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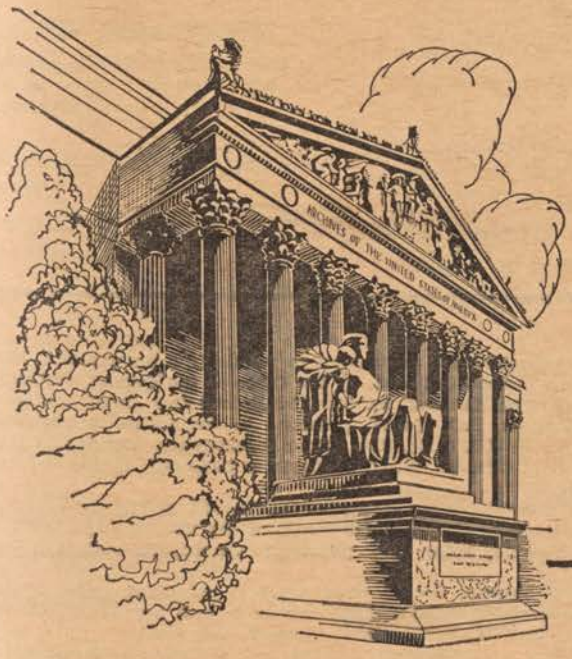

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SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1968–69 Marketing Year

STATE AND COUNTY RESERVE ACREAGES AND COUNTY ACREAGE ALLOTMENTS FOR 1968 CROP

Sec.

AUTHORITY: §§ 730.1505 to 730.1507 issued under secs. 301, 353, 375, 52 Stat. 38, 61, as amended, 66; 7 U.S.C. 1301, 1353, 1375.

§ 730.1505 Basis and purpose.

(a) The State and county reserve acreages and county acreage allotments for 1968 crop rice contained in §§ 730.1506 and 730.1507 have been determined pursuant to and in conformity with the provisions of section 353 of the Agricultural Adjustment Act of 1938, as amended. Said sections are issued to announce: (1) State reserve acreages for new farms or new producers in each of the applicable rice-producing States; (2) State reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the producer States of Arizona, California, Florida, South Carolina, Tennessee, Texas, and the "producer administrative area" in Louisiana; (3) the allotment in the rice productivity pool for each rice producing State which shall not be allocated to farms; and (4) county acreage allotments and county reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the farm States of Arkansas, Illinois, Mississippi, Missouri, North Carolina, Oklahoma, and the "farm administrative area" in Louisiana. Since farm acreage allotments for 1968 crop rice in the producer States, including the "producer administrative area" of Louisiana, will be established pursuant to the act primarily on the basis of past production of rice by the producer on the farm in lieu of past production of rice on the farm, the 1968 State acreage allotments of rice for those States will be apportioned directly to farms, and county acreage allotments and county reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments will not be determined for such States.

(b) The determinations made in §§ 730.1506 and 730.1507 indicate the amount of State reserve acreages for new farms or new producers in each of the applicable rice-producing States, the amount of State reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the "producer States"; the amount of allotment acreage in the productivity pool for each of the rice producing States, and the amount of county acreage allotments and county reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the "farm States."

(c) The State and county reserve acreages in §§ 730.1506 and 730.1507 were established on the basis of the needs therefore as recommended by the State and county committees.

(d) The county acreage allotments in § 730.1507 were established by apportioning the State acreage allotment, less (1) the State acreage reserve for new farms, and (2) the allotment attributable to history pooled as a result of productivity adjustments under paragraph (d) of § 730.1528 of the regulations for determination of acreage allotments for 1964 and subsequent crops of rice, among the counties in the State in the same proportion that they shared in the total acreage allotted in 1956, as provided by section 353(c)(1) and section 353(c)(6) of the Agricultural Adjustment Act of 1938, as amended, except that in the "farm administrative area" of Louisiana, prior to the apportionment among counties, 25 acres were reserved from the allotment for such administrative area pursuant to section 353(c)(1) of the act and used to adjust upward the county allotment for Rapides Parish on account of an upward trend in acreage in said parish (i.e., county).

(e) Prior to the determination of State and county reserve acreages and county acreage allotments for 1968 crop rice, public notice (32 F.R. 14331) was given in accordance with 5 U.S.C. 553. Data, views, and recommendations were submitted pursuant to such notice. They have been considered to the extent permitted by law.

(f) The determinations made in §§ 730.1506 and 730.1507 have been made on the basis of the latest available statistics of the Federal Government as required by section 301(c) of the Agricultural Adjustment Act of 1938, as amended.

(g) Pursuant to the Agricultural Adjustment Act of 1938, as amended, marketing quotas on the 1968 crop of rice have been proclaimed and the period for the referendum to be held to determine whether farmers are in favor of or opposed to such quotas has been set for January 22 to 26, 1968, each inclusive (32 F.R. 21042). The act requires that, insofar as practicable, notices of farm acreage allotments, which are based on State and county allotments and reserves, be mailed to producers in time to be received prior to the referendum. Since the referendum will be held during the period January 22 to 26, 1968, it is necessary to waive the 30-day effective date provision of 5 U.S.C. 553 as applied to the determinations herein. Accordingly, this document shall become effective upon filing with the Director, Office of the Federal Register.

§ 730.1506 State reserve acreages.

The following table sets forth the State reserve acreages for new farms and for appeals, corrections, missed farms, and adjustments in factored allotments in producer States. It also sets forth the allotment in the State productivity pool which shall not be allocated to producers, counties, and farms.

State	State reserve acreage for new farms or new producers	State reserve acreages for appeals, etc., in producer States [1]	State productivity pool
Arizona	0	0	0
Arkansas	0		235
California	3,100	6,900	0
Florida	42	69	0
Illinois	0		0
Louisiana:			
Farm administrative area	0		52
Producer administrative area	0	0	0
Mississippi	0		22
Missouri	0		0
North Carolina	0		0
Oklahoma	0		0
South Carolina	15	0	0
Tennessee	0	0	0
Texas	0	50	0

[1] For appeals and corrections, missed producers, and adjustments in factored allotments in producer States and the "producer administrative area" in Louisiana.

§ 730.1507 County acreage allotments and county reserve acreages.

The following table sets forth the county allotments and the county reserve acreages:

ARKANSAS

County	County acreage allotment	County reserve acreages [1]
Arkansas	100,998	7.0
Ashley	8,662	0.6
Chicot	13,171	0
Clark	736	0
Clay	10,557	0
Conway	14	0
Craighead	23,151	2.5
Crittenden	8,609	0
Cross	46,956	2.0
Dallas	94	0
Desha	18,572	2.0
Draw	5,893	0
Faulkner	610	0
Grant	45	0
Greene	7,094	1.0
Hot Spring	629	0
Independence	1,147	0
Jackson	27,223	3.8
Jefferson	23,260	0
Lafayette	1,165	0
Lawrence	11,204	0.3
Lee	11,301	6.0
Lincoln	12,587	0
Little River	542	0
Lonoke	51,796	2.0
Miller	996	0
Mississippi	1,965	0
Monroe	19,265	0
Perry	1,320	0.5
Phillips	6,802	1.0
Poinsett	50,793	0
Prairie	53,224	10.1
Pulaski	2,313	0
Randolph	3,067	0
St. Francis	24,927	1.0
White	1,525	0
Woodruff	27,070	3.0
Productivity pool	235	
State total	579,518	42.8

ILLINOIS

Adams	29	0
State total	29	0

LOUISIANA, FARM ADMINISTRATIVE AREA

Parish	Parish acreage allotment	Parish reserve acreages [1]
Acadia	123,142	50
Allen	32,202	10
Avoyelles	3,814	180
Beauregard	6,164	0
Bossier	87	0
Calcasieu	88,754	4
Cameron	16,605	0
Evangeline	59,532	15
Grant		
Iberia	8,593	15
Jefferson Davis	128,129	50
Lafayette	13,137	10
Rapides	1,002	0
St. Landry	22,717	5
St. Martin	5,470	100
St. Mary	4,230	192
Vermilion	151,604	20
Productivity pool	52	
State total, farm administrative area	665,259	651

MISSISSIPPI

County	County acreage allotment	County reserve acreages [1]
Bolivar	28,708	0
Coahoma	2,167	0
De Soto	1,806	0
Hancock	242	0
Humphreys	2,791	0
Issaquena	141	0
Leflore	4,896	0
Panola	105	0
Quitman	1,676	0
Sharkey	1,391	0
Sunflower	5,993	0
Tallahatchie	674	0
Tate	325	0
Tunica	4,231	0
Washington	12,620	0
Productivity pool	22	
State total	67,788	0

MISSOURI

Butler	2,087	0
Holt	3	0
Lewis	12	0
Lincoln	49	0
Marion	447	0
Mississippi	128	0
New Madrid	219	0
Pemiscot	861	0
Ripley	667	0
St. Charles	52	0
Scott	351	0
Stoddard	2,035	0
State total	6,911	0

NORTH CAROLINA

Brunswick	13	0
Hyde	42	0
State total	55	0

OKLAHOMA

McCurtain	216	0
State total	216	0

[1] County reserve acreage for appeals and corrections, missed farms, and adjustments.

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 17, 1968.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-792; Filed, Jan. 17, 1968; 12:05 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 143 Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (ii), (iii), and (iv) of § 907.443 (Navel Orange Reg. 143, 33 F.R. 402) are hereby amended to read as follows:

§ 907.443 Navel Orange Regulation 143.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 225,000 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 17, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-812; Filed, Jan. 19, 1968; 8:49 a.m.]

[Lemon Reg. 304]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.604 Lemon Regulation 304.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during

the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 16, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period January 21, 1968, through January 27, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 83,700 cartons;
(iii) District 3: 111,600 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 18, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-846; Filed, Jan. 19, 1968; 8:49 a.m.]

[971.208 Amdt. 1]

PART 971—LETTUCE GROWN IN THE LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Expenses and Rate of Assessment

Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 917) regulate the handling of lettuce grown in designated counties in South Texas. The said agreement and order are effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

Findings. (a) Based upon the recommendation and information submitted by the South Texas Lettuce Committee, established pursuant to said marketing agreement and order and after consideration of all relevant matters, it is hereby found that amending the rate of assessment hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impractical and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable lettuce from the beginning of such period, (2) the current fiscal period began August 1, 1967 and the rate of assessment herein amended, automatically applies to all assessable lettuce beginning with such date, (3) compliance with this amendment will not require any special preparation on the part of handlers, (4) information regarding the committee's recommendation has been made available to handlers in the production area, and (5) lettuce is now being harvested in the production area.

Order, as amended. In § 971.208 (32 F.R. 13320), paragraph (b) is hereby amended to read as follows:

§ 971.208 Expenses and rate of assessment.

* * * * *

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be three cents ($0.03) per carton of lettuce handled by him as the first handler thereof during said fiscal period.

* * * * *

(Sec. 1–19, 48 Stat. 32, as amended; 7 U.S.C. 601–674)

Dated: January 16, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-788; Filed, Jan. 19, 1968; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

OCTYLTIN STABILIZERS IN POLYVINYL CHLORIDE PLASTICS

The Commissioner of Food and Drugs having evaluated the data in a petition (FAP 5B1768) filed by M&T Chemicals, Inc., Rahway, N.J. 07065, and other relevant material, has concluded that a food additive regulation should be issued to provide for the safe use of certain octyltin stabilizers in polyvinyl chloride plastic articles for food-contact use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended by adding to Subpart F the following new section:

§ 121.2602 Octyltin stabilizers in polyvinyl chloride plastics.

The octyltin chemicals identified in paragraph (a) of this section may be safely used alone or in combination, at levels not to exceed a total of 3 parts per hundred of resin, as stabilizers in polyvinyl cholride plastic articles intended for use in contact with foods of types I, II, III, V, VI (except malt beverages and carbonated nonalcoholic beverages), VII, VIII, and IX as described in table 1 of § 121.2526(c), in accordance with the following prescribed conditions:

(a) For the purpose of this section, the octyltin chemicals are those identified in subparagraphs (1) and (2) of this paragraph.

(1) Di(*n*-octyl)tin *S,S'*-bis(isooctylmercaptoacetate) is an octyltin chemical having 15.1 to 16.4 percent by weight of tin (Sn) and having 8.1 to 8.9 percent by weight of mercapto sulfur. It is made from di(*n*-octyl)tin dichloride having an organotin composition that is not less than 95 percent by weight di(*n*-octyl)tin dichloride, not more than 5 percent by weight total of *n*-octyltin trichloride and/or tri(*n*-octyl)tin chloride, not more than 0.2 percent by weight total of other eight (8) carbon isomeric alkyltin derivatives, and not more than 0.1 percent by weight total higher and lower homologous alkyltin derivatives.

(2) Di(*n*-octyl)tin maleate polymer is an octyltin chemical having the formula $[(C_8H_{17})_2SnC_4H_2O_4]_n$ (where n is between 2 and 4 inclusive), having 25.2 to 26.6 percent by weight of tin (Sn), and having a saponification number of 225 to 255. It is made from di(*n*-octyl)tin dichloride meeting the specifications prescribed for di(*n*-octyl)tin dichloride in subparagraph (1) of this paragraph.

(b) The food in contact with the finished polyvinyl chloride plastic articles shall contain no more than 1 part per million of each or any combination of the di(*n*-octyl)tin *S,S'*-bis(isooctylmercaptoacetate) and di(*n*-octyl)-tin maleate polymer identified in paragraph (a)(1) and (2) of this section.

Any person who will be adversely affected by the foregoing order may at any time 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. A hearing will be

granted if the objections are 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 on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-794; Filed, Jan. 19, 1968; 8:47 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Basic Charge, Tribal and Trust Patent Indian Lands of San Carlos Project, Ariz.

There was published in the FEDERAL REGISTER on October 18, 1967 (32 F.R. 14395), a notice of intention to amend § 221.110 of 25 CFR to provide for an increase in the annual operation and maintenance assessment rate from $5.70 per acre to $7.20 per acre on the Indian lands of the San Carlos Project, Ariz. Interested persons were given an opportunity to submit their comments, suggestions, or objections concerning the proposed increase in rate, to the Phoenix Area Director, Phoenix Area Office, Post Office Box 7007, Phoenix, Ariz., within 30 days of the date of publication of the notice in the FEDERAL REGISTER. No written communications were received.

Section 221.110 is hereby amended to read as follows:

§ 221.110 Basic charge.

Pursuant to the provisions of section 10 of the Act of March 3, 1905 (33 Stat. 1081), as amended and supplemented by the Acts of August 24, 1912 (37 Stat. 522), August 1, 1914 (38 Stat. 583, 25 U.S.C. 385), section 5 of the Act of June 7, 1924 (43 Stat. 476), March 7, 1928 (45 Stat. 210, Title 25 U.S.C. 387), and the Act of August 9, 1937 (50 Stat. 577), as amended by the Act of May 9, 1938 (52 Stat. 291-305), and in accordance with the public notice issued on December 1, 1932, operation and maintenance charges are assessable against the 50,000 acres of tribal lands and trust patent Indian lands of the San Carlos Indian Irrigation Project within the boundaries of the Gila River Indian Reservation, Ariz., and the basic rate assessed for the calendar year 1968 and the subsequent years unless changed by further order, is hereby fixed at $7.20. Such rate shall entitle each acre of land to have delivered for use thereon two (2) acre-feet of water per acre or its proportionate share of the available water supply. The assessment for the 50,000 acres of Indian land will be payable as provided in §§ 221.111 to 221.116, inclusive.

The foregoing change is to become effective for the calendar year 1968 and continue thereafter until further notice.

GEORGE W. HEDDEN,
Assistant Area Director.

[F.R. Doc. 68-793; Filed, Jan. 19, 1968; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 6944]

PART 400—TEMPORARY REGULATIONS UNDER THE FEDERAL TAX LIEN ACT OF 1966

Substitution of Sale Proceeds and Subordination of Tax Lien, Levy Upon a Delinquent Taxpayer's Insurance Contract, Notice of Sale in the Case of a Nonjudicial Sale, and Redemption of Real Property Subject to a Tax Lien

In order to prescribe temporary regulations, which shall remain in force and effect until superseded by permanent regulations, relating to substitution of sale proceeds and subordination of a tax lien under section 6325 (b)(3) and (d) of the Internal Revenue Code of 1954, relating to levy upon a delinquent taxpayer's insurance contract under section 6332(b) of the 1954 Code, relating to the notice of sale provisions under section 7425(c) of the 1954 Code in the case of a nonjudicial sale described in section 7425(b) of the 1954 Code, and relating to the redemption of real property subject to a tax lien under section 7425(d) of the 1954 Code, as such Code provisions have been amended or added by the Federal Tax Lien Act of 1966 (80 Stat. 1133, 1136, 1141), the following regulations are hereby prescribed:

§ 400.2 Statutory provisions; discharge of property by substitution of proceeds of sale; subordination of lien.

SEC. 6325. *Release of lien or discharge of property.* * * *

(b) *Discharge of property.* * * *

(3) *Substitution of proceeds of sale.* Subject to such regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of discharge of any part of the property subject to the lien if such part of the property is sold and, pursuant to an agreement with the Secretary or his delegate, the proceeds of such sale are to be held, as a fund subject to the liens and claims of the United States, in the same manner and with the same priority as such liens and claims had with respect to the discharged property.

* * * * *

(d) *Subordination of lien.* Subject to such regulations as the Secretary or his delegate may prescribe, the Secretary or his delegate may issue a certificate of subordination of any lien imposed by this chapter upon any part of the property subject to such lien if—

(1) There is paid over to the Secretary or his delegate an amount equal to the amount of the lien or interest to which the certificate subordinates the lien of the United States, or

(2) The Secretary or his delegate believes that the amount realizable by the United States from the property to which the certificate relates, or from any other property subject to the lien, will ultimately be increased by reason of the issuance of such certificate and that the ultimate collection of the tax liability will be facilitated by such subordination.

* * * * *

[Sec. 6325 (b)(3) and (d) as amended by sec. 103(a), Federal Tax Lien Act of 1966 (80 Stat. 1133)]

§ 400.2-1 Discharge of property by substitution of proceeds of sale; subordination of lien.

(a) *Scope.* This section provides rules under the provisions in section 6325(b)(3) which relate to the discharge of property from a tax lien by substitution therefor of a lien on the proceeds of the sale of the property, and in section 6325(d) which relate to the subordination of a tax lien. Section 6325 was amended by section 103(a) of the Federal Tax Lien Act of 1966 (80 Stat. 1133), effective after November 2, 1966.

(b) *Discharge of property by substitution of proceeds of sale.* Pursuant to section 6325(b)(3), a district director may, in his discretion, issue a certificate of discharge of any part of the property subject to any lien imposed under chapter 64 of the Code if part of the property is sold and, pursuant to a written agreement with the district director, the proceeds of the sale are held, as a fund subject to the lien of the United States, in the same manner and with the same priority as the liens and claims had with respect to the discharged property. In order for the provisions of this paragraph to apply, the sale must divest the taxpayer of all rights, title, and interest in the property sought to be discharged. Any person desiring a certificate of discharge under this paragraph shall submit an application in writing to the district director responsible for the collection of the tax. The application shall contain such information as the district director may require. Any reasonable and necessary expenses incurred in connection with the sale of the property and the administration of the sale proceeds shall be paid by the applicant or from the proceeds of the sale before satisfaction of any claims and liens.

(c) *Subordination of lien*—(1) *By payment of the amount of subordination.* Pursuant to section 6325(d)(1), a district director may, in his discretion, issue a certificate of subordination of any lien imposed under chapter 64 of the Code upon any part of the property subject to the lien if there is paid over to the district director an amount equal to the amount of the lien or interest to which the certificate subordinates the lien of the United States. Under this

provision, the tax lien may be subordinated to another lien or interest on a dollar-for-dollar basis. For example, if a notice of a Federal tax lien is filed and a delinquent taxpayer secures a mortgage on a part of the property subject to the tax lien and pays over the amount of the principal of the debt secured by the mortgage to a district director after an application for a certificate of subordination is approved, the district director will issue a certificate of subordination. This certificate will have the effect of subordinating the tax lien to the mortgage.

