. Choate, whether the Commission's Decision of September 25, 1962, in Docket Nos. 8739 and 11070 should be modified, and, if so, in what respects such Decision should be modified.

It is further ordered, That WHDH, Inc. is directed to amend its application in Docket No. 15204 (File No. BRCT-530) to reflect the absence of Robert B. Choate.

It is further ordered, That the reopened proceedings in Docket Nos. 8739 and 11070 and the proceedings in Docket Nos. 15204–15207 are consolidated to the limited extent described above.

Adopted: May 6, 1964.

Released: May 8, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4822; Filed, May 13, 1964; 8:48 a.m.]

[Canadian List 187]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

APRIL 24, 1964.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph No. 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		680 kc				
New (change in location from that notified on List 183).	Central Newfoundland, Newfoundland.	10	DA-2	U	II	EIO 4-15-65
		790 kc				
CHIC (now in operation on new frequency).	Brampton, Ontario	1D/0.5N	DA-2	U	III	
		1090 kc				
CHIC (delete assignment—vide 790 kc).	do	0.25	ND	U	II	
		1250 kc				
CKBL (now in operation with increased daytime power).	Matane, Province of Quebec.	10D/5N	DA-N	U	III	
		1320 kc				
CJSO (now in operation with increased power).	Sorel, Province of Quebec.	10D/5N	DA-2	U	III	
		1480 kc				
CBZ (now in operation).	Fredericton, New Brunswick.	10	DA-N	U	III	

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4819; Filed, May 13, 1964; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1090]

SOUTH ATLANTIC & CARIBBEAN LINE, INC.

General Investigation Into Common Carrier Freight Rates and Practices in Florida/Puerto Rico Trade; Discontinuance of Proceeding

By its order in this proceeding dated January 21, 1964, the Commission discontinued the proceeding as to all respondents named therein with the exception of South Atlantic & Caribbean Line, Inc. (SACAL) and ordered respondent SACAL to (1) amend its tariff to clarify the rates and charges with respect to the carriage of personal effects in automobiles and the movement of trailers when respondent utilizes the inside cargo space; (2) transport cargo in accordance with the provisions of the tariff, as amended; and (3) file with the Commission for a 12-month period beginning with the month of January 1964, monthly financial reports reflecting the results of operations during each month during that period.

The tariff amendments ordered by the Commission were filed by SACAL on February 18, to become effective March 19, 1964, and the financial report for the month of January has been submitted to Commission by SACAL as ordered.

Therefore, it is ordered, That this proceeding be, and it is hereby discontinued and that in all other respects the Commission order of January 21, 1964, in this proceeding remain the same;

It is further ordered, That a copy of this order shall be forthwith served upon respondent SACAL and all other respondents, protestants and/or intervenors previously named herein; and that this order be published in the FEDERAL REGISTER.

By the Commission, May 5, 1964.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64-4810; Filed, May 13, 1964; 8:47 a.m.]

[Docket 1182]

SEA-LAND SERVICE, INC., PUERTO RICAN DIVISION

Reduction of Rates From Jacksonville, Florida to Puerto Rico; Investigation

Whereas, on March 26, 1964, Sea-Land Service, Inc., Puerto Rican Division (Sea-Land), filed an amendment to its tariff FMC-F No. 3 (Pan-Atlantic Steamship Corporation FMC-F series), effective May 1, 1964, which reduced the rate for trailerload shipments of "stoves and parts, other than electric with or without electrical attachments" from 55 cents per cubic foot for shipments of any quantity to 50 cents per cubic foot, minimum 1,600 cubic feet, when such shipments move through the port of Jacksonville, Florida to ports in Puerto Rico. The 55 cents per cubic foot rate continues to apply as an any quantity rate on shipments moving through the ports of New York and Baltimore and as a less-than-trailerload (LTL) rate on LTL shipments moving through the port of Jacksonville;

Whereas, TMT Trailer Ferry, Inc. (C. Gordon Anderson, Trustee) (TMT) protested the reduction on the grounds that it is unfair for Sea-Land to charge a lower rate from Jacksonville to Puerto Rico than it charges from other ports it serves;