(2) *To facilitate tax collection*—(i) *In general.* Pursuant to section 6325(d)(2), a district director may, in his discretion, issue a certificate of subordination of any lien imposed under chapter 64 of the Code upon any part of the property subject to the lien if the district director believes that the subordination of the lien will ultimately result in an increase in the amount realizable by the United States from the property subject to the lien and will facilitate the ultimate collection of the tax liability.

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

Example. A, a farmer, needs money in order to harvest his crop. However, a Federal tax lien, notice of which has been filed, is outstanding with respect to A's property. B, a lending institution is willing to make the necessary loan if the loan is secured by a first mortgage on the farm which is prior to the Federal tax lien. Upon examination, the district director believes that ultimately the amount realizable from A's property will be increased and the collection of the tax liability will be facilitated by the availability of cash when the crop is harvested and sold. In this case, the district director may, in his discretion, subordinate the tax lien on the farm to the mortgage securing the crop harvesting loan.

(3) *Application for certificate of subordination.* Any person desiring a certificate of subordination under this paragraph shall submit an application in writing to the district director responsible for the collection of the tax. The application shall contain such information as the district director may require.

§ 400.3 Statutory provisions; surrender of property subject to levy in the case of life insurance and endowment contracts.

SEC. 6332. *Surrender of property subject to levy.* * * *

(b) *Special rule for life insurance and endowment contracts*—

(1) *In general.* A levy on an organization with respect to a life insurance or endowment contract issued by such organization shall, without necessity for the surrender of the contract document, constitute a demand by the Secretary or his delegate for payment of the amount described in paragraph (2) and the exercise of the right of the person against whom the tax is assessed to the advance of such amount. Such organization shall pay over such amount 90 days after service of notice of levy. Such notice shall include a certification by the Secretary or his delegate that a copy of such notice has been mailed to the person against whom the tax is assessed at his last known address.

(2) *Satisfaction of levy.* Such levy shall be deemed to be satisfied if such organization pays over to the Secretary or his delegate the amount which the person against whom the tax is assessed could have had advanced to him by such organiaztion on the date prescribed in paragraph (1) for the satisfaction of such levy, increased by the amount of any advance (including contractual interest thereon) made to such person on or after the date such organization had actual notice or knowledge (within the meaning of section 6323(i)(1)) of the existence of the lien with respect to which such levy is made, other than an advance (including contractual interest thereon) made automatically to maintain such contract in force under an agreement entered into before such organization had such notice or knowledge.

(3) *Enforcement proceedings.* The satisfaction of a levy under paragraph (2) shall be without prejudice to any civil action for the enforcement of any lien imposed by this title with respect to such contract.

* * * * *

[Sec. 6332(b) as amended by sec. 104(b), Federal Tax Lien Act of 1966 (80 Stat. 1136)]

§ 400.3–1 Surrender of property subject to levy in the case of life insurance and endowment contracts.

(a) *Scope.* This section provides rules under the provisions in section 6332(b) which relate to a direct levy method by which the Internal Revenue Service can obtain from an insuring organization the cash loan value of an unmatured life insurance or endowment contract of the person against whom the tax is assessed. Section 6332(b) was amended by section 104(b) of the Federal Tax Lien Act of 1966 (80 Stat. 1136), effective after November 2, 1966.

(b) *Effect of service of notice of levy*—(1) *In general.* A notice of levy served by a district director on an insuring organization with respect to a life insurance or endowment contract issued by the organization shall constitute—

(i) A demand by the district director for the payment of the cash loan value of the contract with certain adjustments, as described in paragraph (c) of this section, and

(ii) The exercise of the right of the person against whom the tax is assessed to the advance of such cash loan value.

It is unnecesary for the district director to surrender the contract document to the insuring organization upon which the levy is made. However, the notice of levy will include a certification by the district director that a copy of the notice of levy has been mailed to the person against whom the tax is assessed at his last known address. At the time of service of the notice of levy, the levy is effective with respect to the cash loan value of the insurance contract, subject to the condition that if the levy is not satisfied or released before the 90th day after the date of service, the levy can be satisfied only by payment of the amount described in paragraph (c) of this section. Other than satisfaction of release of the levy, no event during the 90-day period subsequent to the date of service of the notice of levy shall release the cash loan value from the effect of the levy. For example, the termination of the policy by the taxpayer or by the death of the insured during such 90-day period shall not release the levy. For the rules relating to the time when the insuring organization is to pay over the required amount, see paragraph (c) of this section.

(2) *Notification of amount subject to levy*—(i) *Full payment before the 90th day.* In the event that the unpaid liability to which the levy relates is satisfied at any time during the 90-day period subsequent to the date of service of the notice of levy, the district director will promptly give the insuring organization written notification that the levy is released.

(ii) *Notification after the 90th day.* In the event that notification is not given under subdivision (i) of this subparagraph, the district director will, promptly following the 90th day after service of the notice of levy, give the insuring organization written notification of the current status of all accounts listed on the notice of levy, and of the total payments received since service of the notice of levy. This notification will be given to the insuring organization even when there is no change in the status of the accounts.

(c) *Satisfaction of levy*—(1) *In general.* The levy described in paragraph (b) of this section with respect to a life insurance or endowment contract shall be deemed to be satisfied if the insuring organization pays over to the district director the amount which the person against whom the tax is assessed could have advanced to him by the organization on the 90th day after service of the notice of levy on the organization. However, this amount is increased by the amount of any advance (including contractual interest thereon), generally called a policy loan, made to the person on or after the date the organization has actual notice or knowledge, within the meaning of section 6323(i)(1), of the existence of the tax lien with respect to which the levy is made. The insuring organization may, nevertheless, make an advance (including contractual interest thereon), generally called an automatic premium loan, made automatically to maintain the contract in force under an agreement entered into before the organization has such actual notice or knowledge. In any event, the amount paid to the district director by the insuring organization is not to exceed the amount of the unpaid liability shown on the notification described in paragraph (b)(2) of this section. The amount, determined in accordance with the provisions of this section, subject to the levy shall be paid to the district director by the insuring organization promptly after receipt of the notification described in paragraph (b)(2) of this section. The satisfaction of a levy with respect to a life insurance or endowment contract will not discharge the contract from the tax lien. However, see section 6323(b)(9)(C) concerning the liability of an insurance company after satisfaction of a levy with respect to a life insurance or endowment contract. If the person against whom the tax is assessed so directs, the insuring organization, on a date before the 90th day after service of the notice of levy,

may satisfy the levy by paying over an amount computed in accordance with the provisions of this subparagraph substituting such date for the 90th day. In the event of termination of the policy by the taxpayer or by the death of the insured on a date before the 90th day after service of the notice of levy, the amount to be paid over to the district director by the insuring organization in satisfaction of the levy shall be an amount computed in accordance with the provisions of this subparagraph substituting the date of termination of the policy or the date of death, as the case may be, for the 90th day.

(2) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). On March 5, 1968, a notice of levy for an unpaid income tax assessment due from A in the amount of $3,000 is served on the X Insurance Company with respect to A's life insurance policy. On March 5, 1968, the cash loan value of the policy is $1,500. On April 9, 1968, A does not pay a premium due on the policy in the amount of $200. Under an automatic premium advance provision contained in the policy originally issued in 1960, X advances the premium out of the cash value of the policy. As of June 3, 1968 (the 90th day after service of the notice of levy), pursuant to the provisions of the policy, the amount of accrued charges upon the automatic premium advance in the amount of $200 for the period April 9, 1968, through June 3, 1968, is $2. On June 5, 1968, the district director gives written notification to X indicating that A's unpaid tax assessment is $2,500. Under this section, X is required to pay to the district director, promptly after receipt of the June 5, 1968, notification, the sum of $1,298 ($1,500 less $200 less $2), which is the amount A could have had advanced to him by X on June 3, 1968.

Example (2). Assume the same facts as in example (1) except that on May 10, 1968, A requests and X grants an advance in the amount of $1,000. X has actual notice of the existence of the lien by reason of the service of the notice of levy on March 5, 1968. This advance is not required to be made automatically under the policy and reduces the amount of the cash value of the policy. For the use of the $1,000 advance during the period May 10, 1968, through June 3, 1968, X charges A the sum of $3. Under this section, X is required to pay to the district director, promptly after receipt of the June 5, 1968, notification, the sum of $1,298. This $1,298 amount is composed of the $295 amount ($1,500 less $200 less $2 less $1,000 less $3) A could have had advanced to him by X on June 3, 1968, plus the $1,000 advance plus the charges in the amount of $3 with respect thereto.

(d) *Other enforcement proceedings.* The satisfaction of the levy described in paragraph (b) of this section by an insuring organization shall be without prejudice to any civil action for the enforcement of any Federal tax lien with respect to a life insurance or endowment contract. Thus, this levy procedure is not the exclusive means of subjecting the life insurance and endowment contracts of the person against whom a tax is assessed to the collection of his unpaid assessment. The United States may choose to foreclose the tax lien in any case in which it is appropriate, as, for example, to reach the cash surrender value (as distinguished from the cash loan value) of a life insurance or endowment contract.

(e) *Cross references.* (1) For provisions relating to priority of certain advances with respect to a life insurance or endowment contract after satisfaction of a levy pursuant to section 6332(b), see section 6323(b)(9).

(2) For provisions relating to the issuance of a certificate of discharge of a life insurance or endowment contract subject to a tax lien, see section 6325(b).

§ 400.4 Statutory provisions; discharge of liens; notice required with respect to a nonjudicial sale.

SEC. 7425. *Discharge of liens.* * * *

(b) *Other sales.* Notwithstanding subsection (a), a sale of property on which the United States has or claims a lien, or a title derived from enforcement of a lien, under the provisions of this title, made pursuant to an instrument creating a lien on such property, pursuant to a confession of judgment on the obligation secured by such an instrument, or pursuant to a nonjudical sale under a statutory lien on such property—

(1) Shall, except as otherwise provided, be made subject to and without disturbing such lien or title, if notice of such lien was filed or such title recorded in the place provided by law for such filing or recording more than 30 days before such sale and the United States is not given notice of such sale in the manner prescribed in subsection (c)(1); or

(2) Shall have the same effect with respect to the discharge or divestment of such lien or such title of the United States, as may be provided with respect to such matters by the local law of the place where such property is situated, if—

(A) Notice of such lien or such title was not filed or recorded in the place provided by law for such filing more than 30 days before such sale,

(B) The law makes no provision for such filing, or

(C) Notice of such sale is given in the manner prescribed in subsection (c)(1).

(c) *Special rules*—(1) *Notice of sale.* Notice of sale to which subsection (b) applies shall be given (in accordance with regulations prescribed by the Secretary or his delegate) in writing, by registered or certified mail or by personal service, not less than 25 days prior to such sale, to the Secretary or his delegate.

(2) *Consent to sale.* Notwithstanding the notice requirement of subsection (b)(2)(C) a sale described in subsection (b) of property shall discharge or divest such property of the lien or title of the United States if the United States consents to the sale of such property free of such lien or title.

(3) *Sale of perishable goods.* Notwithstanding the notice requirement of subsection (b)(2)(C), a sale described in subsection (b) of property liable to perish or become greatly reduced in price or value by keeping, or which cannot be kept without great expense, shall discharge or divest such property of the lien or title of the United States if notice of such sale is given (in accordance with regulations prescribed by the Secretary or his delegate) in writing, by registered or certified mail or by personal service, to the Secretary or his delegate before such sale. The proceeds (exclusive of costs) of such sale shall be held as a fund subject to the liens and claims of the United States, in the same manner and with the same priority as such liens and claims had with respect to the property sold, for not less than 30 days after the date of such sale.

* * * * *

[Sec. 7425 (b) and (c) as added by sec. 109, Federal Tax Lien Act of 1966 (80 Stat. 1141)]

§ 400.4–1 Notice required with respect to a nonjudicial sale.

(a) *Scope and application of this section*—(1) *In general.* Section 109 of the Federal Tax Lien Act of 1966 (80 Stat. 1141) amended the Internal Revenue Code of 1954 by adding a new section 7425, relating to the discharge of liens. A tax lien of the United States, or a title derived from the enforcement of a tax lien of the United States, may be discharged or divested under local law only in the manner prescribed in section 2410 of Title 28 of the United States Code or section 7425 of the Internal Revenue Code. Section 7425(a) contains provisions relating to the discharge of a lien or a title derived from the enforcement of a lien in the judicial proceedings described in subsection (a) of section 2410 of Title 28 of the United States Code. These judicial proceedings are plenary in nature and proceed on formal pleadings. Section 7425(b) contains provisions relating to the discharge of a lien or a title derived from the enforcement of a lien in the event of a nonjudicial sale with respect to the property involved. Section 7425(c) contains special rules relating to the notice of sale requirements contained in section 7425(b). Paragraph (b) of this section of the regulations contains rules with respect to the nonjudicial sales described in section 7425(b). Paragraph (c) of this section of the regulations contains rules with respect to the notice of sale provisions of section 7425(c)(1). Paragraph (d) of this section relating to the consent to sale provisions of section 7425(c)(2). Paragraph (e) of this section of the regulations contains rules relating to the sale of perishable goods provisions of section 7425(c)(3). Paragraph (f) of this section of the regulations contains the requirements with respect to the contents of a notice of sale.

(2) *Effective date of this section.* The provisions of section 7425, as added by the Federal Tax Lien Act of 1966, are effective with respect to sales occurring after November 2, 1966. The notice of sale provisions of section 7425(c)(1) or (3) do not apply to sales occurring after November 2, 1966, if the seller of the property performed an act before November 3, 1966, which act at the time of performance was required and effective under local law with respect to the sale. An example of such an act is publication of a notice of the sale in a local newspaper before November 3, 1966, if local law requires such publication before a sale and the publication is effective under local law. Accordingly, in such a case, it is not necessary to notify the Internal Revenue Service pursuant to the provisions of section 7425(c)(1) or (3). With respect to a notice of sale required under section 7425(c)(1) or (3)—

(i) Any notice of sale given to an office of the Internal Revenue Service or the Treasury Department during the period November 3, 1966, through December 21, 1966, shall be considered as adequate;

(ii) Any notice of sale given during the period December 22, 1966, through January 31, 1968, which complies with provisions of either

(*a*) Revenue Procedure 67–25, 1967–20 I.R.B. 42 (based on Technical Information Release 873, dated December 22, 1966), or

(*b*) This section

shall be considered as adequate; and

(iii) Any notice of sale given after January 31, 1968, which complies with the provisions of this section shall be considered as adequate.

(b) *Nonjudicial sale*—(1) *In general.* Section 7425(b) contains provisions with respect to the effect on the interest of the United States in property in which the United States has or claims a lien, or a title derived from the enforcement of a lien, when a sale is made pursuant to—

(i) An instrument creating a lien on the property sold,

(ii) A confession of judgment on the obligation secured by an instrument creating a lien on the property sold, or

(iii) A statutory lien on the property sold.

For purposes of this section, such a sale is referred to as a "nonjudicial sale." The term "nonjudicial sale" includes, but is not limited to, the divestment of the taxpayer's title to property which occurs by operation of law, as well as those which result from a public or private sale. Under section 7425(b)(1), if a notice of lien is filed in accordance with section 6323 (f) or (g), or the title derived from the enforcement of a lien is recorded as provided by local law, more than 30 days before the date of sale, and the appropriate district director is not given notice of the sale (in the manner prescribed in paragraph (c) of this section), the sale shall be made subject to and without disturbing the lien or title of the United States. Under section 7425(b)(2)(C), in any case in which notice of the sale is given to the district director not less than 25 days prior to the date of sale (in the manner prescribed in section 7425(c)(1)), the sale shall have the same effect with respect to the discharge or divestment of the lien or title as may be provided by local law with respect to other junior liens. A nonjudicial sale pursuant to a lien which is junior to a tax lien does not divest the tax lien, even though notice of the nonjudicial sale is given to the appropriate district director. However, under the provisions of section 6325(b), § 301.6325–1 of this chapter (Regulations on Procedure and Administration), and § 400.2–1, a district director may discharge the property from a tax lien, including a tax lien which is senior to another lien upon the property. In the case of a nonjudicial sale subject to the provisions of section 7425(b), in order to compute any period of time determined with reference to the date of sale, the date of sale shall be determined in accordance with the following rules:

(iv) In the case of divestment of junior liens on property resulting directly from a public sale, the date of sale is deemed to be the date the public sale is held, regardless of the date under local law on which junior liens on the property are divested or the title to the property is transferred,

(v) In the case of divestment of junior liens on property resulting directly from a private sale, the date of sale is deemed to be the date title to the property is transferred, regardless of the date junior liens on the property are divested under local law, and

(vi) In the case of divestment of junior liens on property not resulting directly from a public or private sale, the date of sale is deemed to be the date on which junior liens on the property are divested under local law.

For provisions relating to the right of redemption of the United States, see section 7425(d) and § 400.5–1.

(2) *Examples.* The provisions of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). Under the law of M State upon entry of judgment, the judgment creditor obtains a statutory lien upon the real property of the judgment debtor, and certain procedures are provided by which the judgment creditor may execute by public sale upon such real property. These procedures provide, among other things, for notification by personal service or registered or certified mail to other lien creditors, if any, and publication of a notice of the sale in a local newspaper. After the expiration of a prescribed period of time after such notification and publication, the sheriff of the county where the real property is located may sell the property at public sale. After payment of the amount bid at the public sale, the sheriff issues to the purchaser a deed to the real property, and the interests of junior lienors in the property are divested. For purposes of this section, such an execution sale is a nonjudicial sale described in section 7425(b) since the sale is made pursuant to a statutory lien on the property sold. The date of sale, for purposes of computing a period of time determined with reference to the date of sale, is the date on which the public sale is held, since junior liens on the real property are divested directly as a result of the public sale. This result obtains even though the junior liens are legally divested on a later date when the sheriff issues the deed.

Example (2). Under the law of N State, mortgages on real property may contain a power of sale which authorizes the mortgagee, upon breach by the mortgagor of one of the conditions of the mortgage, to have the mortgaged property sold at public sale. This public sale must be preceded by notice by advertisement in a local newspaper, and the time, place, description of the property, and other terms of the sale must be specified. The purchaser at such a public sale obtains a title to the real property which is not subject to a right of redemption by the mortgagor and which divests the interests of the junior lienors in the property. For purposes of this section, a sale pursuant to such a power of sale is a nonjudicial sale described in section 7425(b) since the sale is made pursuant to the mortgage instrument which created a lien on the property sold. The date of the sale, for purposes of computing a period of time determined with reference to the date of sale, is the date of the public sale since junior liens on the property are divested directly as a result of the public sale.

Example (3). Under the law of O State, upon breach by a mortgagor of real property of one of the conditions of the mortgage, the mortgagee may foreclose the mortgage by securing possession of the property by one of several procedures provided by statute. These procedures are generally referred to as "strict foreclosure." In order for a foreclosure to be effective under these procedures, a certificate attesting the fact of entry must be recorded with the proper registrar of deeds within 30 days after the mortgagee enters the property. During the 1-year period following the date on which the certificate of entry is recorded, the mortgagor or a junior lienor may redeem the property by paying the mortgagee the amount of the mortgage obligation. If, during such 1-year period the property is not redeemed and the mortgagee's possession is continued, the interests of the mortgagor and the junior lienors in the property are divested. For purposes of this section, such a foreclosure procedure is a nonjudicial sale described in section 7425(b) since it results in the divestment of the mortgagor's interest in the property by operation of law pursuant to the mortgage which created a lien on the property. In addition, since there is no public or private sale which directly results in the divestment of junior liens on the property, the date of sale, for purposes of computing a period of time determined with reference to the date of sale, is the date on which the 1-year period following the recording of the certificate of entry expires.

Example (4). The law of P State contains a procedure which permits a county to collect a delinquent tax assessment with respect to real property by the means of a tax sale of the property. First, a notice of a public auction with respect to the tax assessment on the real property is published in a local newspaper. At the public auction, the purchaser, upon payment of the delinquent taxes and interest, obtains from the county tax collector a tax certificate with respect to the real property. Since the obtaining of this tax certificate does not directly result in the divestment of either the owner's title or junior liens with respect to the property, the public auction is not a nonjudicial sale described in section 7425(b). At any time before a tax deed with respect to the property is issued by the clerk of the county court, the owner or any holder of a lien or other interest with respect to the property may obtain the tax certificate by paying the holder of the tax certificate the amount of the taxes, interest, and costs. After a date which is two years after the date on which the tax assessment became delinquent, the holder of the tax certificate may request the clerk of the county court to have the property advertised for sale. After advertisement of the sale, the clerk of the county court conducts a public sale of the real property and the purchaser obtains a tax deed. The interests of all junior lienors in the property are divested and the property is not subject to a right of redemption under the law of P State. For purposes of this section, this public sale is considered to be a nonjudicial sale described in section 7425(b) since the sale is made pursuant to a statutory lien on the property sold. The date of the sale, for purposes of computing a period of time determined with reference to the date of sale, is the date on which the public sale is held at which the purchaser obtains a tax deed as this sale directly results in the divestment of junior liens on the property.

(c) *Notice of sale requirements*—(1) *In general.* Except in the case of the sale of perishable goods described in paragraph (e) of this section, a notice (as described in paragraph (f) of this section) of a nonjudicial sale shall be given,

in writing by registered or certified mail or by personal service, not less than 25 days prior to the date of sale (determined under the provisions of paragraph (b)(1)(iv), (v), and (vi) of this section), to the district director (marked for the attention of the chief, special procedures section) for the internal revenue district in which the sale is to be conducted. Thus, under this section, a notice of sale is not effective if it is given to a district director other than the district director for the internal revenue district in which the sale is to be conducted. The provisions of sections 7502 (relating to timely mailing treated as timely filing) and 7503 (relating to time for performance of acts where last day falls on Saturday, Sunday, or legal holiday) apply in the case of notices required to be made under this section.

(2) *Postponement of scheduled sale*—(i) *Where notice of sale is given.* In the event that notice of a sale is given in accordance with subparagraph (1) of this paragraph with respect to a scheduled sale which is postponed to a later time or date, the seller of the property is required to give notice of the postponement to the district director in the same manner as is required under local law with respect to other secured creditors. For example, assume that in M State local law requires that in the event of a postponement of a scheduled foreclosure sale of real property, an oral announcement of the postponement at the place and time of the scheduled sale constitutes sufficient notice to secured creditors of the postponement. Accordingly, if at the place and time of a scheduled sale in M State an oral announcement of the postponement is made, the Internal Revenue Service is considered to have notice of the postponement for the purpose of this subparagraph.

(ii) *Where notice of sale is not given.* In the event that—

(*a*) Notice of a nonjudicial sale would not be required under subparagraph (1) of this paragraph if the sale were held on the originally scheduled date,

(*b*) Because of a postponement of the scheduled sale, more than 30 days elapse between the originally scheduled date of the sale and the date of the sale, and

(*c*) A notice of lien with respect to the property to be sold is filed more than 30 days before the date of the sale,

notice of the sale is required to be given to the district director in accordance with the provisions of subparagraph (1) of this paragraph. In any case in which notice of sale is required to be given with respect to a scheduled sale, and notice of the sale is not given, any postponement of the scheduled sale does not affect the rights of the United States under section 7425(b).

(iii) *Examples.* The provisions of subdivision (ii) of this subparagraph may be illustrated by the following examples:

Example (1). A nonjudicial sale of Blackacre, belonging to A, a delinquent taxpayer, is scheduled for December 2, 1968. As no notice of lien is filed applicable to Blackacre more than 30 days before December 2, 1968, no notice of sale is given to the district director. On December 2, 1968, the sale of Blackacre is postponed until January 15, 1969. A notice of lien with respect to Blackacre is properly filed on January 2, 1969. The sale of Blackacre is held on January 15, 1969. Even though more than 30 days elapsed between the originally scheduled date of the sale (Dec. 2, 1968) and the date of the sale (Jan. 15, 1969), no notice of sale is required to be given to the district director since the notice of lien was not filed more than 30 days before the date of the sale.

Example (2). Assume the same facts as in example (1) except that the notice of lien is properly filed on November 29, 1968. Since more than 30 days elapsed between the originally scheduled date of the sale and the date of the sale, and the notice of lien is filed (on Nov. 29, 1968) more than 30 days before the date of the sale (Jan. 15, 1969), notice of the sale, in accordance with the provisions of subparagraph (1) of this paragraph, is required to be given to the district director.

Example (3). A nonjudicial sale of Whiteacre, belonging to B, a delinquent taxpayer, is scheduled for December 2, 1968. A notice of lien applicable to Whiteacre is filed on November 12, 1968. As the notice of lien was not filed more than 30 days before December 2, 1968, no notice of sale is given to the district director. On December 2, 1968, the sale of Whiteacre is postponed until December 20, 1968. The sale of Whiteacre is held on December 20, 1968. Even though more than 30 days elapsed between the date notice of lien was filed (Nov. 12, 1968) and the date of the sale (Dec. 20, 1968), no notice of sale is required to be given to the district director since not more than 30 days elapsed between the date of the originally scheduled sale (Dec. 2, 1968) and the date the sale was actually held (Dec. 20, 1968).

(d) *Consent to sale*—(1) *In general.* Notwithstanding the notice of sale provisions of paragraph (c) of this section, a nonjudicial sale of property shall discharge or divest the property of the lien or title of the United States if the district director for the internal revenue district in which the sale occurs consents to the sale of the property free of the lien or title. Pursuant to section 7425(c)(2), where adequate protection is afforded the lien or title of the United States, a district director may, in his discretion, consent with respect to the sale of property in appropriate cases. Such consent shall be effective only if given in writing and shall be subject to such limitations and conditions as the district director may require. However, a district director may not consent to a sale of property under this section after the date of sale, as determined under paragraph (b)(1)(iv), (v), and (vi) of this section. For provisions relating to the authority of the district director to discharge property subject to a tax lien in the case where the proceeds of the sale are held as a fund subject to the liens and claims of the United States, see section 6325(b)(3) and § 400.2–1.

(2) *Application for consent.* Any person desiring a district director's consent to sell property free of a tax lien or a title derived from the enforcement of a tax lien of the United States in the property shall submit to the district director for the internal revenue district in which the sale is to occur a written application in triplicate, declaring it is made under penalties of perjury, requesting that such consent be given. The application shall contain the information required in the case of a notice of sale, as set forth in paragraph (f)(1) of this section, and, in addition, shall contain a statement of the reasons why the consent is desired.

(e) *Sale of perishable goods*—(1) *In general.* A notice (as described in paragraph (f) of this section) of a nonjudicial sale of perishable goods (as defined in subparagraph (2) of this paragraph) shall be given in writing, by registered or certified mail or delivered by personal service, at any time before the sale to the district director (marked for the attention of the chief, special procedures section) for the internal revenue district in which the sale is to be conducted. If a notice of a nonjudicial sale is timely given in the manner described in this paragraph, the nonjudicial sale shall discharge or divest the tax lien, or a title derived from the enforcement of a tax lien, of the United States in the property. The provisions of sections 7502 (relating to timely mailing treated as timely filing) and 7503 (relating to time for performance of acts where last day falls on Saturday, Sunday, or legal holiday) apply in the case of notices required to be made under this paragraph. For example, where the sale of perishable goods is scheduled for 1 p.m. on November 1, 1968, and the notice is mailed by certified mail to the district director at 10 a.m. on November 1, 1968, the notice shall be considered as timely given for purposes of this paragraph. The seller of the perishable goods shall hold the proceeds (exclusive of costs) of the sale as a fund, for not less than 30 days after the date of the sale, subject to the liens and claims of the United States, in the same manner and with the same priority as the liens and claims of the United States had with respect to the property sold. If the seller fails to hold the proceeds of the sale in accordance with the provisions of this paragraph, the seller shall be personally liable to the United States for an amount equal to the value of the interest of the United States in the fund. However, even if the proceeds of the sale are not so held by the seller, but all the other provisions of this paragraph are satisfied, the buyer of the property at the sale takes the property free of the liens and claims of the United States. In the event of a postponement of the scheduled sale of perishable goods, the seller is not required to notify the district director of the postponement. For provisions relating to the authority of the district director to discharge property subject to a tax lien in the case where the proceeds of the sale are held as a fund subject to the liens and claims of the United States, see section 6325(b)(3) and § 400.2–1.

(2) *Definition of perishable goods.* For the purpose of this paragraph, the term "perishable goods" means any personal property which, in the reasonable view of the person selling the property, is liable to perish or become greatly reduced in price or value by keeping, or cannot be kept without great expense.

(f) *Content of notice of sale*—(1) *In general.* With respect to a notice of sale described in paragraph (c) or (e) of this section, the notice will be considered adequate if it contains the information described in subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(i) The name and address of the person submitting the notice of sale.

(ii) A copy of each Notice of Federal Tax Lien (Form 668) affecting the property to be sold, or the following information as shown on each such Notice of Federal Tax Lien:

(*a*) The internal revenue district named thereon,

(*b*) The name and address of the taxpayer, and

(*c*) The date and place of filing of the notice.

(iii) With respect to the property to be sold, the following information:

(*a*) A detailed description, including location, of the property affected by the notice (in the case of real property, the street address, city, and State and the legal description contained in the title or deed to the property and, if available, a copy of the abstract of title);

(*b*) The date, time, place, and terms of the proposed sale of the property; and

(*c*) In the case of a sale of perishable property described in paragraph (e) of this section, a statement of the reasons why the property is believed to be perishable.

(iv) The approximate amount of the principal obligation, including interest, secured by the lien sought to be enforced and a description of the other expenses (such as legal expenses, selling costs, etc.) which may be charged against the sale proceeds.

(2) *Inadequate notice.* Except as otherwise provided in this subparagraph, a notice of sale described in paragraph (c) of this section which does not contain the information described in subparagraph (1) of this paragraph will not be considered adequate by a district director. If a district director determines that the notice is inadequate, he will give written notification of the items of information which are inadequate to the person who submitted the notice. In such event a notice complying with the provisions of this section (including the requirement that the notice be given 25 days prior to the sale in the case of a notice described in paragraph (c) of this section) must be given. However, in accordance with the provisions of paragraph (d)(1) of this section, in such a case the district director may, in his discretion, consent to the sale of the property free of the lien or title of the United States even though notice of the sale is not given 25 days prior to the sale. In any case in which the person who submitted a timely notice does not receive, more than 5 days prior to the date of the sale, written notification from the district director that the notice is inadequate, the notice shall be considered adequate for the purposes of this section.

(3) *Acknowledgment of notice.* If a notice of sale described in paragraph (c) or (e) of this section is submitted in duplicate to the district director with a written request that receipt of the notice be acknowledged and returned to the person giving the notice, this request will be honored by the district director. The acknowledgment by the district director will indicate the date and time of the receipt of the notice.

(4) *Disclosure of adequacy of notice.* The district director for the internal revenue district in which the sale was held is authorized to disclose, to any person who has a proper interest, whether an adequate notice of sale was given under subparagraph (1) of this paragraph. Any person desiring this information should submit to the district director a written request which clearly describes the property sold, identifies the applicable notice of lien, gives the reasons for requesting the information, and states the name and address of the person making the request.

§ 400.5 Statutory provisions; redemption by the United States.

(a) Section 2410(d) of title 28 of the United States Code, as amended by section 201 of the Federal Tax Lien Act of 1966:

SEC. 2410. *Actions affecting property on which United States has lien.* * * *

(d) In any case in which the United States redeems real property under * * * section 7425 of the Internal Revenue Code of 1954, the amount to be paid for such property shall be the sum of—

(1) The actual amount paid by the purchaser at such sale (which, in the case of a purchaser who is the holder of the lien being foreclosed, shall include the amount of the obligation secured by such lien to the extent satisfied by reason of such sale),

(2) Interest on the amount paid (as determined under paragraph (1)) at 6 percent per annum from the date of such sale, and

(3) The amount (if any) equal to the excess of (A) the expenses necessarily incurred in connection with such property, over (B) the income from such property plus (to the extent such property is used by the purchaser) a reasonable rental value of such property.

[Sec. 2410(d) as amended by sec. 201, Federal Tax Lien Act of 1966 (80 Stat. 1147)]

(b) Section 7425(d) of the Internal Revenue Code of 1954, added by section 109 of the Federal Tax Lien Act of 1966:

SEC. 7425. *Discharge of liens.* * * *

(d) *Redemption by United States*—(1) *Right to redeem.* In the case of a sale of real property to which subsection (b) applies to satisfy a lien prior to that of the United States, the Secretary or his delegate may redeem such property within the period of 120 days from the date of such sale or the period allowable for redemption under local law, whichever is longer.

(2) *Amount to be paid.* In any case in which the United States redeems real property pursuant to paragraph (1), the amount to be paid for such property shall be the amount prescribed by subsection (d) of section 2410 of title 28 of the United States Code.

(3) *Certificate of redemption*—(A) *In general.* In any case in which real property is redeemed by the United States pursuant to this subsection, the Secretary or his delegate shall apply to the officer designated by local law, if any, for the documents necessary to evidence the fact of redemption and to record title to such property in the name of the United States. If no such officer is designated by local law or if such officer fails to issue such documents, the Secretary or his delegate shall execute a certificate of redemption therefor.

(B) *Filing.* The Secretary or his delegate shall, without delay, cause such documents or certificate to be duly recorded in the proper registry of deeds. If the State in which the real property redeemed by the United States is situated has not by law designated an office in which such certificate may be recorded, the Secretary or his delegate shall file such certificate in the office of the clerk of the U.S. district court for the judicial district in which such property is situated.

(C) *Effect.* A certificate of redemption executed by the Secretary or his delegate shall constitute prima facie evidence of the regularity of such redemption and shall, when recorded, transfer to the United States all the rights, title, and interest in and to such property acquired by the person from whom the United States redeems such property by virtue of the sale of such property.

[Sec. 7425(d) as added by sec. 109, Federal Tax Lien Act of 1966 (80 Stat. 1141)]

§ 400.5–1 Redemption by United States.

(a) *Scope.* The purpose of this section is to prescribe rules with respect to the provisions contained in section 7425(d), relating to redemption of real property by the United States. Section 109 of the Federal Tax Lien Act of 1966 (80 Stat. 1141) amended the Internal Revenue Code of 1954 by adding a new section 7425, relating to the discharge of tax liens, effective after November 2, 1966.

(b) *Right to redeem*—(1) *In general.* In the case of a nonjudicial sale of real property to satisfy a lien prior to the tax lien, the district director may redeem the property within the redemption period (as described in subparagraph (2) of this paragraph). The right of redemption of the United States exists under section 7425(d) even though the district director has consented to the sale under section 7425(c)(2) and paragraph (d) of § 400.4–1. For purposes of this section, the term "nonjudicial sale" shall have the same meaning as when used in paragraph (b)(1) of § 400.4–1.

(2) *Redemption period.* For purposes of this section, the redemption period shall be—

(i) The period beginning with the date of the sale (as determined under paragraph (b)(1) (iv), (v), and (vi) of § 400.4–1) and ending with the 120th day after such date, or

(ii) The period for redemption of real property allowable, with respect to other secured creditors, under local law of the place where the real property is located,

whichever is longer.

(3) *Limitations.* In the event a sale does not ultimately discharge the property from the tax lien (whether by reason of local law or the provisions of section 7425(b)), the provisions of this section do not apply since the tax lien will continue to attach to the property after the sale. In a case in which the Internal Revenue Service is not entitled

to a notice of sale under section 7425(b) and § 400.4–1, the United States does not have a right of redemption under section 7425(d). However, in such a case, if a tax lien has attached to the property at the time of sale, the United States has the same right of redemption, if any, which is afforded to any secured creditor under the local law of the place in which the property is situated.

(c) *Amount to be paid*—(1) *In general.* In any case in which a district director exercises the right to redeem real property, the amount to be paid is the sum of the following amounts—

(i) The actual amount paid for the property being redeemed (which, in the case of a purchaser who is the holder of the lien being foreclosed, shall include the amount of the obligation secured by such lien to the extent legally satisfied by reason of the sale);

(ii) Interest on the amount paid (described in subdivision (i) of this subparagraph) at the sale by the purchaser of the real property computed at the rate of 6 percent per annum for the period from the date of the sale (as determined under paragraph (b)(1) (iv), (v), and (vi) of § 400.4–1) to the date of redemption; and

(iii) The amount, if any, equal to the excess of (*a*) the expenses necessarily incurred in connection with such property by the purchaser, over (*b*) the income from such property realized by the purchaser plus a reasonable rental value of such property (to the extent the property is used by or with the consent of the purchaser, or is rented at less than its reasonable rental value).

(2) *Examples.* The provisions of subparagraph (1)(i) of this paragraph may be illustrated by the following examples:

Example (1). A, a delinquent taxpayer, owns Blackacre located in X State upon which B holds a mortgage. After the mortgage is properly recorded, a notice of tax lien is filed which is applicable to Blackacre. Subsequently, A defaults on the mortgage and B forecloses on the mortgage which has an outstanding obligation in the amount of $100,000. At the foreclosure sale, B bids $50,000 and obtains title to Blackacre as a result of the sale. At the time of the foreclosure sale, Blackacre has a fair market value of $75,000. Under the laws of X State, the mortgage obligation is fully satisfied as a result of the foreclosure sale and the mortgagee cannot obtain a deficiency judgment. Under subparagraph (1)(i) of this paragraph, the district director must pay $100,000 in order to redeem Blackacre.

Example (2). Assume the same facts as in example (1), except that under the laws of X State, the fair market value of the property foreclosed is the amount of the obligation legally satisfied as a result of the foreclosure sale, and in a case in which the amount of the obligation exceeds the amount of the fair market value of the property, the mortgagee has the right to a judgment for the deficiency computed as the difference between the obligation and the fair market value of the property. In such a case the district director must, under subparagraph (1)(i) of this paragraph, pay $75,000 in order to redeem Blackacre, whether or not B seeks a judgment for the deficiency.

Example (3). Assume the same facts as in example (1), except that under the laws of X State, the amount bid is the amount of the obligation legally satisfied as a result of the foreclosure sale, and in the case in which the amount of the obligation exceeds the amount bid, the mortgagee has the right to a judgment for the deficiency computed as the difference between the amount of the obligation and the amount bid. In such a case, the district director must, under subparagraph (1)(i) of this paragraph, pay $50,000 in order to redeem Blackacre, whether or not B seeks a judgment for the deficiency.

(d) *Certificate of redemption*—(1) *In general.* If a district director exercises the right of redemption of the United States described in paragraph (b) of this section, he shall apply to the officer designated by local law, if any, for the documents necessary to evidence the fact of redemption and to record title to the redeemed property in the name of the United States. If no such officer has been designated by local law or if the officer designated by local law fails to issue the necessary documents, the district director is authorized to issue a certificate of redemption for the property redeemed by the United States.

(2) *Filing.* The district director shall, without delay, cause either the documents issued by the local officer or the certificate of redemption executed by the district director, described in subparagraph (1) of this paragraph, to be duly recorded in the proper registry of deeds. If a certificate of redemption is issued by the district director and if the State in which the real property redeemed by the United States is situated has not by law designated an office in which the certificate of redemption may be recorded, the district director shall file the certificate of redemption in the office of the clerk of the U.S. district court for the judicial district in which the redeemed property is situated.