Whereas, the Commission is of the opinion that the said tariff amendment should be made the subject of a public investigation and hearing to determine whether the publication by Sea-Land of a lower rate on stoves from Jacksonville to Puerto Rico than it maintains on stoves from other ports to Puerto Rico is unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

Now therefore it is ordered, That an investigation be, and it is hereby, instituted into and concerning the aforementioned reduced rate on stoves with a view to making such findings and or-

in any separate, prior reconsideration of that proceeding. All applicants in Docket Nos. 15204–15207 will, of course, be permitted to address themselves to the question of the extent to which the operating record and experience of WHDH on Channel 5 should be considered and the weight to be accorded, in the event that its application in Docket No. 15204 is determined to be one for renewal of license or is treated as one for initial license.

[1] Commissioner Cox not participating.

ders in the premises as the facts and circumstances shall warrant;

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; (II) Sea-Land Service, Inc., Puerto Rican Division be, and it is hereby made respondent in this proceeding; (III) a copy of this order shall forthwith be served upon said respondent and protestant herein; (IV) the said respondent and protestant be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 502.73) of the Commission's rules of practice and procedure.

By the Commission, April 30, 1964.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64-4811; Filed, May 13, 1964; 8:47 a.m.]

AMERICAN EXPORT AND ISBRANDTSEN LINES ET AL.

Notice of Filing of Agreements

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreements 9020-2, 9020-3 and 9020-4, between American Export and Isbrandtsen Lines, Fabre Line, Watts Watts Mediterranean Service, et al., modify approved Agreement 9020, as amended, of the parties (all of which are members of the Mediterranean-U.S.A. Great Lakes Westbound Conference Agreement 8260), which covers an arrangement for the pooling and division of revenues on cargo, except certain commodities specifically set forth therein, transported in vessels of said parties in the trade from ports on the West Coast of Italy, including Sicily and Sardinia, Marseilles, France, Barcelona, Valencia, and Seville, Spain, Lisbon and Leixoes, Portugal, on terms and conditions set forth in the agreement. These amendatory agreements further modify the terms and conditions of Agreement 9020 in certain particulars, as set forth in the respective agreements, as follows:

(1) Agreement 9020-2 provides for (1) change in the fixed amounts of carrying money covering loading expenses to be deducted prior to pooling; and (2) new minimum requirement of the parties as to calls at ports of loading and ports of discharge;

(2) Agreement 9020-3 provides for (1) withdrawal of Watts Watts Mediterranean Service from participation in the pool; (2) the admission of Jadranska Slobodna Plovidba to pool participation; and (3) new minimum sailing requirements of the parties at ports of loading and ports of discharge, and change in the pool percentages as a result of the change in pool parties; and

(3) Agreement 9020-4 covers the admission of United Arab Maritime Company (Canada Orient Line) to pool participation under terms and conditions set forth in this modification.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: May 11, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-4812; Filed, May 13, 1964; 8:47 a.m.]

ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 7840-56 between the member lines of The Atlantic Passenger Steamship Conference modifies the basic agreement, as amended, to provide for the extension of reduced fares for military personnel and their families for a further period, i.e. from January 1, 1965 to December 31, 1965.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: May 11, 1964.

By order of the Federal Maritme Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-4813; Filed, May 13, 1964; 8:47 a.m.]

ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 7840-57 between the member lines of the Atlantic Passenger Steamship Conference, modifies the basic agreement deleting from Article 5 thereof the last sentence reading as follows: "Free or reduced Passage shall not be given to press representatives, shippers, or brokers, or to anyone with the objective of obtaining other passengers or business of any kind, or in recognition of advertisements." and substituting therefor the following: "Free or reduced-rate passage shall not be given to shippers or brokers."

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulations, Federal Maritime Commission, Washington, D.C. or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573 within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: May 11, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-4814; Filed, May 13, 1964; 8:47 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILE PRODUCTS IN CERTAIN CATEGORY PRODUCED OR MANUFACTURED IN KOREA

MAY 11, 1964.

The January 17, 1964, amendment of the list of Tariff Schedules of the United States Annotated Numbers, arranged by the 64 categories of cotton textiles and cotton textile products, was published in the FEDERAL REGISTER on March 24, 1964 (29 F.R. 3679). This amendment deleted T.S.U.S.A. No. 382.33 66 in Category 63 and substituted therefor T.S.U.S.A. No. 382.33 90.

There is published below a letter of May 11, 1964, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, amending accordingly any reference to T.S.U.S.A. No. 382.33 66 in a directive of November 7, 1963, which was published in the FEDERAL REGISTER on November 11, 1963 (28 F.R. 12108), re-

garding certain cotton textile products produced or manufactured in Korea.

JAMES S. LOVE, Jr.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

Washington 25, D.C.
MAY 11, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive amends my directive to you of November 7, 1963, published in the FEDERAL REGISTER on November 11, 1963 (28 F.R. 12108) regarding certain cotton textile products in Categories 46, 60, and 63 (T.S.U.S.A. Nos. 380.39 90 and 382.33 66 only) produced or manufactured in Korea.

The latest amendment to the list of Tariff Schedules of the United States Annotated Numbers, arranged by the 64 categories of cotton textiles and cotton textile products, was published in the FEDERAL REGISTER on March 24, 1964 (29 F.R. 3679). This amendment deleted T.S.U.S.A. No. 382.33 66 in Category 63 and substituted therefor T.S.U.S.A. No. 382.33 90.

Accordingly, reference to T.S.U.S.A. No. 382.33 66 is hereby deleted wherever it appears in my directive of November 7, 1963, and reference to T.S.U.S.A. No. 382.33 90 is substituted therefor.

All other provisions of my directive of November 7, 1963, remain unchanged. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

FRANKLIN D. ROOSEVELT, Jr.
Acting Secretary of Commerce, and Acting Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 64-4860; Filed, May 13, 1964; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-VII, Amdt. 3]

CHICAGO REGIONAL AREA

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by the Delegation of Authority No. 30 (Revision 8), as amended, 28 F.R. 3228, 7204, 8179 and 29 F.R. 4842 and 5489, Delegation of Authority No. 30-VII as amended, 28 F.R. 5038, 8230 and Amendment 2 dated March 11, 1964, is hereby amended by:

1. Deleting Items I.J.1. and 2, and substituting the following in lieu thereof:

1. To (a) purchase all office supplies and expendable equipment, including all desk-top items and rent regular office equipment; (b) contract for repair and maintenance of equipment and furnishings in an amount not to exceed $50 in any one instance; (c) contract for services required in setting up and mismantling, and moving SBA exhibits.

2. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for rental of office space; (b) rent office equipment; (c) rent motor vehicles commercially when not available from General Services Administration; (d) procure (without dollar limitation) emergency supplies and materials.

2. Adding the following Subitem (d) to Item I.K.7.

(d) Purchase printing from the General Services Administration where centralized reproduction facilities have been established by GSA.

Effective date. April 13, 1964.

RICHARD E. LASSAR,
Regional Director,
Chicago Regional Office.

[F.R. Doc. 64-4815; Filed, May 13, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Released Rates Order No. MC-505]

RELEASED RATES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 30th day of April A.D. 1964.

Upon full consideration of the record in Ex Parte No. MC-61, Released Rates of Motor Common Carriers of Household Goods, an investigation instituted on the Commission's own motion by order dated January 16, 1961:

It is ordered, That, subject to the conditions specified in succeeding paragraphs hereof, each motor common carrier authorized to perform the specialized service of a household goods carrier be, and it is hereby, authorized to establish and maintain by filing and posting in the manner required by the Interstate Commerce Act, commodity rates for the transportation in interstate or foreign commerce, and charges for accessorial services in connection therewith, of household goods, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, said rates and charges to be applicable only when the value of the property as declared by the shipper in writing, or agreed upon in writing as the released value thereof is as follows:

Released values and liability limitations	Transportation rate basis	Storage in transit rate basis
Released to a value not exceeding sixty (60) cents per pound for the actual weight of any lost or damaged article or articles in a shipment.	Base transportation rate.	Base storage rates.
Released to a value greater than sixty (60) cents per pound per article.	Base transportation rate plus an additional charge of fifty (50) cents per cwt.	110% of the base storage rates.