(3) *Effect of certificate of redemption.* A certificate of redemption executed pursuant to subparagraph (1) of this paragraph shall constitute prima facie evidence of the regularity of the redemption. When a certificate of redemption is recorded, it shall transfer to the United States all the rights, title, and interest in and to the redeemed property acquired by the person from whom the district director redeemed the property by virtue of the sale of the property.

(4) *Application for release of right of redemption.* Upon application of a party with a proper interest in the real property sold in a nonjudicial sale described in section 7425(b) and paragraph (b) of § 400.4–1, which real property is subject to the right of redemption of the United States described in this section, the district director may, in his discretion, release the right of redemption with respect to the property. The application for the release shall be submitted in writing to a district director and shall contain such information as the district director may require. If the district director determines that the right of redemption of the United States is without value, no amount shall be required to be paid with respect to the release of the right of redemption.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: January 17, 1968.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 68–831; Filed, Jan. 19, 1968; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 809—ISSUE AND CONTROL OF IDENTIFICATION CARDS

Subchapter A of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

A new Part 809 is added as follows:

Subpart A—General Information

Sec.
809.1 Reproduction of identification cards (ID).
809.2 Types of identification cards.
809.3 Definitions.
809.4 Change in status of member or dependents.
809.5 Accredited/approved institutions of higher learning.

Subpart B—General Procedures

809.6 Action by the Air Force Accounting and Finance Center.
809.7 Retrieval, confiscation, and appeal procedures.
809.8 Loss, theft, or destruction of identification cards.

Subpart C—Uniformed Services Identification and Privilege Card (DD Form 1173)

809.9 Use of DD Form 1173.
809.10 Cross servicing.
809.11 To whom issued.
809.12 Return of the verified DD Form 1172.
809.13 Issue, reissue, and renewal.
809.14 Surrender of card.
809.15 Entitlement to benefits and privileges.
809.16 Application procedures—dependents of active duty military members.
809.17 Application procedures—dependents of retired members.
809.18 Application procedures—surviving dependents.
809.19 Application procedures—totally disabled veterans and their dependents.
809.20 Application procedures—civilians and foreign military personnel and their dependents.
809.21 Applicants' requirements as to DD Form 1172 and supporting documents.
809.22 Chart of entitlement to benefits and privileges.

AUTHORITY: The provisions of this Part 809 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 30–20, Nov. 20, 1967.

Subpart A—General Information

§ 809.1 Reproduction of identification cards (ID).

18 U.S.C. 701 prohibits photographing or other unauthorized reproduction or possession of U.S. identification cards under penalty of fine or imprisonment or both.

§ 809.2 Types of identification cards.

Individuals may be issued only one of the types of cards described in paragraphs (a), (b), (c), and (d) of this section.

(a) DD Form 2AF (Active), "Armed Forces Identification Card" (green).

(b) DD Form 2AF (Retired), "Armed Forces Identification Card" (gray).

(c) DD Form 2AF (Reserve), "Armed Forces Identification Card" (red).

(d) DD Form 1173, "Uniformed Services Identification and Privilege Card."

(e) DD Form 489, "Noncombatant's Certificate of Identity."

(f) DD Form 528, "Geneva Conventions Identification Card."

§ 809.3 Definitions.

(a) *Armed Forces.* The Army, Navy, Air Force, Coast Guard, and Marine Corps.

(b) *Uniformed Services.* The Armed Forces, the Commissioned Corps of the Environmental Science Services Administration, and the Commissioned Corps of the Public Health Service.

(c) *Active duty member of a Uniformed Service.* A person who is serving on active duty or active duty for training pursuant to a call or order that does not specify a period of 30 days or less.

(d) *Retired member of a Uniformed Service.* A retired member of the Uniformed Services who is entitled to retired, retainer, or equivalent pay.

(e) *Deceased member.* A member who died while serving on active duty or who died while in a retired status or a member of the Reserve component who died in line of duty while in an active status for less than 30 days whose survivors are paid the death gratuity under the provisions of chapter 5, part 4, DoD PM, and paragraph 80192, AFM 177–105. Active status is further defined in AFM 35–3 (Air Reserve Forces Personnel Administration).

(f) *Dependent.* A person who bears any of the following relationships to an active duty or retired member of a Uniformed Service or to a person who at the time of his death was on active duty or was a retired member of a Uniformed Service:

(1) The lawful wife.

(2) The unremarried widow.

(3) The lawful husband, if he is dependent on the active duty or retired member for over one-half of his support.

(4) The unremarried widower, if he was dependent on the active duty or retired member at the time of her death for over one-half of his support because of a mental or physical incapacity.

(5) An unmarried legitimate child, including an adopted child or stepchild, who either:

(i) Has not passed his 21st birthday, regardless of whether he is dependent on the active duty or retired member;

(ii) Has passed his 21st birthday but is incapable of self-support because of a mental or physical incapacity that existed before that birthday, and is, or was at the time of death of the active duty or retired member, dependent on him for over one-half of his support; or

(iii) Has passed his 21st birthday but has not passed his 23d birthday and is enrolled in a full-time course in an institution of higher learning approved by the Secretary of Defense or the Secretary of Health, Education, and Welfare, and is or was at the time of death of the active duty or retired member, dependent on him for over one-half of his support.

(6) A parent or parent-in-law who either:

(i) Is dependent on the active duty or retired member for over one-half of his support and is residing in a dwelling place provided or maintained by the member; or

(ii) Was at the time of death of the member dependent on him for over one-half of his support and is residing in a dwelling place provided or maintained by the member.

NOTE: For purposes of commissary and theater, eligibility is determined solely on actual residence in the household of the sponsor. For purposes of exchange, the condition of residence is not essential in defining a parent (parents-in-law are not eligible for exchange privilege). See Chart of Entitlement, § 809.22.

(g) *Eligible recipient (see § 809.22).* For further details concerning the persons specified and benefits and privileges to which they may be entitled, see:

(1) Medical care: Part 815 of this chapter and AFRs 168–3 (Civilian Medical and Dental Care for Dependents of Foreign Military Personnel of the NATO Nations in the United States) and 168–9 (Uniformed Services Health Benefits Program).

(2) Commissary privileges: Part 823 of this chapter.

(3) Exchange patronage: AFR 147–14 (Operating Policies).

(4) Admission to military theaters: AFR 34–32 (Army and Air Force Motion Picture Service).

(h) *Issuing activity.* An agency or person authorized, upon receipt of a properly certified application, to issue one of the identification cards listed in this part. This activity must have the necessary photographing and laminating facilities. Commissioned officers, warrant officers, noncommissioned officers, grades E–7 through E–9, and civilians GS–5 and above may be authorized to authenticate identification cards.

(i) *Sponsor.* Any person who is independently eligible for one of the cards listed in this part, upon whom another persons' eligibility for an identification card is based.

(j) *Verifying activity.* An agency or person designated to certify to the eligibility of individuals to receive identification cards. Normally, the Consolidated Base Personnel Office (CBPO) will be the responsible activity. The responsible person may be a commissioned officer, warrant officer, noncommissioned officer, grades E–7 through E–9, or civilian employees GS–5 and above.

(k) *Service member.* Individuals of the Armed Forces on active duty for 31 days or more and all retirees who are entitled to retired pay or retainer.

§ 809.4 Change in status of member or dependents.

(a) *Legal separation, interlocutory divorce, final divorce decree.* A wife or a dependent husband who is divorced from a service member (active duty, retired with pay) loses eligibility for DD Form 1173 on the date the divorce becomes final. A spouse does not lose eligibility through issuance of an interlocutory decree of divorce even when the court has approved a property settlement releasing the service member from responsibility for support. (However, the service member may revoke his designation of agent's privileges for commissary if he desires.) A spouse remains eligible for the DD Form 1173 as long as the relationship of husband and wife is not terminated by a final divorce decree. The eligibility of unmarried legitimate children is not affected by the divorce (except that a stepchild relationship would cease upon divorce of parent and stepparent). The fact that the divorced wife of a service member remarries does not necessarily terminate a child's eligibility for medical care, exchange, and theater privileges. However, adoption of a child by a third party (other than a person whose dependents are eligible for DD Form 1173) terminates the child's eligibility.

(b) *Marriage and final divorce decree of dependent child.* Children lose eligibility upon reaching age 21, except children who are mentally or physically incapacitated and those who are enrolled in an approved institution of higher learning. If a child is married, eligibility ceases on the date of marriage. However, should the marriage be terminated, the child may again be entitled to DD Form 1173 as the child of a service member, provided the eligibility requirements of a dependent child are met.

(c) *Dependent's eligibility terminated.* Member's release from active duty, discharge, official placement of the member in a desertion status, and divorce (except as provided in paragraphs (a) and (b) of this section) terminate the eligibility for a dependent's DD Form 1173.

(d) *Hospital insurance benefits.* Upon attaining age 65, retired members, their spouses and children, and spouses and children of deceased members who become entitled to hospital insurance benefits under Social Security Health Insurance Program lose their eligibility for benefits from civilian sources under the Civilian Health and Medical Program of the Uniformed Services.

(e) *Stepchildren.* Although an unmarried legitimate stepchild at the time of the member's or retired member's death

is and continues to be an eligible dependent for the purposes of this part, such child loses eligibility for DD Form 1173 as a stepchild of a deceased member or retired member when the child's natural mother remarries or the child is adopted by a third party.

809.5 Accredited/approved institutions of higher learning.

Institutions meeting the criteria are listed in the "Education Directory, Part 3, Higher Education," issued annually by the U.S. Office of Education, Department of Health, Education, and Welfare (OE–50000–64). To determine approval of an institution not listed in the directory or of a foreign institution of higher learning, a statement may be obtained from the U.S. Office of Education, Department of Health, Education, and Welfare, Washington, D.C. 20202.

Subpart B—General Procedures

§ 809.6 Action by the Air Force Accounting and Finance Center.

To obtain additional evidence required to establish dependency or relationship, AFAFC corresponds with the dependent(s) listed on DD Form 1172, "Application for Uniformed Services Identification and Privilege Card." When this action is complete, AFAFC returns the DD Form 1172 to the verifying activity with a separate statement as to whether the relationship/dependency requirement has been established. A copy of the AFAFC determination will be filed with the DD Form 1172 until it is superseded.

NOTE: A dependent parent or parent-in-law, for whom a current determination of dependency is not in effect, must complete AFAFC Form 510–16, "Dependency Statement—Dependents Medical Care," and AFAFC Form 510–16A, "Certificate of Residence," which AFAFC sends to the person upon receipt of the DD Form 1172. The dependency determination is then based upon the income, expense, and residency data the claimed dependent reports upon these forms.

§ 809.7 Retrieval, confiscation, and appeal procedures.

ID cards are Government property. Any commissioned or noncommissioned officer or security policeman, in the performance of his duties, may confiscate an ID card which has expired, is being fraudulently used, or is presented by an individual not entitled to possess it. The right to an ID card may also be forfeited by misuse, such as abuse of privileges and use in connection with cashing bad checks.

(a) *Retrieval.* Although every effort will be made by authorities to retrieve cards on a voluntary basis, they do not have the authority to seize ID cards by force from persons not subject to military law. If a person not subject to military law refuses to surrender an ID card on demand, recourse may be had by way of suit to recover the property. If a card cannot be retrieved voluntarily, the circumstances will be reported to the nearest Chief, Security Police. If he cannot retrieve the card voluntarily, he will report the circumstances to the nearest OSI office. If all attempts fail, referral will be made to Hq USAF (AFJALF), Washington, D.C. 20330, for possible transmittal to the Department of Justice. An information copy of the referral action will be forwarded to USAFMPC (AFPMDRM1), Randolph AFB TX 78148.

(b) *Confiscation.* The official who confiscates a card will report the circumstances to the nearest Chief, Security Police, who will initiate appropriate investigative action. Refer completed reports of investigation to the local staff judge advocate, who will determine if judicial or administrative action is appropriate. In all cases involving the misuse of a card, forward a copy of the completed report of investigation to USAFMPC (AFPMDRM1), Randolph AFB TX 78148.

NOTE: Any DD Form 1173 presented with an expiration date of "Indefinite" should be confiscated and a replacement card issued. DD Forms 1173 previously issued to retired members remain valid; however, the DD Form 2AF (Ret) (gray) is presently the only card authorized for issuance to paid Air Force retirees.

(c) *Appeal.* If the card was confiscated because of misuse or abuse, the individual concerned may submit a written appeal to the commander of the person who confiscated the card of USAFMPC (AFPMDRM1), Randolph AFB TX 78148.

§ 809.8 Loss, theft, or destruction of identification cards.

The following procedures will be used for loss, theft, or destruction of ID cards:

Line	If the ID card is—	RULE		
		1	2	3
A	DD Form 2AF, 2AF (Ret), 2AF (Res), or 1173.	Yes		
B	DD Form 489.		Yes	
C	DD Form 528.			Yes
D	Loss, theft, or destruction will be reported promptly through the resubmission of the application for the appropriate ID card.	X	X	X
E	The following statement by the sponsor/member must be included on the DD Form 1172, in Item 18, Remarks: "I certify that the DD Form ___, issued to _____, has been (lost) (stolen) (destroyed) under the following circumstances: (Explain in detail). It has not been (located) (recovered) after a diligent search. Further, if found, I will surrender it to an appropriate USAF facility."	X		
F	The cardholder will certify the circumstances of the loss in memo or letter to the nearest issuing activity who uses this report as a basis for replacement; the information in the report of loss should be similar to the statement in E above.		X	
G	Issuing activity will hold the certificate for 1 year and then destroy it.		X	
H	Replacement of ID cards will be accomplished in the same manner as the original application.	X	X	X

Subpart C—Uniformed Services Identification and Privilege Card (DD Form 1173)

§ 809.9 Use of DD Form 1173.

DD Form 1173 will be used throughout the Department of Defense to identify those persons eligible for benefits and privileges administered by the Armed Services. The form will not be issued to individuals when eligibility for or use of the card for 30 days or less is indicated or for use in conjunction with TDY (also see Note at the end of § 809.11).

§ 809.10 Cross servicing.

The Uniformed Services have agreed to assist each other in issuing DD Form 1173. Applicants will obtain verification of DD Form 1172 from the applicant's or sponsor's parent service before requesting issue of the DD Form 1173 from another uniformed service. That service will determine eligibility, complete section IV and the applicable items of section II, DD Form 1172, and return application to sponsor/applicant for presentation to any issuing activity.

§ 809.11 To whom issued.

DD Form 1172 is issued to:

(a) Dependents (10 years of age or older) of members of the Uniformed Services (on active duty, retired with pay, or deceased).

(b) Dependents (less than 10 years of age) of members of the Uniformed Services (on active duty, retired with pay, or deceased), when such dependents are residing with a divorced spouse or in a household of which the sponsor is not the head. DD Form 1173 may be issued to dependents under ten years of age, when unusual circumstances dictate a need for unquestionable proof of relationship and entitlement.

(c) Honorably discharged veterans of the U.S. Armed Forces who are totally (100 percent) disabled as a result of a service-connected disability and are so certified by the Veterans Administration.

(d) Foreign personnel subject to NATO and SOFA and their dependents, when serving in the United States under the sponsorship of the Department of the Air Force.

(e) Military personnel assigned as OSI special agents.

(f) Civilians employed by or affiliated with the USAF (see item 10, § 809.22, for restrictions):

(1) U.S. citizen, Air Force employees and their dependents who are residing together on a military installation within the CONUS.

(2) U.S. citizen employees of the Air Force and their dependents stationed outside the CONUS.

(3) Uniformed, full-time, paid personnel of American Red Cross assigned to duty within an activity of the Armed Forces, and their dependents.

(4) Non-U.S. citizen employees and their dependents under private or Government contract with the Air Force.

(5) U.S. citizen employees and their dependents of other U.S. Government departments or agencies.

NOTE: Personnel on TDY will not be issued DD Form 1173. Travel orders are sufficient to establish entitlement for privileges and benefits.

§ 809.12 Return of the verified DD Form 1172.

(a) When the recipient is a totally disabled veteran or an OSI special agent, the DD Form 1172 will be returned direct to the recipient.

(b) When the dependents reside with the sponsor, the DD Form 1172 will be returned to the sponsor. The dependent(s) will then present the form to the designated base issuing activity for completion and delivery of DD Forms 1173.

(c) When the dependents are not residing with the member, or a retired member and his dependents are not physically present, or surviving dependents of a deceased member are not physically present, the DD Form 1172 will be mailed to the principal dependent named thereon or, when appropriate, to his agent. The dependent(s) will then present the DD Form 1172 to the issuing activity nearest their residence for completion and delivery of DD Form(s) 1173.

§ 809.13 Issue, reissue, and renewal.

(a) DD Form 1173 will be issued:

(1) Upon entry on active duty or active duty for training for a period in excess of 30 days.

(2) Upon reenlistment.

(3) Upon change in dependency status stated on current card.

(4) Upon retirement or death.

(5) Upon expiration of card.

(b) DD Form 1173 will be reissued only to:

(1) Replace a lost, stolen, or destroyed card.

(2) Correct an error.

(3) Replace a multilated card.

(4) Change data that make the card questionable as a means of identification.

(5) Extend the expiration date when the member is assigned PCS to an oversea area where dependents cannot accompany and their DD Form 1173 will expire before member's estimated date of return.

(c) Request for reissue or renewal will be made on DD Forms 1172 in the same manner as the original application, except for applications submitted by persons who have previously been furnished a dependency determination by AFAFC.

(d) Normally, new DD Forms 1173 will not be reissued because of a change of grade of the sponsor unless the grade involves a change in status, e.g., airman to officer and vice versa.

§ 809.14 Surrender of card.

(a) DD Form 1173 will be surrendered:

(1) When a new card is issued, except to replace loss or theft.

(2) Upon expiration date.

(3) When the cardholder becomes ineligible by reason of age, divorce, attainment of self-support, or other reasons.

(4) Upon death, retirement, discharge, or release of sponsor to inactive duty.

(5) When the sponsor is officially placed in deserter status.

(6) Upon demand of the verifying activity, the issuing activity, the base commander, or other authoritative activity. (See § 809.7.)

(b) Sponsor shall be directed to notify the appropriate authority (CBPO for active duty personnel, USAFMPC (AFPMDR) for all others) immediately upon a change in status that would terminate or modify the right to any benefit for which the card may be used. Survivors of deceased personnel will likewise be so directed.

(c) Sponsors being processed for separation or release from active duty are required to complete DD Form 1407, "Dependent Medical Care and DD Form 1173," indicating whether they have a dependent receiving medical care under the Dependents' Medical Care Program. (Also see AFM 35-5 (Separation Processing).)

§ 809.15 Entitlement to benefits and privileges.

(See § 809.22.)

(a) All commissary, exchange, and theater privileges are subject to the Status of Forces Agreement (SOFA) of country of assignment, as well as local regulations.

(b) Uniformed Services medical care, for other than dependents of the Uniformed Services, is subject to the limitations of Part 815 of this chapter.

(c) Retired military personnel and their dependents who travel or reside overseas are subject to further limitations (as they are within the United States). Medical and dental care at uniformed services medical facilities are subject to the availability of space and facilities and the capabilities of the professional staff. Commissary and exchange privileges are subject to the SOFA of country of travel or residence, as well as local regulations.

(d) DD Form 1173 issued in a foreign country will indicate only those privileges authorized in the country of issue in accordance with pertinent international agreements and local regulations.

§ 809.16 Application procedures—dependents of active duty military members.