Where a shipment is released to a value greater than sixty (60) cents per pound per article, the carrier's maximum liability shall be $10,000 per shipment, or the total value declared, whichever is greater.

The total parts comprising any article knocked down or taken apart for handling or loading shall constitute one article for the purpose of determining the carrier's liability as above provided.

It is further ordered, That changes may be made in the rates or charges established under the authority of this order, but the released values provided herein may not be decreased, nor may the value charges as specified herein be increased without specific authority of this Commission.

It is further ordered, That the order for services and the bill of lading issued for any shipment accepted for transportation and storage at released rates and charges established and maintained under authority of this order, shall have printed in distinctive color in boldface type on the face thereof a statement reading as follows:

Unless the shipper specifies otherwise, the carrier will be liable for the actual value of all articles lost or damaged, up to a total of $10,000, and, if a greater value is declared up to that greater value. For this liability, a charge of fifty (50) cents per hundred pounds is made. If the shipper wishes to avoid this additional charge, he must agree that if any articles are lost or damaged, the carrier's liability will not exceed sixty (60) cents per pound for the actual weight of any lost or damaged article or articles in the shipment.

It is further ordered, That tariffs containing rates or charges established under authority of this order shall specifically provide:

The carrier's maximum liability shall be either:

(a) Sixty (60) cents per pound for the actual weight of any lost or damaged article or articles, if such a value has been expressly declared by the shipper; or

(b) $10,000 per shipment, or the total value declared, whichever is greater, for which the shipper shall pay the additional charges provided.

It is further ordered, That tariffs containing rates or charges established under authority of this order shall show in connection therewith the following notations:

The released value must be entered on the bill of lading in the following form, and may be completed only by the person signing the bill of lading.

Shipper, by signature below, agrees to the conditions hereon and the contract terms and conditions on the back hereof and hereby releases the entire shipment to a value not exceeding

---

(To be completed only by the person signing below)

NOTICE: The shipper signing this contract must insert in the space above, in his own handwriting, one of the following:

a. "$10,000"; or

b. The full actual value of the shipment if that value is greater than $10,000; or

c. "60¢ per pound per article"

(Shipper)

(Date)

Rates or charges herein based on released value have been authorized by the Interstate Commerce Commission in Released Rates Order No. MC–505 of April 30, 1964, subject to complaint or suspension.

And it is further ordered, That Released Rates Orders Nos. MC–2–B of April 21, 1953, MC–309 of March 28, 1950, MC–330 of May 22, 1951, MC–362 of May 24, 1954, and MC–429 of September 26, 1958, be, and they are hereby, rescinded effective July 10, 1964, and that the proceeding in Ex Parte No. MC–61, Released Rates of Motor Common Carriers of Household Goods be, and it is hereby, discontinued.

This order does not constitute authority for the establishment of released rates or charges on any description of traffic other than herein specifically indicated, nor on traffic originating in an adjacent foreign country destined to points in the United States.

The Commission does not hereby approve the lawfulness, except under section 20(11) and 219 of the Interstate Commerce Act, of any rate or charge which may be filed under authority of this order.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–4803; Filed, May 13, 1964; 8:47 a.m.]

[Notice 983]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 11, 1964.

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 66784. By order of May 5, 1964, the Transfer Board approved the transfer to Fernstrom Storage and Van Company, a corporation, Chicago, Ill., of the operating rights issued by the Commission June 3, 1958, under Certificate No. MC 111950 (Sub-No. 1), to Ballard Storage & Transfer Co., a corporation, St. Paul, Minn., authorizing the transportation, over irregular routes, of household goods, as defined by the Commission, between points in Minnesota, on the one hand, and, on the other, points in California, Oregon, Washington, Idaho, Wyoming, Utah, and Nevada. Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402, attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–4800; Filed, May 13, 1964; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

1 CFR

3 CFR

5 CFR

7 CFR

7 CFR—Continued

8 CFR

9 CFR

10 CFR

12 CFR

14 CFR

14 CFR—Continued

16 CFR

17 CFR

19 CFR

21 CFR

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