Rule	If service member and—	And service member's organization is known—	Go to § 809.21 and comply with rule—
1	Dependents are residing together and member is not assigned to the OSI.		1
2	Dependents are residing together and member is assigned to the OSI.		7
3	Dependents are residing apart due only to assignment restrictions.		2
4	Dependents are residing apart due to interlocutory divorce.	Yes	2
5		No	3
6	Dependents are residing apart due to marital discord.	Yes	4
7		No	3
8	Dependent children residing apart and the children are residing with a guardian, divorced wife, or other person not eligible for a DD Form 1173.	Yes	5
9		No	6

§ 809.17 Application procedures—dependents of retired members.

Rule	If retired member and—	And is applying in person—	Go to § 809.21 and comply with rule—
1	Dependents are residing together.	Yes	8
2		No	9
3	Dependents are residing apart due to marital discord or interlocutory divorce.	Yes	15
4		No	16
5	Dependents are residing apart due to marital discord or interlocutory divorce and if Rule 3 is impractical.	No	17
6	Dependent children residing apart and and the children are residing with a guardian, divorced wife, or other person not eligible for DD Form 1173.	Yes	18
7		No	19
8	If Rule 7 is impractical.	Yes	20
9		No	20

§ 809.18 Application procedures—surviving dependents.

Rule	For dependents of persons who at the time of their death were—	Go to § 809.21 and comply with rule—
1	Active duty members.	11
2	Retired.	12

§ 809.19 Application procedures—totally disabled veterans and their dependents.

Rule	If applicant is applying in person—	Go to § 809.21 and comply with rule—
1	Yes	10
2	No	21

§ 809.20 Application procedures—civilians and foreign military personnel and their dependents.

Rule	If applicant is—	Go to § 809.21 and comply with rule—
1	Civilian employed by or affiliated with the Air Force (includes dependents).	13
2	Foreign military attached to the Air Force (includes dependents).	14

§ 809.21 Applicants' requirements as to DD Form 1172 and supporting documents.

Line	Actions required by applicants or agents acting in their behalf are—	Rule 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
A	Retired member, principal surviving dependent or agent thereof must obtain DD Form 1172 from nearest military installation.								X	X		X	X			X			X			
B	Lawful spouse may obtain DD Form 1172 from nearest military installation and complete Section I and II by ink or typewriter (see note).		X	X	X												X	X		X	X	
C	Agent acting in behalf of child/children may obtain DD Form 1172 from nearest military installation and complete Section I and II by ink or typewritter (see note).					X	X										X	X		X	X	
D	Must complete one copy of DD Form 1172 (ink or typewriter) and list all eligible dependents (see note).	X						X	X	X		X	X	X	X	X	X	X	X			
E	Must forward to retired member when applicable.																X			X		
F	Insure that entries are correct and legible; that boxes are accurately checked and that Item 21 is signed with payroll signature when signature is required.	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	
G	Attach marriage certificate, birth certificates, adoption papers when spouse or children are listed as dependents (required only when current cards have expired or upon initial issue).								X	X		X	X			X	X	X	X	X	X	X
H	Must furnish copy of casualty report, (AFHQ Form 0-529/DD Form 1300) issued by Department of the Air Force. Contact verifying activity for this documentation.											X	X									
I	Must furnish a copy of retirement orders. Verification of 8 or more years on active duty (other than for training) of a member entitled to and receiving retired pay IAW the provisions of ch. 9- AFM 35-7 (Service Retirements), is required for authorization of medical care and must accompany the application (if none are included in AF Retired Register).								X	X			X			X	X	X	X	X	X	
J	Must forward to service member for completion at member's servicing CBPO or other designated verifying activity.		X			X																
K	Must forward to commander of service member's organization with a statement giving full details.				X																	
L	Must forward to USAFMPC (AFPMDR), who will arrange for issuance of the DD Form 1173 or who will refer the application to the proper commander and advise the applicant referral.			X			X												X		X	X
M	Submit Veterans Administration letter of certification and copies of marriage certificate, birth certificates (for children), or other satisfactory evidence of relationship.																	X				X
N	Submit to servicing CBPO or other designated verifying activity.	X																				
O	Submit to CBPO specified by the AF commander at first duty station in the United States.																		X			
P	Submit to unit commander or other designated activity to which he is attached.																		X			
Q	Submit to OSI activity of assignment																X					
R	Submit to the CBPO of the nearest AF base, in person or by mail.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
S	Submit to parent service for verification and completion of Sec. IV, DD Form 1172.																	X				X

NOTE: Additional documentation must be furnished along with above requirements as follows:

(a) When there is an unmarried child/children over age 21 but under age 23 who is enrolled in an institution of higher learning, applicant will certify as to the dependent's full-time participation, date of enrollment, and planned graduation date.

(b) When there is an unmarried child/children over age 21 who is physically or mentally incapacitated, applicant must furnish a doctor's statement stating that the child is incapable of self-support by reason of physical/mental incapacity that existed before age 21.

(c) Where there is an unmarried adopted child for whom there are no properly certified adoption papers, a common-law spouse, a dependent parent/parent-in-law, a female member's dependent husband, or if either spouse's previous marriage ended in divorce granted by a foreign country, attach a separate DD Form 1172 requesting a dependency determination by AFAFC. If applicable, attach a certified or photostatic copy of the divorce decree. If the foregoing information has been previously furnished to the AFAFC in connection with a claim for quarters allowances, reference to the date and place of submission may be made in item 18, DD Form 1172, in lieu of furnishing additional statement.

(d) To qualify for medical care, a dependency determination will have to be approved by the AFAFC for each person listed in this and paragraph (b) of this Note not receiving Basic Allowance for Quarters. However, if a dependency determination was in effect on date of death of service member, the dependency clause is not a requirement for reissue or renewal. The DD Form 1172 will reflect the circumstances as they existed at that time. For benefits and privileges other than medical care, eligibility for commissary (see § 809.22 for children age 23 attending school) and theater is determined solely on the basis of actual residence in the household of the sponsor. Consult Chart of Entitlement (§ 809.22) for exchange patronage. For exchange privileges, the adopted or stepchild, parent and dependent husband must be dependent on the member for over one-half of his/her support. Parents-in-law are not eligible.

§ 809.22 Chart of entitlement to benefits and privileges.

Establish eligibility as a dependent/eligible recipient according to the appropriate paragraph. Numbers in parenthesis refer to explanatory notes at end of chart.

Eligible recipients	Medical care		Commissary	Exchange	Theater
	Civilian facility	Service facility			
1. Dependents of active-duty or paid-retired members of the Uniformed Services.					
a. Lawful wife	Yes	Yes	Yes	Yes	Yes.
b. Lawful husband	(1)	(1)	Yes	(1)	Yes.
c. Unmarried legitimate children, including adopted and stepchildren.					
(1) Under 21 years of age	Yes	Yes	(3)	(1)	Yes.
(2) Over 21 years of age	(4)	(4)	(3)	(4)	(2).
d. Parents	No	(5)	(3)	(1)	(2).
e. Parents-in-law	No	(5)	(3)	No	(2).
2. Surviving dependents of members of the Uniformed Services who died while on active duty or in a paid-retired status.					
a. Unremarried widow	Yes	Yes	Yes	Yes	Yes.
b. Unremarried widower	(6)	(6)	No	No	No.
c. Unmarried adopted and stepchildren.					
(1) Under 21 years of age	Yes	Yes	(3)	(7)	Yes.
(2) Over 21 years of age	(8)	(8)	(3)	(7)	(2).
d. Parents	No	(10)	(3)	No	No.
e. Parents-in-law	No	(10)	(3)	No	No.
3. Other members of the family of active duty or retired members or widows, such as wards, brothers, sisters, nephews, nieces, grandparents, "in loco parentis," any blood or affinitive-type relative.	No	No	(3)	No	(2).
4. Honorably discharged veterans of the U.S. Armed Forces, who are totally (100%) disabled as a result of a service-connected disability and are so certified by the Veterans Administration.	No	No	Yes	Limited	Yes.
a. And family member	No	No	(9)	(9)	No.
5. Unremarried widow of a member of a Reserve component of the Armed Forces who died in the line of duty complying with an order which specified an active duty status for a period of more than 30 days.	Yes	Yes	Yes	Yes	Yes.
a. Unmarried legitimate children, including adopted and stepchildren.					
(1) Under 21 years of age	Yes	Yes	(3)	(7)	Yes.
(2) Over 21 years of age	(8)	(8)	(3)	(7)	(2).
6. Unremarried widow of a member of a Reserve component of the Armed Forces who died in the line of duty complying with an order which specified an active status for a period of 30 days or less.	No	No	Yes	Yes	Yes.
a. Unmarried legitimate children, including adopted and stepchildren.					
(1) Under 21 years of age	No	No	(3)	(7)	Yes.
(2) Over 21 years of age	No	No	(3)	(7)	(2).
7. Court approved separation or interlocutory divorce between service member and spouse.					
a. Lawful wife	Yes	Yes	Yes	Yes	No.
b. Lawful husband	(1)	(1)	Yes	(1)	No.
c. Unmarried legitimate children, including adopted and stepchildren.					
(1) Under 21 years of age	Yes	Yes	(3)	(1)	Yes.
(2) Over 21 years of age	(4)	(4)	(3)	(4)	(2).
d. Parents	No	(5)	(3)	(1)	(2).
e. Parents-in-law	No	(5)	(3)	No	(2).
8. Court approved final divorce decree between service member and spouse.					
a. Ex-wife	No	No	No	No	No.
b. Ex-husband	No	No	No	No	No.
c. Unmarried legitimate children, including children adopted by service member residing with person not eligible for ID card.					
(1) Under 21 years of age	Yes	Yes	No	(1)	No.
(2) Over 21 years of age	(4)	(4)	No	(4)	No.
d. Parents of service member	No	(5)	(3)	(1)	(2).
9. Final divorce decree between deceased service member and spouse.					
a. Ex-wife	No	No	No	No	No.
b. Ex-husband	No	No	No	No	No.
c. Unmarried legitimate children, including children adopted by service member residing with person not eligible for ID card.					
(1) Under 21 years of age	Yes	Yes	No	No	Yes.
(2) Over 21 years of age	(8)	(8)	No	No	(8).
d. Parents of service member	No	(10)	No	No	No.
10. Civilians employed by or affiliated with the USAF. NOTE: For purposes of this item only, CONUS has the following meanings: Medical Care, Commissary and Theater—50 States and District of Columbia; Exchange—48 States and District of Columbia (Hawaii and Alaska not included).					
a. USAF employees and their dependents residing on a military installation within the CONUS.	No	No	(12)	(14)	Yes.
b. U.S. citizen employees of the Department of Defense and their dependents stationed outside the CONUS.	No	(11)	(13)	Yes	(13).
c. Uniformed, full-time, paid personnel of American Red Cross assigned to duty with an activity of the Armed Forces, and their dependents.					
(1) CONUS	No	(11)	(12)	(15)	(17).
(2) Outside CONUS	No	(11)	(13)	(15)	Yes.
d. Civilian employees under private or Government contract with the USAF, and their dependents:					
(1) CONUS	No	No	No	(14)	(16).
(2) Outside CONUS	No	(11)	(13)	(15)	Yes.
e. U.S. citizen employees of other U.S. Government departments or agencies, and their dependents:					
(1) CONUS	No	No	(12)	(14)	(16).
(2) Outside CONUS	No	(11)	(13)	(15)	Yes.
f. Exchange service employees:					
(1) CONUS	No	No	No	Yes	No.
(2) Outside CONUS	No	(11)	No	(15)	Yes.
11. Foreign military personnel of NATO in the United States; dependents of foreign military personnel of NATO in the United States:					
a. Lawful wife	Yes	Yes	Yes	Yes	Yes.
b. Lawful husband	(1)	(1)	Yes	(1)	Yes.
c. Unmarried legitimate children, including adopted and stepchildren.					
(1) Under 21 years of age	Yes	Yes	(3)	(1)	Yes.
(2) Over 21 years of age	(4)	(4)	(3)	(4)	(2).
d. Parents	No	(5)	(3)	(1)	(2).
e. Parents-in-law	No	(5)	(3)	No	(2).
12. Foreign military personnel in the United States other than NATO; dependents of military personnel in the United States other than NATO:					
a. Lawful wife	No	Yes	Yes	Yes	(2).
b. Lawful husband	No	(1)	Yes	(1)	(2).
c. Unmarried legitimate children, including adopted and stepchildren.					
(1) Under 21 years of age	No	(1)	(3)	(1)	(2).
(2) Over 21 years of age	No	(4)	(3)	(4)	(2).
d. Parents	No	(1)	(3)	(1)	(2).
e. Parents-in-law	No	(1)	(3)	No	(2).

NOTES: 1. If in fact dependent upon the member for over one-half of his/her support.

2. Yes, if actually residing in the sponsor's household.

3. If actually residing in the sponsor's household, designated his agent, and making purchases in his behalf. A child that has not passed his 23d birthday and is enrolled in a full-time course of study in an accredited institution of higher learning as approved by the Secretary of Health, Education, and Welfare and is in fact dependent on the service member for over one-half of his/her support is authorized commissary privileges. A sponsor's children who are residing in the household of a divorced spouse who is not a sponsor may not be designated as agent.

4. If the child is incapable of self-support because of a mental or physical incapacity that existed before his/her reaching age 21, and is in fact dependent on the service member for over one-half of his/her support or has not passed his 23d birthday and is enrolled in a full-time course of study in an institution of higher learning as approved by the Secretary of Defense or Secretary of Health, Education, and Welfare and is in fact dependent on the service member for over one-half of his/her support.

5. If in fact dependent on the service member/retiree for over one-half of their support and reside in a dwelling place provided or maintained by the service member/retiree.

6. If in fact dependent on member at the time of her death for over one-half of his support because of a mental or physical incapacity.

7. If designated by the unremarried widow and approved by the installation commander. Children over age 21 must be more than 50 percent dependent upon the widow and physically incapable of self-support, or under age 23 and enrolled in a full-time course of study at an accredited educational institution of higher learning above high school level.

8. If the child is incapable of self-support because of a mental or physical incapacity that existed before his/her reaching age 21, and was at the time of the member's death in fact dependent on him for over one-half of his/her support, or has not reached his 23d birthday and is enrolled in a full-time course of study in an institution of higher learning as approved by the Secretary of Defense or the Secretary of Health, Education, and Welfare, and was at the time of the member's death in fact dependent on him for over one-half of his support. Note 7 also applies where appropriate.

9. The veteran may designate one member of his household as an agent to make limited exchange and commissary purchases in his behalf.

10. If at the time of the member's death was in fact dependent on the member for over one-half of his support and residing in a dwelling place provided and maintained by the member.

11. Only to the extent prescribed by Part 815 of this chapter. Cognizant USAF commander should authorize medical care.

12. Major commanders may extend commissary privileges to civilian officers and employees residing within a CONUS military installation when subsistence procurement from civilian agencies would impair the operating efficency of the military activity.

13. Major commanders may extend privileges to civilian officers and employees of the U.S. Government.

14. Limited exchange privileges to employees residing (including TDY) on a military installation upon approval of the installation commander and the Secretary of the Air Force. Dependents are not entitled to exchange privileges.

15. CONUS—unlimited exchange privileges to the employee only. Outside CONUS, upon approval of major commander (dependents may be afforded exchange privileges).

16. Within the CONUS, theater privileges may be authorized by the military installation commander provided the employee is either in a TDY status, upon presentation of official travel orders or evidence of temporary occupancy of Government quarters, or occupying permanent Government quarters on a military installation. TDY status per se does not entitle civilian personnel to theater privileges. Dependents of such personnel will not be afforded theater privileges. Allied nationals working for the U.S. Government may not be granted theater privileges within the country of their nationality.

17. Only during occupancy of temporary or permanent quarters on a military installation.

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 68-723; Filed, Jan. 19, 1968; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-7—CONTRACT CLAUSES

Subpart 9-7.50—Use of Standard Clauses

MISCELLANEOUS AMENDMENTS

This modification adds a new contract article entitled "Private use of contract information and data" and modifies the present contract article entitled "Drawings, designs, specifications" by making it subject to "use of information" provisions.

1. In § 9-7.5006-13, *Drawings, designs, specifications,* the note thereunder is deleted and the section is revised to read as follows:

§ 9-7.5006-13 Drawings, designs, specifications.

All drawings, sketches, designs, design data, specifications, notebooks, technical and scientific data, and all photographs, negatives, reports, findings, recommendations, data and memoranda of every description relating thereto, as well as all copies of the foregoing relating to the work or any part thereof, shall be subject to inspection by the Commission at all reasonable times (for which inspection the proper facilities shall be afforded the Commission by the contractor and its subcontractors), shall be the property of the Government and may be used by the Government for any purpose whatsoever without any claim on the part of the contractor and its subcontractors and vendors for additional compensation and shall, subject to the right of the contractor to retain a copy of said material for its own use, be delivered to the Government, or otherwise disposed of by the contractor either as the Contracting Officer may from time to time direct during the progress of the work or in any event as the Contracting Officer shall direct upon completion or termination of this contract. The contractor's right of retention and use shall be subject to the security, patent, and use of information provisions, if any, of this contract.

2. The following new section is added:

§ 9-7.5006-59 Private use of contract information and data.

Except as specifically authorized by this contract, or as otherwise approved by the Contracting Officer, information and other data developed or acquired by or furnished the contractor in the performance of this contract, shall be used only in connection with the work under this contract.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 15th day of January 1968.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 68-773; Filed, Jan. 19, 1968; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGICAL PRODUCTS

Additional Standards: Mumps Virus Vaccine, Live

On November 2, 1967, a notice of rule making was published in the FEDERAL REGISTER (32 F.R. 15178-15179) proposing to amend Part 73 of the Public Health Service Regulations by prescribing specific standards of safety, purity and potency, for Mumps Virus Vaccine, Live.

Views and arguments respecting the proposed standards were invited to be submitted within 30 days after publication of the notice in the FEDERAL REGISTER. After consideration of all comments submitted, the following amendment to Part 73 of the Public Health Service Regulations is hereby adopted. In order

to make a new product more promptly available in the interest of the public health, this amendment shall be effective on the date of publication in the FEDERAL REGISTER.

1. Add the following immediately after § 73.155:

§ 73.160 The product.

(a) *Proper name and definition.* The proper name of this product shall be Mumps Virus Vaccine, Live, which shall consist of a preparation of live, attenuated mumps virus.

(b) *Criteria for acceptable strains of attenuated mumps virus.* Strains of attenuated mumps virus used in the manufacture of vaccine shall be identified by (1) historical records including origin and manipulation during attenuation, (2) antigenic specificity as mumps virus as demonstrated by tissue culture neutralization tests. Strains used for the manufacture of Mumps Virus Vaccine, Live, shall have been shown to be safe and potent in at least 5,000 susceptible individuals by field studies with experimental vaccines. Susceptibility shall be shown by the absence of neutralizing or other antibodies against mumps virus, or by other appropriate methods. Seed virus used for vaccine manufacture shall be free of all demonstrable extraneous viable microbial agents.

(c) *Neurovirulence safety test of the virus seed strain in monkeys—(1) The test.* A demonstration shall be made in monkeys of the lack of neurotropic properties of the seed strain of attenuated mumps virus used in manufacture of mumps vaccine. For this purpose, vaccine from each of the five consecutive lots (§ 73.165) used by the manufacturer to establish consistency of manufacture of the vaccine, shall be tested in monkeys shown to be serologically negative for mumps virus antibodies by following the procedures in § 73.140(c)(1) or in § 73.162(c).

(2) *Test results.* The mumps virus seed has acceptable neurovirulence properties for use in vaccine manufacture if for each of the five lots (i) 80 percent of the monkeys survive the observation period and (ii) there is no clinical or histopathological evidence of central nervous system involvement attributable to the replication of the virus.

(3) *New seed lots—test for neurovirulence.* The neurovirulence properties of each new seed shall be tested as prescribed in subparagraphs (1) and (2) of this paragraph. Only seed lots which meet the neurovirulence requirement shall be used for mumps vaccine manufacture. The test need not be repeated as long as the same seed lot of virus is used.

§ 73.161 Manufacture of Mumps Virus Vaccine, Live.

(a) *Virus cultures.* Mumps virus shall be propagated in chick embryo cell cultures. The embryonated chicken eggs used as the source of chick embryo tissue for the propagation of mumps virus shall be derived from flocks certified or tested as prescribed in § 73.141(b).

(b) *NIH Reference Mumps Virus.* An NIH Reference Mumps Virus, Live, shall be obtained from the Division of Biologics Standards as a control for correlation of virus titers.

(c) *Passage of virus strain in vaccine manufacture.* Virus in the final vaccine shall represent no more than five cell culture passages beyond the passage used to perform the clinical trials (§ 73.160(b)) which qualified the manufacturer's vaccine strain for license.

(d) *Cell culture preparation.* Only primary cell cultures shall be used in the manufacture of mumps virus vaccine. Continuous cell lines shall not be introduced or propagated in mumps virus vaccine manufacturing areas.

(e) *Control vessels.* From the tissue used for the preparation of cell cultures for growing attenuated mumps virus, an amount of processed cell suspension equivalent to that used to prepare 500 ml. of cell culture shall be used to prepare uninfected tissue control materials which shall be prepared and tested by following the procedures prescribed in § 73.141(g).

(f) *Test samples.* Test samples of mumps virus harvests or pools shall be withdrawn and maintained by following the procedures prescribed in § 73.141(h).

§ 73.162 Test for safety.

(a) *Tests prior to clarification.* Prior to clarification, the following tests shall be performed on each mumps virus pool prepared in chick embryo cell culture:

(1) *Inoculation of adult mice.* The test shall be performed in the volume and following the procedures prescribed in § 73.142(a)(1), and the virus pool is satisfactory only if equivalent test results are obtained.

(2) *Inoculation of suckling mice.* The test shall be performed in the volume and following the procedures prescribed in § 73.142(a)(2), and the virus pool is satisfactory only if equivalent test results are obtained.

(3) *Inoculation of monkey cell cultures.* A mumps virus pool shall be tested for adventitious agents in the volume and following the precedures prescribed in § 73.142(a)(3), and the virus pool is satisfactory only if equivalent test results are obtained.

(4) *Inoculation of other cell cultures.* The mumps virus pool shall be tested for adventitious agents in the volume and following the procedures prescribed in § 73.142(a)(3), in rhesus or cynomolgus monkey kidney, in whole chick embryo and in human cell cultures. In addition, each virus pool shall be tested in chick embryo kidney and in chick embryo liver in the same manner except that the volume tested in each cell culture shall be equivalent to 250 human doses or 25 ml., whichever represents a greater volume. The mumps virus pool is satisfactory only if results equivalent to those in § 73.142(a)(3) are obtained.

(5) *Inoculation of embryonated chicken eggs.* A neutralized suspension of each undiluted mumps virus pool shall be tested in the volume and following the procedures prescribed in § 73.142(a)(5), and the virus pool is satisfactory only if there is no evidence of adventitious agents.

(6) *Bacteriological tests.* In addition to the tests for sterility required pursuant to § 73.73, bacteriological tests shall be performed on each mumps virus pool for the presence of M. tuberculosis, both avian and human, by appropriate culture methods. The virus pool is satisfactory only if found negative for M. tuberculosis, both avian and human.

(7) *Test for avian leucosis.* If the cultures were not derived from a certified source and control fluids were not tested for avian leucosis, the vaccine shall be tested in the volume and following the procedures prescribed in § 73.142(a)(8). The cultures are satisfactory for vaccine manufacture if found negative for avian leucosis.

(b) *Clarification.* The mumps virus fluids shall be clarified by following the procedures prescribed in § 73.142(c).

(c) *Test after clarification—Neurovirulence safety test in monkeys for neurotropic agents.* Before final dilution for standardization for live mumps virus content each lot of mumps vaccine shall be tested for neurotropic agents following the procedures prescribed in § 73.102(e) except that antibody determinations for mumps need not be performed. The test shall be performed before the product is placed in final containers and prior to the addition of an adjuvant, and symptoms suggestive of any neurotropic agent, including those suggestive of poliomyelitis, shall be recorded during the observation period of 17 to 19 days. The lot is satisfactory if the histological and other studies produce no evidence of changes in the central nervous system attributable to the presence of an extraneous neurotropic agent in the vaccine.

§ 73.163 Potency test.

The concentration of live mumps virus shall constitute the measure of potency. The titration shall be performed in a suitable cell culture system, free of wild viruses, using either the Reference Mumps Virus, Live, or a calibrated equivalent strain as a titration control. The concentration of live mumps virus contained in the vaccine of each lot under test shall be no less than the equivalent of 5,000 $TCID_{50}$ of the reference virus per human dose.

§ 73.164 General requirements.

(a) *Final container tests.* In addition to the tests required pursuant to § 73.75, an immunological and virological identity test shall be performed on the final container if it was not performed on each pool or the bulk vaccine prior to filling.

(b) *Dose.* These standards are based on an individual human immunizing dose of no less than 5,000 $TCID_{50}$ of Mumps Virus Vaccine, Live, expressed in terms of the assigned titer of the Reference Mumps Virus, Live.

(c) *Labeling.* In addition to the items required by other applicable labeling provisions of this part, single dose container labeling for vaccine which is not

protected against photochemical deterioration shall include a statement cautioning against exposure to sunlight.

(d) *Dried vaccine.* Mumps Virus Vaccine, Live, may be dried immediately after completion of processing to final bulk material and stored in the dried state provided its residual moisture and other volatile substances content is not in excess of 2 percent when tested as prescribed in § 73.74(a).

(e) *Photochemical deterioration; protection.* Mumps Virus Vaccine, Live, in multiple dose containers, shall be protected against photochemical deterioration in accordance with the procedures prescribed in § 73.144(g).

(f) *Samples and protocols.* For each lot of vaccine, the following materials shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014:

(1) A protocol which consists of a summary of the history of manufacture of each lot including all results of each test for which test results are requested by the Director, Division of Biologics Standards.

(2) A total of no less than a 500 ml. sample of bulk vaccine or an equivalent sample prior to addition of any preservative, stabilizer or adjuvant, in the frozen state (−60° C.) prior to filling into final containers.

(3) A total of no less than 200 recommended human doses of the vaccine in final labeled containers.

§ 73.165 Clinical trials to qualify for license.

To qualify for license, the antigenicity of Mumps Virus Vaccine, Live, shall be determined by clinical trials that follow the procedures prescribed in § 73.145 except that the immunogenic effect shall be demonstrated by establishing that a protective antibody response has occurred in at least 90 percent of each of the five groups of mumps susceptible individuals, each having received the parenteral administration of a virus vaccine dose which is not greater than that which was demonstrated to be safe in field studies (§ 73.160(b)) when used under comparable conditions.

§ 73.166 Equivalent methods.

Modification of any particular manufacturing method or process or the conditions under which it is conducted as set forth in the additional standards relating to Mumps Virus Vaccine, Live, shall be permitted whenever the manufacturer presents evidence that demonstrates the modification will provide assurances of the safety, purity, and potency of the vaccine that are equal to or greater than the assurances provided by such standards, and the Surgeon General so finds and makes such finding a matter of official record.

§ 73.86 [Amended]

2. In § 73.86 insert after the listing for "Mumps Vaccine" the following:

Mumps Virus Vaccine, Live.	One year.	Section 73.84 does not apply.

3. Add the following to the Table of Contents immediately after "73.155 Equivalent methods":

ADDITIONAL STANDARDS: MUMPS VIRUS VACCINE, LIVE

Sec.
73.160 The product.
73.161 Manufacture of Mumps Virus Vaccine, Live.
73.162 Test for safety.
73.163 Potency test.
73.164 General requirements.
73.165 Clinical trials to qualify for license.
73.166 Equivalent methods.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702; 42 U.S.C. 262)

Dated: December 22, 1967.

[SEAL] WILLIAM H. STEWART,
Surgeon General.

Approved: January 15, 1968.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 68-803; Filed, Jan. 19, 1968; 8:48 a.m.]

Title 45—PUBLIC WELFARE

Chapter VI—National Science Foundation

[NSF Circular 54]

PART 600—STANDARDS OF CONDUCT OF EMPLOYEES AND CONSULTANTS

Miscellaneous Amendments

I. *Summary of changes.* The National Science Foundation, in order to reflect modifications to Civil Service Commission regulations on conflicts-of-interest in accordance with Executive Order 11222 and for other purposes, has amended its regulations appearing in Part 600, Chapter VI, Title 45 of the Code of Federal Regulations in the following general categories.

1. Section 600.735–8 is amended (a) to reflect changes in CSC regulations with respect to requirements for employee statements of employment and financial interests, (b) to provide for appeals by employees from inclusion in such requirements, (c) to add negotiations for employment to the types of interests which must be reported, and (d) to describe those interests which, because of their insignificance, need not be included in employees' statements of employment and financial interests. Editorial and procedural amendments are included in the interest of clarity.

2. Section 600.735–9 is amended to authorize the giving to and acceptance by a superior of nominal gifts in token of special occasions. Further amendments of an editorial nature are provided to correct statutory references and for clarity.

3. The appendix is amended to correct statutory references and to provide new ones.

II. *Particular amendments.* This part is amended as follows:

1. In § 600.735–5 delete the last three sentences and substitute: "The Panel consists of the General Counsel as Chairman, and the Deputy Director, Planning Director, and Associate Directors for Education and Research as members. The Director shall appoint an Executive Secretary of the Panel and may specify other or additional members as needed."

2. In § 600.735–8(a) delete the first sentence up to colon and substitute: "Statements of employment and financial interests are required of all Federal employees occupying positions at or above grade 13, or equivalent, which require the exercise of judgment in making a Government decision or in taking a Government action in regard to:".

3. In § 600.735–8(b) in line 11, insert "or equivalent" between "grade 14" and "or above".

4. In § 600.735–8(b) in lines 13 and 14, delete "Office of Program Development and Analysis;".

5. In § 600.735–8(b)(1) substitute "grades 13, or equivalent," for "grade 12".

6. In § 600.735–8(b)(1)(v) substitute "Administrative Services Office;" for "Office Services.".

7. In § 600.735–8(b)(2) substitute "Office of the General Counsel." for "All attorneys in the Office of the General Counsel;" and renumber this subparagraph (2) as (1)(vi).

8. Delete § 600.735–8(b)(3).

9. Delete § 600.735–8(b)(4).

10. In § 600.735–8(c) add: "If an employee feels that he has been improperly included under the regulations in this part, he may appeal his inclusion in accordance with the provisions of NSF Circular No. 29, Grievances and Appeals."

11. In § 600.735–8(d) delete and substitute the following:

(d) *Submission of original and supplementary statements.* Each employee covered by this requirement shall complete the statement if one has not been completed previously, or a supplementary statement, whichever is appropriate, and submit it to the Executive Secretary of the Conflicts-of-Interest Review Panel by September 30, 1967. Each new affected employee shall complete and submit the statement within 30 days after his entrance on duty or by September 30, 1967, whichever date is later. All changes in, or additions to, the information contained in each employee's original statement must be reported in a supplementary statement submitted as of June 30 each year. If no changes or additions occur, a negative report is required. The Executive Secretary is responsible for obtaining the initial statements from all affected employees and the supplementary statements at the end of each fiscal year. The Executive Secretary will review all statements for possible conflicts-of-interest situations in accordance with the provisions of this subpart. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid requiring a financial interest that could result, or taking an action that would result, in a

violation of the conflicts-of-interest provisions of section 208 of Title 18, United States Code.

12. In § 600.735–8(g) add:

(g) * * * The following financial interests are also exempted from the requirements of this section and from clause (1) of section 208(b), Public Law 87–849 (18 U.S.C. 208):

(1) Ownership of noncorporate bonds;

(2) Ownership of shares in a mutual fund;

(3) Ownership of shares of common or preferred stocks, including warrants to purchase such shares, and of corporate bonds or other corporate securities, if the current aggregate market value of the stocks and other securities so owned in any single corporation does not exceed $5,000, and provided such stocks and securities are listed for trading on the New York or American stock exchanges. This exemption extends also to any financial interests that the corporation whose stocks or other securities are so owned may have in other business entities;

(4) Remainder interest in any trust over which the employee does not have any right of control and the investments of which do not exceed the limitations specified in subparagraph (3) of this paragraph.

13. In § 600.735–8(h) add: "Employees are required to notify their supervisor of any conflicts-of-interest between their Foundation duties and an organization with which they are negotiating for employment, and subsequently to divest themselves of said duties."

14. In § 600.735–8(i) delete last sentence and substitute: "The Executive Secretary shall maintain the confidential file of statements in such a manner that access to, or the disclosure of information from, a statement shall not be allowed except to carry out the purpose of this part."

15. In § 600.735–9(d) add at the end of the third sentence (following "direct of indirect financial interest") ", except an organization or financial interest the reporting of which is waived under § 600.735–8(g)".

16. In § 600.735–9(f)(2) delete and substitute:

(2) As required by law (5 U.S.C. 7351), no employee shall solicit contributions from another employee for a gift to an official superior. A superior shall not accept a gift obtained from contributions from employees receiving less salary than himself. An employee shall not make a donation as a gift to an employee in a superior position. However, it is not intended that this paragraph prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

17. In § 600.735–9(f)(3) substitute "5 U.S.C. 7342." for "5 U.S.C. 114–115A."

18. In § 600.735–9(h) delete second sentence (beginning "Although these" and ending "to interpretation.").

19. In § 600.735–9(h)(1) in line one, substitute "rule" for "rules".

20. In § 600.735–9(h)(2) in line one, substitute "situations" for "examples—".

21. In § 600.735–9(h)(2)(i) at the beginning of the first sentence add "Except with the specific approval of the Director * * *".

22. In § 600.735–9(h)(2)(ii) at the beginning of the first sentence add "Except with the specific approval of the Director * * *".

23. In § 600.735–9(h)(2)(iii) at the beginning of the first sentence add "Except with the specific approval of the Director * * *".

24. In § 600.735–23(d) delete last sentence and substitute: "The Executive Secretary shall maintain the confidential file of statements in such a manner that access to, or the disclosure of information from a statement shall not be allowed except to carry out the purpose of this part."

25. Cancellation: In 31 F.R. 4599 under the "Cancellation" paragraph, in line 9, delete "and".

26. Cancellation: In 31 F.R. 4599 under the "Cancellation" paragraph, in line 10, add: "and NSF Circular No. 54, Employee Conduct and Conflicts of Interest, dated March 21, 1966".

27. Appendix: Delete and substitute:

APPENDIX

The following is a list of statutes related to the ethical and other conduct of Government employees. Upon request, pertinent excerpts of these statutes will be made available by the Personnel Office.

1. House Concurrent Resolution 175, 85th Congress, 2d session, 72 Stat. B12, the "Code of Ethics for Government Service."

2. Chapter II of Title 18, United States Code, relating to bribery, graft, and conflicts-of-interest, as appropriate to the employees concerned.

3. The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

4. The prohibition against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

5. The prohibition against the employment of a member of the Communist organization (50 U.S.C. 784).

6. The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

7. The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

8. The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

9. The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

10. The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

11. The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

12. The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

13. The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

14. The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

15. The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

16. The prohibition against political activities in subchapter III of Chapter 73 or Title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

17. The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

These amendments were approved by the Civil Service Commission on January 2, 1968, and are effective upon publication in the FEDERAL REGISTER.

LELAND J. HAWORTH,
Director.

[F.R. Doc. 68–778; Filed, Jan. 19, 1968; 8:46 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER H—TRAINING

[General Order 87, Rev., Amdt. 1]

PART 310—MERCHANT MARINE TRAINING

Subpart A—Regulations and Minimum Standards for State Maritime Academies and Colleges

SCHOOLS AND COURSES

Effective upon the date of publication in the FEDERAL REGISTER, paragraph (c)(1) of § 310.3 *Schools and courses* under Subpart A of this part is amended to read as follows:

§ 310.3 Schools and courses.

* * * * *

(c) *Curriculum.* (1) The minimum period of training shall be 3 years, at least 6 months of which must be aboard a schoolship in a cruise status. A maximum of 2 months of training time aboard commercial vessels may be substituted for 2 months of the specified schoolship time. Cadets in training status aboard commercial vessels shall sign on board as cadets and shall pursue their training within the framework of formal sea projects prepared and monitored by the respective academies. Should any school extend the minimum period training beyond 3 years, such schools shall notify the Maritime Administrator.

* * * * *

(Sec. 101, 49 Stat. 1985, 46 U.S.C. 1101; Public Law 85–672, 72 Stat. 622, 46 U.S.C. 1381)

Dated: January 17, 1968.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68–826; Filed, Jan. 19, 1968; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

PART 1249—REPORTS OF MOTOR CARRIERS

Class I Carriers of Passengers

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 4th day of January 1968.

The Commission gave further consideration to the quarterly reports of Class I motor carriers of passengers. Matters considered were limited to revised location for filing reports, reduction in number of copies to be filed, and minor changes in the data to be furnished. Therefore, rule making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 553 are deemed unnecessary.

Copies of the revised reports, Form QPA, and filing instructions are available for inspection at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

It is ordered, That § 305.11 of the order of February 7, 1961, in the matter of quarterly reports from Class I motor carriers of passengers be, and it is hereby, modified and amended with respect to reports for the quarter ended March 31, 1968, and subsequent quarters, to read as shown below.

It is further ordered, That § 1249.11 of Chapter X, Subchapter C of Title 49 of the Code of Federal Regulations is amended to read as follows:

§ 1249.11 Quarterly reports of passenger revenues, expenses, and statistics.

Commencing with reports for the quarter ended March 31, 1968, and for subsequent quarters thereafter, until further order, all Class I common and contract motor carriers of passengers, as defined in § 1240.4 of this chapter, subject to Part II of the Interstate Commerce Act, shall compile and file quarterly reports in accordance with motor carrier Quarterly Report of Revenues, Expenses and Statistics (Class I Carriers of Passengers), Form QPA. Such quarterly reports shall be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, within 30 days after the close of the period to which it relates.

It is further ordered, That this amendment shall become effective December 31, 1967.

And it is further ordered, That copies of this order shall be served on all Class I common and contract motor carriers of passengers subject to its terms, and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304; sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

By the Commission, Division 2.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-804; Filed, Jan. 19, 1968; 8:48 a.m.]

PART 1249—REPORTS OF MOTOR CARRIERS

Class I Carriers of Property

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 4th day of January 1968.

The Commission gave further consideration to the quarterly reports of Class I motor carriers of property. Matters considered were limited to revised location for filing reports, reduction in number of copies to be filed, and minor changes in the data to be furnished. Therefore, rule making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 553, are deemed unnecessary.

Copies of the revised reports, Form QFR–I, Form QFR–I–GF, and filing instructions are available for inspection at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

It is ordered, That §§ 305.12 and 305.12a of the order of May 1, 1962, in the matter of quarterly reports from Class I motor carriers of property be, and they are hereby, modified and amended with respect to reports for the quarter ended March 31, 1968, and subsequent quarters, to read as shown below.

It is further ordered, That §§ 1249.12 and 1249.13 of Chapter X, Subchapter C of Title 49 of the Code of Federal Regulations are amended to read as follows:

§ 1249.12 Quarterly reports of property revenues, expenses and statistics.

Commencing with reports for the quarter ended March 31, 1968, and for subsequent quarters thereafter, until further order, all Class I common and contract motor carriers of property as defined in § 1240.5 of this chapter, except carriers of general freight subject to the terms of § 1249.13, subject to Part II of the Interstate Commerce Act, shall compile and file quarterly reports in accordance with motor carrier Quarterly Report of Revenues, Expenses and Statistics (Class I Carriers of Property), Form QFR–I. Such quarterly reports shall be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, within 30 days after the close of the period to which it relates.

§ 1249.13 Quarterly reports of revenues, expenses, and statistics—Class I common carriers of general freight.

Commencing with reports for the quarter ended March 31, 1968, and for subsequent quarters thereafter, until further order, all Class I common carriers of general freight, included in Class I carriers as defined in § 1240.5 of this chapter, subject to Part II of the Interstate Commerce Act, shall compile and file quarterly reports in accordance with motor carrier Quarterly Report of Revenues, Expenses and Statistics (Class I Common Carriers of General Freight), Form QFR–I–GF. Such quarterly reports shall be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, within 30 days after the close of the period to which it relates.

It is further ordered, That these amendments shall become effective December 31, 1967.

And it is further ordered, That copies of this order be served on all Class I common and contract motor carriers of property subject to its terms, and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304; sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

By the Commission, Division 2.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-805; Filed, Jan. 19, 1968; 8:48 a.m.]

PART 1249—REPORTS OF MOTOR CARRIERS

Class II Carriers of Property

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 4th day of January 1968.

The Commission gave further consideration to the quarterly reports of Class II motor carriers of property. Matters considered were limited to revised location for filing reports, reduction in number of copies to be filed, and minor changes in the data to be furnished. Therefore, rule making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 553, are deemed unnecessary.

Copies of the revised reports, Form QFR–II, and filing instructions are available for inspection at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

It is ordered, That § 305.13 of the order of February 16, 1961, in the matter of quarterly reports from Class II motor carriers of property be, and it is hereby, modified and amended with respect to reports for the quarter ended March 31, 1968, and subsequent quarters, to read as shown below.

It is further ordered, That § 1249.14 of Chapter X, Subchapter C of Title 49 of the Code of Federal Regulations is amended to read as follows:

§ 1249.14 Quarterly reports of Class II carriers of property.

Commencing with reports for the quarter ended March 31, 1968, and for subsequent quarters thereafter, until further order, all Class II common and contract motor carriers of property, as defined in § 1240.5 of this chapter, subject to Part II of the Interstate Commerce Act, shall compile and file quarterly reports in accordance with motor carrier Quarterly Report of Revenues, Expenses and Statistics (Class II Carriers of Property), Form QFR–II. Such quarterly reports shall be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, within 30 days after the close of the period to which it relates.

It is further ordered, That this amendment shall become effective December 31, 1967.

And it is further ordered, That copies of this order shall be served on all Class II common and contract motor carriers of property subject to its terms, and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304; sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

By the Commission, Division 2.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–806; Filed, Jan. 19, 1968; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 12—AREAS CLOSED TO HUNTING

Pee Dee National Wildlife Refuge, N.C., Designation of Certain Lands and Waters as Closed Area; Correction

In F.R. Doc. 67–11122, appearing at page 13384 in the issue of Friday, September 22, 1967, the material was erroneously placed in Part 32—Hunting.

JOHN S. GOTTSCHALK, *Director, Bureau of Sport Fisheries and Wildlife.*

JANUARY 16, 1968.

[F.R. Doc. 68–777; Filed, Jan. 19, 1968; 8:45 a.m.]

PART 33—SPORT FISHING

Pathfinder National Wildlife Refuge, Wyo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Sport fishing on the Pathfinder National Wildlife Refuge, Wyo., is permitted from January 1, through December 31, 1968, inclusive, on all areas not designated by signs as closed to fishing. These open areas, comprising 16,807 acres, are delineated on maps available at refuge headquarters, Post Office Box 759, Laramie, Wyo. 82070, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1968.

LEMOYNE B. MARLATT, *Refuge Manager, Pathfinder National Wildlife Refuge, Laramie, Wyo.*

JANUARY 9, 1968.

[F.R. Doc. 68–810; Filed, Jan. 19, 1968; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67–CE–176]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Sidney, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 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 Administration officials may be made by contacting the Regional Air Traffic Division Chief.

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.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A special instrument approach procedure serving Sidney-Richland Municipal Airport, Sidney, Mont., utilizing a privately owned radio beacon located on the airport as a navigational aid, is primarily used by Frontier Airlines. Since this special procedure is not presently protected by controlled airspace the Federal Aviation Administration believes it to be in the public interest to designate a transition area at Sidney, Mont., in order to provide this protection.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is added:

SIDNEY, MONT.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Sidney-Richland Municipal Airport (lat. 47°42'50" N., long. 104°11'00" W.); and within 2 miles each side of the 115° bearing from Sidney-Richland Municipal Airport, extending from the 11-mile radius area to 13 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 5 miles northeast of the 115° bearing from Sidney-Richland Municipal Airport, extending from the airport to 17 miles southeast of the airport.

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

Issued at Kansas City, Mo., on January 5, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68–784; Filed, Jan. 19, 1968; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67–CE–177]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Glendive, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 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 Administration officials may be made by contacting the Regional Air Traffic Division Chief.

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.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A special instrument approach procedure serving the Glendive, Mont., airport, utilizing a privately owned radio beacon located on the airport as a navigational aid, is primarily used by Frontier Airlines. Since this special procedure is not presently protected by controlled airspace the Federal Aviation Administration believes it to be in the public interest to designate a 700-foot floor transition area at Glendive in order to provide this protection.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is added:

GLENDIVE, MONT.

That airspace extending upward from 700 feet above the surface within a 13½-mile radius of Glendive Airport (lat. 47°07'55" N., long. 104°41'25" W.).

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

Issued at Kansas City, Mo., on January 5, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68–785; Filed, Jan. 19, 1968; 8:46 a.m.]

[14 CFR Part 103]

RADIOACTIVE MATERIALS

Notice of Proposed Rule Making

CROSS REFERENCE: For proposed amendments to Part 103 of Title 14 of the Code of Federal Regulations, conforming with proposed amendments to 49 CFR Parts 170–190, see F.R. Doc. 68–695 (Docket No. HM–2; Notice No. 68–1), *infra*.

Hazardous Materials Regulations Board

[49 CFR Parts 170–190; 14 CFR Part 103]

[Docket No. HM–2; Notice No. 68–1]

RADIOACTIVE MATERIALS

Notice of Proposed Rule Making

On April 1, 1963, the Interstate Commerce Commission (ICC) published its Notice No. 58 in Docket No. 3666. The notice proposed to modify the ICC Regulations for transporting radioactive materials to bring them into accord with the recommended regulations of the International Atomic Energy Agency (IAEA). Based upon the comments received pursuant to that notice of proposed rule making and after discussion with representatives of the U.S. Atomic Energy Commission (USAEC), it became apparent that it would not be in the public interest to adopt those amendments at that time. This area of regulation was transferred to the Department of Transportation by the Department of Transportation Act (80 Stat. 931).

Since that time this Department, the ICC, and the Atomic Energy Commission have worked toward the preparation of a revision to the radioactive materials regulations. Many meetings have been held between industry and Government representatives. Several significant "enabling" regulatory amendments have

been adopted which now make it practical to propose a revised major revision of these regulations. In 1966, the USAEC published its packaging standards in Part 71 of Title 10, CFR. At the same time, the ICC published Order No. 70 relating to transportation of fissile radioactive materials. Early in 1967, the ICC also published Order No. 74 which made further modifications regarding radioactive materials.

During the past 18 months a task force comprised of representatives of the USAEC and its contractors prepared a series of draft regulatory changes designed to incorporate the principles of the recommended regulations of the IAEA into the regulations as amended by Orders 70 and 74. These drafts were further modified as a result of participation by representatives of the ICC, Federal Aviation Administration, U.S. Coast Guard, and various atomic energy and transportation industry personnel. The results of all of these reviews and discussions are reflected in this notice of proposed rule making.

This notice includes proposed amendments to the Hazardous Materials Regulations of the Department of Transportation (49 CFR Parts 171–178) (formerly a part of the ICC Regulations) and Part 103 of the Federal Aviation Regulations (14 CFR Part 103). The purpose of this notice is to request public comment on procedures proposed for the transportation of radioactive materials. Interested persons are invited to participate in the making of proposed rules by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C.

Communications received before April 15, 1968, would be considered by the Board before taking final action on the notice. All comments will be available for examination by interested persons at the Office of the Secretary of the Board, both before and after the closing date for comments. The proposals contained in this notice may be changed in light of comments received.

Several references are made in the proposed regulatory amendments to authorizations issued under Part 170 of Title 49, CFR. Part 170 has been reserved for the Rules of Procedure for the Hazardous Materials Regulations Board. Part 170 has been published as a notice of proposed rule making but has not yet been adopted. It is expected that Part 170 will be in effect before the expiration of the comment period for this notice of proposed rule making. Part 170 will include the procedures for general rule making as well as those for handling applications for special permits.

The basic consideration in the transportation of radioactive materials is that they may present radiation and contamination hazards to transportation workers, passengers, and the general public. In addition, radiation exposure may damage other materials in transport, such as undeveloped photographic film. The proposed regulatory amendments will provide for the control of these potential hazards by considering the three basic factors of (1) relative hazard potential (2) packaging performance and (3) the transportation environment. The existing regulations place the primary emphasis on the packaging requirements for the normal conditions of transportation. The proposed revisions will provide a system of allowing sufficient emphasis to be placed not only on the normal conditions of transportation, but also on the environmental conditions which a package of radioactive materials might encounter in an accident.

This notice of proposed rule making establishes a separate hazard classification category for radioactive materials, apart from the poisonous category. Radioactive materials would be classified as radioactive materials and not as Class priate changes are being proposed to the D poisons as they currently are. Appropriate changes are being proposed to the commodity list in Part 172.

Several provisions which are presently contained in the regulations of the U.S. Atomic Energy Commission, title 10 CFR Part 71, have been incorporated into this proposed revision. Examples are the definitions of "special form," "normal form," and "large quantities" of radioactive materials.

A major change is proposed in the method of hazard identification of radioactive materials. Assignments of hazard categories which are based solely upon the type of radiation emanating from the package is not truly representative of the transportation hazards to be considered. The proposed system is based instead upon the radiotoxicity of the isotope concerned. The hazard potential of radioactive materials is defined by consideration of radiotoxicity and physical form, and by assigning each radionuclide to an appropriate "transport group." In addition, some special classes of materials are considered, such as very large or very small quantities, low specific activity materials, and fissile materials. This system is presently prescribed in regulations of the Atomic Energy Commission, 10 CFR Part 71.

Another major area of change is in package identification. A new labeling system is proposed to conform to the recommendations of the United Nations and the IAEA. The labels will also be used to determine the need for placarding of vehicles. A later regulatory proposal will incorporate the remainder of the U.N. labels for other hazardous materials.

The proposed regulatory change will provide more types of specification packaging, increased flexibility for the shipper in terms of new package development, and a clearer definition of the criteria which the Department will be using to evaluate the adequacy of various packaging methods.

A further change would allow an increase in the amount of radioactive material that may be carried aboard a vehicle from 40 units to 50 units. This revision would also change the name for the term "radiation unit" to "transport index."

Proposed new § 173.393 contains a number of general packaging requirements, many of which are in the existing regulations. Sections 173.394 and 173.395 contain the particular packaging requirements for special form and normal form radioactive materials. These two sections could be combined into a single section but there have been indications from industry sources of the desirability of separation. Section 173.396 proposes specific packaging requirements for fissile material. This section is essentially unchanged from the present regulations except for some additional flexibility in the packaging of small amounts of fissile materials. Sections 173.396a and 173.397 incorporate the provisions included in the existing § 173.392 for "exempt quantities," and also make an additional provision for the transportation of contaminated items and bulk low specific activity materials. Section 173.398 prescribes the special test conditions for special form material and for the hypothetical accident conditions of transportation. These provisions are presently contained in Part 71 of the USAEC regulations. Section 173.399 prescribes new labeling requirements. Section 173.399a consolidates and updates the general contamination control requirements.

Appropriate changes are proposed for Parts 174, 175, and 177 to incorporate the new placarding requirements, to increase the transport index from 40 to 50, to delete certain consignee requirements that are not within the jurisdiction of these regulations, and to provide for more comprehensive distance—time handling provisions.

In Part 178 revisions are made to specifications 6L and 12B, and two new specifications are being proposed. Specification 6L is being modified to provide a wider flexibility in drum size and centering mechanisms. Tests have shown the inadequacy of the present closure requirements and the specification is being modified to require higher strength locking rings. A new specification 6M metal package is being proposed for both fissile and nonfissile radioactive materials. The special specification 12B fiberboard box for radioactive materials would be deleted since the requirements contained therein would now be included in § 173.393. A new specification 7A general package is being proposed for radioactive materials. Specification 7A provides for performance criteria rather than detailed engineering design requirements. The shipper would be given a great deal of flexibility in the exact design of his specification 7A package.

A number of editorial changes are being proposed in this Notice which do not directly bear on substantive requirements for the transportation of radioactive materials, but are being made in related provisions as a part of the general updating of the regulations. Examples are in the changes being proposed for §§ 173.22, 173.23, 173.24, and 173.28.

In Part 103 of 14 CFR appropriate amendments are being proposed to incorporate the provisions of the general revision into the Hazardous Materials Regulations applicable to aviation. At the same time, § 103.3 is being amended to reflect Amendment No. 75 regarding shipping paper requirements. Several other minor changes are being proposed to provide consistency between Parts 174–177 and Part 103.

Since the Federal Aviation Administration does not exercise jurisdiction over the handling and storage of hazardous materials in air freight terminals or other storage locations outside of aircraft, the provisions for handling, storage, and accidents are limited to aircraft only. However, the Department is considering the need for providing similar safeguards in connection with the storage and handling of radioactive materials at all times once they have entered into the realm of air transportation.

Paragraph (d) of § 103.23 would be deleted from Part 103 under this proposed amendment. This provision makes the shipper and the carrier jointly responsible for providing personnel monitoring devices. There are no similar requirements for rail, highway, and water, and the experience of the transportation industry has been that none are required in these regulations. The Atomic Energy Commission, the Department of Labor, and the Department of Health, Education, and Welfare already have established standards for exposure control of people. Removal of the requirement does not, of course, preclude the carrier or the shipper from fulfilling his responsibilities in this area.

This amendment is proposed under the authority of Title 18, United States Code, sections 831–835, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

In consideration of the foregoing, it is proposed to amend Titles 14 and 49 of the Code of Federal Regulations as hereinafter set forth.

Issued in Washington, D.C., on January 11, 1968.

W. J. SMITH,
Commandant, U.S. Coast Guard.

SAM SCHNEIDER,
Board Member, for the Administrator, Federal Aviation Administration.

LOWELL K. BRIDWELL,
Administrator, Federal Highway Administration.

A. SCHEFFER LANG,
Administrator, Federal Railroad Administration.

I. Title 49 of the Code of Federal Regulations would be amended as follows:

1. Section 171.8 would be amended by adding the following new paragraphs at the end thereof:

§ 171.8 Definitions.

* * * * *

(i) "Packaging" means the assembly of the containers and any other components necessary to assure compliance with the prescribed packaging requirements.

(j) "Package" means the packaging plus its content of hazardous materials, as presented for transportation.

(k) "Transport vehicle" means the conveyance used for the transportation of hazardous materials and includes any motor vehicle, rail car, or aircraft. Each cargo-carrying body is a separate vehicle.

2. The commodity list in § 172.5(a) would be amended as follows:

§ 172.5 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				
Fissile radioactive materials	Radioactive	173.393 173.396	Radioactive	See § 173.396.
Radioactive devices	do	173.393 173.396a	do	See § 173.396a
Radioactive materials, low specific activity (LSA).	do	173.393 173.397	do	See § 173.397(a).
Thorium nitrate, solid	do	173.397	Radioactive plus yellow	100 pounds.
Uranyl nitrate, solid	do	173.396 173.397	do	Do.
Add				
Radioactive materials, normal form, n.o.s.	do	173.393 173.395	Radioactive	See §§ 173.393, 173.395.
Radioactive materials, special form, n.o.s.	do	173.393 173.394 173.397	do	See §§ 173.393, 173.394.
Cancel				
Magnesium-thorium alloys in formed shapes, (not powdered, and which shall contain not more than 4 percent nominal thorium-232).	Poison D	173.392(e)	Radioactive materials, red.	See § 173.393(L).
Radioactive materials, n.o.s.	do	173.392 173.393	Radioactive materials, blue or red.	See § 173.393 (f) and (L).
Uranium, normal or depleted, in solid metal form (not borings, chips, or pieces).	do	173.392(f)	Radioactive materials, red.	See § 173.393(L).

3. Part 173 would be amended as follows:

(A) By amending the table of contents to show § 173.23 as canceled; to show new entries for §§ 173.24 and 173.391 through 173.396; and by adding §§ 173.396a through 173.399a, as follows:

Sec.
173.23 [Canceled]
173.24 Standard requirements for all packages.
173.391 Radioactive materials; definitions.
173.392 Transport groups of radionuclides.
173.393 General packaging requirements.
173.394 Radioactive material in special form.
173.395 Radioactive material in normal form.
173.396 Fissile radioactive material.
173.396a Small quantities of radioactive materials and radioactive devices.
173.397 Low specific activity radioactive material.
173.398 Special tests.
173.399 Radioactive materials labels.
173.399a Contamination control.

(B) By amending § 173.2(a) to read as follows:

§ 173.2 Classification; dangerous articles.

(a) Hazardous materials other than explosives having more than one hazardous characteristic, as defined in Parts 171–190, must be classified according to the greatest hazard present. However, those articles which are also Class A poisons or radioactive materials must be classified according to both hazardous characteristics, as defined in this part.

(C) By amending § 173.22 to read as follows:

§ 173.22 Specification containers prescribed.

(a) Where containers are supplied by the shipper, the shipper shall be responsible to determine that shipments of explosives and other dangerous articles are made in containers which, unless otherwise provided in this part (see § 173.9 (c)), have been made, assembled with all parts or fittings in their proper place, and marked in compliance with applicable specifications prescribed in Parts 178 and 179 of this chapter or with specifications of the Department in effect at date of manufacture of container. The shipper may accept the manufacturer's certification or specification marking to determine that the containers were manufactured in accordance with applicable specifications. Where containers are supplied by the carrier, the shipper shall determine that the containers in which commodities are to be loaded are proper containers for the transportation of such commodities by examining the manufacturer's identification plate, specification marking, or certification by the carrier.

(b) Where the regulations require Spec. 6D or 37M (§ 178.102 or § 178.134 of this chapter) cylindrical steel overpacks, Spec. 5B, 6J, or 37A (single-trip container) (§ 178.82, § 178.100, or § 178.131 of this chapter) metal drums manufactured before March 18, 1964, having inside Spec. 2S, 2SL, 2T, or 2TL (§ 178.21, § 178.27, § 178.35, of § 178.35a of this chapter) polyethylene container, may be continued in use for the commodities and gross weights for which they were previously authorized.

(c) Reusable molded polyethylene containers for use without overpack complying with Spec. 34 (§ 178.19 of this chapter), manufactured before September 5, 1966, may be continued in use, if they are plainly marked ICC–34, and are embossed with the maker's name or symbol, rated capacity, and the month and year of manufacture.

(d) Containers manufactured before January 1, 1967, and approved by the Bureau of Explosives before July 12, 1966, (1) may be continued in use for the shipment of fissile and other radioactive materials under the approved conditions until that approval is terminated by the the Department or the Bureau of Explosives, but in no case after December 31, 1968, and (2) may not be used for export unless specifically approved by the Department.

§ 173.23 [Canceled]

(D) By canceling § 173.23.

(E) By amending § 173.24 to read as follows:

§ 173.24 Standard requirements for all packages.

(a) Each package used for shipping hazardous materials under this chapter shall be so designed and constructed, and its contents so limited that under normal and ordinary conditions incident to transportation—

(1) There will be no significant release of the dangerous materials to the environment;

(2) The effectiveness of the packaging will not be substantially reduced; and

(3) There will be no mixture of gases or vapors in the package which could, through any credible spontaneous increase of pressure or through an explosion, significantly reduce the effectiveness of the packaging.

(b) Materials for which detailed specifications for packaging are not set forth in this part must be securely packaged in strong, tight packages meeting the requirements of this section.

(c) Packaging used for the shipment of dangerous articles under this chapter shall, unless otherwise specified or exempted therein, meet all of the following design and construction criteria:

(1) Each specification container shall be marked in an unobstructed area with letters and figures identifying that specification.

(i) The marking is a certification that the packaging complies with all specification requirements.

(ii) The name and address or the symbol of the manufacturer, or the user, who assumes responsibility for compliance with the specification requirements, shall be included. Symbol letters must be registered with the Bureau of Explosives. Duplicate symbols are not authorized.

(iii) The marking shall be stamped, embossed, burned, printed, or otherwise marked on the packaging to provide adequate accessibility, permanency, and contrast so as to be readily apparent and understood.

(iv) Unless otherwise specified, letters and figures shall be at least ½-inch high.

(v) Packaging which does not comply with the applicable specification listed in Parts 178–179 of this chapter must not be marked to indicate such compliance.

(2) Unless otherwise specified, steel used shall be low-carbon, commercial quality steel. Open hearth, electric basic oxygen, or other similar quality steels are acceptable.

(3) Lumber used shall be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with nailing, and other defects that would materially lessen the strength.

(4) Welding and brazing shall be performed in a workmanlike manner using suitable and appropriate techniques, materials, and equipment.

(5) Packaging materials shall be such that there will be no significant chemical or galvanic reaction among any of the materials in the package.

(6) Closures shall be adequate to prevent inadvertent leakage of the contents under normal conditions of transport. Gasketed closures shall be fitted with gaskets of efficient material which will not be deteriorated by the contents of the container. Except as specifically provided in this chapter, vented packages are not authorized.

(7) Nails, staples, and other metallic devices shall not protrude into the interior of the outer packaging in such a manner as to be likely to cause failures.

(8) The nature and thickness of the packaging shall be such that friction during transport does not generate any heating likely to decrease the chemical stability of the contents.

(d) Except as otherwise provided in this chapter, compliance with the applicable specifications in Parts 178 and 179 of this chapter shall be required in all details.

(F) By amending the introductory language of paragraph (a) and by amending paragraph (h) of § 173.28 to read as follows:

§ 173.28 Reused containers.

(a) Containers used more than once (refilled and reshipped after having been previously emptied) must be in such condition, including closure devices and cushioning materials, that they comply in all respects with the required specifications for those containers. Repairs must be made in an efficient manner in accordance with requirements for materials and construction as prescribed in Parts 178 and 179 of this chapter for new containers. Parts that are weak, broken, or otherwise deteriorated must be replaced.

* * * * *

(h) Except as provided in this section, single-trip containers made under specifications prescribed in Part 178 of this chapter, from which contents have once been removed following use for shipment of any commodity, shall not be again used as shipping containers for explosives or other dangerous articles. Single-trip containers may be reused if retested in accordance with methods approved by the Bureau of Explosives for service for specific commodities or classes of commodities. Applications for permission for reuse should be made to the Bureau of Explosives, 63 Vesey Street, New York, N.Y. 10007.

* * * * *

(G) By amending § 173.29(e) to read as follows:

§ 173.29 Empty containers.

* * * * *

(e) All containers and accessories which have been used for shipments of radioactive materials, when shipped as empty, must be securely closed, must be free of significant removable radioactive surface contamination as provided in § 173.399a, and the radiation at the external surface of the package must not exceed 0.5 millirem per hour.

(H) By amending the title of Subpart G to read as follows:

Subpart G—Poisonous Articles and Radioactive Materials; Definition and Preparation

(I) By amending the introductory language of paragraph (a) and canceling paragraph (a) (4) of § 173.325 as follows:

§ 173.325 Classes of poisonous articles.

(a) Poisonous articles for the purpose of Parts 171–179 are divided into three classes according to degree of hazard in transportation.

* * * * *

(4) [Canceled]

(J) By amending § 173.391 to read as follows:

§ 173.391 Radioactive materials; definitions.

For the purpose of Parts 171–179 of this chapter:

(a) "Radioactive material" means any material or combinations of materials, which spontaneously emits ionizing radiation, and of which the specific activity of a uniformly distributed mixture is greater than 0.002 microcuries per gram.

(b) "Fissile material" means radioactive material which has the additional property that it affords a possibility of a self-sustaining nuclear fission reaction, including plutonium-238, plutonium-239, plutonium-241, uranium-233, and uranium-235. Fissile material is classified according to the controls needed to provide nuclear criticality safety during transportation as follows:

(1) *Fissile Class I.* Packages which may be transported in unlimited numbers and in any arrangement, and which require no nuclear criticality safety controls during transportation.

(2) *Fissile Class II.* Packages which may be transported together in any arrangement but in numbers which do not exceed an aggregate transport index of 50. Such shipments require no nuclear criticality safety control by the shipper during transportation.

(3) *Fissile Class III.* Shipments of packages which do not meet the requirements of Fissile Classes I or II and which are controlled in transportation by special arrangements by the shipper.

NOTE 1: Uranium-235 exists only in combination with various percentages of uranium-234 and uranium-238. "Fissile radioactive material" as applied to uranium-235 refers to the amount of uranium-235 actually contained in the total quantity of uranium being transported.

NOTE 2: Radioactive material may consist of mixtures of fissile and nonfissile radionuclides. "Fissile material" refers to the amount of plutonium-238, plutonium-239, plutonium-241, uranium-233, or uranium-235 or any combination thereof actually contained in the mixture. The "radioactivity" of the mixture consists of the total activity of both the fissile and nonfissile radionuclides. All mixtures containing "fissile material" shall be subject to § 173.396.

(c) "Low specific activity material" means any of the following:

(1) Uranium or thorium ores and physical or chemical concentrates of those ores;

(2) Unirradiated natural or depleted uranium or unirradiated natural thorium;

(3) Tritium oxide in aqueous solutions provided the concentration does not exceed 5 millicuries per milliliter;

(4) Material in which the activity is uniformly distributed and in which the estimated average concentration per gram of contents does not exceed:

(i) 0.001 millicuries of Group I (see § 173.391(g)) radionuclides; or

(ii) 0.005 millicuries of Group II radionuclides; or

(iii) 0.3 millicuries of Groups III or IV radionuclides.

NOTE 1: This includes, but is not limited to, materials of low radioactivity concentration such as residues or solutions from chemical processing; wastes such as building rubble, metal, wood, and fabric scrap, glassware, paper and cardboard; solid or liquid plant waste; sludges and ashes.

(5) Objects of nonradioactive material externally contaminated with radioactive material, provided that the radioactive material is not readily dispersible and the surface contamination when averaged over one square meter, does not exceed 0.001 millicurie per square centimeter of Group I radionuclides or 0.001 millicurie per square centimeter of other radionuclides.

(d) "Special form" radioactive materials means those which, if released from a package, might present some direct radiation hazard but would present little hazard due to radiotoxicity and little possibility of contamination. This may be the result of inherent properties of the material (such as metals or alloys), or acquired characteristics, as through encapsulation. The criteria for determining whether a material meets the definition of special form are prescribed in § 173.398a.

(e) "Normal form" radioactive materials means those which are not special form radioactive materials. Normal form radioactive materials are grouped into Transport Groups (see § 173.391(g)).

(f) "Large quantity" radioactive materials means a quantity the aggregate radioactivity of which exceeds that specified as follows:

(1) Groups I and II (see § 173.391(g)) radionuclides: 20 curies.

(2) Groups III and IV radionuclides: 200 curies.

(3) Group V radionuclides: 5,000 curies.

(4) Group VI radionuclides: 50,000 curies.

(5) Special form material: 5,000 curies.

(g) "Transport group" means any one of six groups into which radionuclides are classified according to their relative biological hazard, and as listed in § 173.392.

(h) "Transport index" means the number placed on a package to designate the degree of control to be exercised by the carrier during transportation. The transport index to be assigned to a package of radioactive materials shall be determined by either subparagraph (1) or (2) of this paragraph, whichever is larger. The number expressing the transport index shall be rounded up to the next highest tenth; e.g., 1.01 becomes 1.1.

(1) The highest radiation dose rate, in millirem per hour at 3 feet from any accessible external surface of the package; or

(2) For Fissile Class II packages only, the transport index number calculated by dividing the number "50" by the number of similar packages which may be transported together (see § 173.396), as determined by the procedures prescribed in the regulations of the U.S. Atomic Energy Commission, Title 10, Code of Federal Regulations, Part 71.

(i) "Removable radioactive contamination" means radioactive contamination which can be readily removed in measurable quantities by wiping the contaminated surface with an absorbent material. The measurable quantities shall be considered as being not significant if they do not exceed the limits specified in § 173.399a.

(K) By amending § 173.392 to read as follows:

§ 173.392 Transport groups of radionuclides.

(a) List of radionuclides:

Element [1]	Radionuclide [2]	Transport Group					
		I	II	III	IV	V	VI
Actinium (89)	Ac-227	X					
	Ac-228	X					
Americium (95)	Am-241	X					
	Am-243	X					
Antimony (51)	Sb-122				X		
	Sb-124			X			
	Sb-125			X			
Argon (18)	A-37						X
	A-41		X				
	A-41 (uncompressed)[3]					X	
Arsenic (33)	As-73				X		
	As-74				X		
	As-76				X		
	As-77				X		
Astatine (85)	At-211			X			
Barium (56)	Ba-131				X		
	Ba-140			X			
Berkelium (97)	Bk-249	X					
Beryllium (4)	Be-7				X		
Bismuth (83)	Bi-206				X		
	Bi-207			X			
	Bi-210		X				
	Bi-212			X			
Bromine (35)	Br-82				X		
Cadmium (48)	Cd-109			X			
	Cd-115m			X			
	Cd-115				X		
Cesium (55)	Cs-131			X			
	Cs-134m				X		
	Cs-134			X			
	Cs-135				X		
	Cs-136				X		
	Cs-137				X		
Calcium (20)	Ca-45				X		
	Ca-47				X		
Californium (98)	Cf-249	X					
	Cf-250	X					
	Cf-252	X					
Carbon (6)	C-14				X		
Cerium (58)	Ce-141				X		
	Ce-143				X		
	Ce-144			X			
Chlorine (17)	Cl-36			X			
	Cl-38				X		
Chromium (24)	Cr-51				X		
Cobalt (27)	Co-56				X		
	Co-57				X		
	Co-58m				X		
	Co-58			X			
	Co-60				X		
Copper (29)	Cu-64				X		
Curium (96)	Cm-242	X					
	Cm-243	X					
	Cm-244	X					
	Cm-245	X					
	Cm-246	X					
Dysprosium (66)	Dy-154			X			
	Dy-165				X		
	Dy-166				X		
Erbium (68)	Er-169				X		
	Er-171				X		
Europium (63)	Eu-150			X			
	Eu-152m				X		
	Eu-152		X				
	Eu-154				X		
	Eu-155				X		

See footnotes at end of table.

Element [1]	Radionuclide [3]	Transport Group					
		I	II	III	IV	V	VI
Fluorine (9)	F-18				X		
Gadolinium (64)	Gd-153				X		
	Gd-159				X		
Gallium (31)	Ga-67			X			
	Ga-72				X		
Germanium (32)	Ge-71				X		
Gold (79)	Au-193			X			
	Au-194			X			
	Au-195			X			
	Au-196				X		
	Au-198				X		
	Au-199				X		
Hafnium (72)	Hf-181				X		
Holmium (67)	Ho-166				X		
Hydrogen (1)	H-3 (see tritium)						
Indium (49)	In-113m				X		
	In-114m			X			
	In-115m				X		
	In-115				X		
Iodine (53)	I-124			X			
	I-125			X			
	I-126			X			
	I-129			X			
	I-131			X			
	I-132				X		
	I-133			X			
	I-134				X		
	I-135				X		
Iridium (77)	Ir-190				X		
	Ir-192			X			
	Ir-194				X		
Iron (26)	Fe-55				X		
	Fe-59				X		
Krypton (36)	Kr-85m			X			
	Kr-85m (uncompressed).[2]					X	
	Kr-85			X			
	Kr-85 (uncompressed).[2]						X
	Kr-87		X				
	Kr-87 (uncompressed).[2]					X	
Lanthanum (57)	La-140				X		
Lead (82)	Pb-203				X		
	Pb-210		X				
	Pb-212		X				
Lutecium (71)	Lu-172				X		
	Lu-177				X		
Magnesium (12)	Mg-28			X			
Manganese (25)	Mn-52				X		
	Mn-54				X		
	Mn-56				X		
Mercury (80)	Hg-197m				X		
	Hg-197				X		
	Hg-203				X		
Mixed Fission Products	MFP		X				
Molybdenum (42)	Mo-99				X		
Neodymium (60)	Nd-147				X		
	Nd-149				X		
Neptunium (93)	Np-237	X					
	Np-239	X					
Nickel (28)	Ni-56			X			
	Ni-59				X		
	Ni-63				X		
	Ni-65				X		
Niobium (41)	Nb-93m				X		
	Nb-95				X		
	Nb-97				X		
Osmium (76)	Os-185				X		
	Os-191m				X		
	Os-191				X		
	Os-193				X		

Element [1]	Radionuclide [3]	Transport Group					
		I	II	III	IV	V	VI
Palladium (46)	Pd-103				X		
	Pd-109				X		
Phosphorus (15)	P-32				X		
Platinum (78)	Pt-191				X		
	Pt-193				X		
	Pt-193m				X		
	Pt-197m				X		
	Pt-197				X		
Plutonium (94)	Pu-238 [4]	X					
	Pu-239 [4]	X					
	Pu-240	X					
	Pu-241 [4]	X					
	Pu-242	X					
Polonium (84)	Po-210	X					
Potassium (19)	K-42				X		
	K-43			X			
Praseodymium (59)	Pr-142				X		
	Pr-143				X		
Promethium (61)	Pm-147				X		
	Pm-149				X		
Protactinium (91)	Pa-230	X					
	Pa-231	X					
	Pa-233		X				
Radium (88)	Ra-223		X				
	Ra-224		X				
	Ra-226	X					
	Ra-228	X					
Radon (86)	Rn-220				X		
	Rn-222		X				
Rhenium (75)	Re-183				X		
	Re-186				X		
	Re-187				X		
	Re-188				X		
	Re Natural				X		
Rhodium (45)	Rh-103m				X		
	Rh-105				X		
Rubidium (37)	Rb-86				X		
	Rb-87				X		
	Rb Natural				X		
Ruthenium (44)	RU-97				X		
	Ru-103				X		
	Ru-105				X		
	Ru-106			X			
Samarium (62)	Sm-145			X			
	Sm-147			X			
	Sm-151				X		
	Sm-153				X		
Scandium (21)	Sc-46			X			
	Sc-47				X		
	Sc-48				X		
Selenium (34)	Se-75				X		
Silicon (14)	Si-31				X		
Silver (47)	Ag-105				X		
	Ag-110m			X			
	Ag-111				X		
Sodium (11)	Na-22			X			
	Na-24				X		
Strontium (38)	Sr-85m				X		
	Sr-85				X		
	Sr-89			X			
	Sr-90		X				
	Sr-91			X			
	Sr-92				X		
Sulphur (16)	S-35				X		
Tantalum (73)	Ta-182			X			
Technetium (43)	Tc-96m				X		
	Tc-96				X		
	Tc-97m				X		
	Tc-97				X		
	Tc-99m				X		
	Tc-99				X		

See footnotes at end of table.

Element [1]	Radionuclide [2]	Transport Group					
		I	II	III	IV	V	VI
Tellurium (52)	Te-125m				X		
	Te-127m				X		
	Te-127				X		
	Te-129m			X			
	Te-129				X		
	Te-131m			X			
	Te-132				X		
Terbium (65)	Tb-160			X			
Thallium (81)	Tl-200				X		
	Tl-201				X		
	Tl-202				X		
	Tl-204			X			
Thorium (90)	Th-227		X				
	Th-228	X					
	Th-230	X					
	Th-231	X					
	Th-232			X			
	Th-234		X				
	Th Natural			X			
Thulium (69)	Tm-168			X			
	Tm-170			X			
	Tm-171				X		
Tin (50)	Sn-113				X		
	Sn-117			X			
	Sn-121			X			
	Sn-125				X		
Tritium (1)	H-3				X		
	H-3 (as a gas, as luminous paint, or adsorbed on solid material).						X
Tungsten (74)	W-181				X		
	W-185				X		
	W-187				X		
Uranium (92)	U-230		X				
	U-232	X					
	U-233 [4]		X				
	U-234		X				
	U-235 [4]			X			
	U-236		X				
	U-238			X			
	U Natural			X			
	U Enriched [4]			X			
	U Depleted			X			
Vanadium	V-48				X		
	V-49			X			
Xenon (54)	Xe-125			X			
	Xe-131m			X			
	Xe-131m (uncompressed) [3]					X	
	Xe-133			X			
	Xe-133 (uncompressed) [3]						X
	Xe-135		X				
	Xe-135 (uncompressed) [3]					X	
Ytterbium (70)	Yb-175				X		
Yttrium (39)	Y-88			X			
	Y-90				X		
	Y-91m			X			
	Y-91			X			
	Y-92				X		
	Y-93				X		
Zinc (30)	Zn-65				X		
	Zn-69m				X		
	Zn-69				X		
Zirconium (40)	Zr-93				X		
	Zr-95			X			
	Zr-97				X		

[1] Atomic number shown in parentheses.
[2] Uncompressed means at a pressure not exceeding 14.7 p.s.i. (absolute).
[3] Atomic weight shown after the radionuclide symbol.
[4] Fissile radioactive material.

(b) Any radionuclide not listed in the above table shall be assigned to one of the groups in accordance with the following table:

Radionuclide	Radioactive half-life		
	0-1,000 days	1,000 days to 10^6 years	Over 10^6 years
Atomic number 1-81.	Group III.	Group II.	Group III.
Atomic number 82 and over.	Group I.	Group I.	Group III.

NOTE 1: No unlisted radionuclides shall be assigned to Groups IV, V, or VI.

(c) For mixtures of radionuclides the following shall apply:

(1) If the identity and respective activity of each radionuclide are known, the permissible activity of each radionuclide shall be such that the sum of the ratio between the total activity for each group to the permissible activity for each group will not be greater than unity.

(2) If the groups of the radionuclides are known but the amount in each group is not known, the mixture shall be assigned to the most restrictive group present.

(3) If the identity of all or some of the radionuclides is not known, each of those unidentified radionuclides shall be considered as belonging to Group I.

(4) Mixtures consisting of a single radioactive decay chain where the radionuclides are in the naturally occurring proportions shall be considered as consisting of a single radionuclide. The group and activity shall be that of the first member present in the chain; naturally occurring daughter products are excluded.

(L) By amending § 173.393 to read as follows:

§ 173.393 General packaging requirements.

(a) Unless otherwise specified, all packages and shipments of radioactive materials must meet all requirements of this section.

(b) Radioactive material must be packaged as prescribed in §§ 173.394 through 173.397.

(c) The smallest outside dimension of any package must be 4 inches or greater.

(d) Radioactive materials must be packaged in containers which have been designed to maintain shielding efficiency and leak tightness, so that, under normal conditions of transportation, there will be no release of radioactive material. If necessary, additional suitable inside packaging must be used. Each package must be capable of meeting the requirements of § 178.350-2 of this chapter (see also § 173.24). Specification containers listed as authorized for radioactive materials shipments meet those test conditions.

(e) Internal bracing or cushioning, where necessary, must be adequate to assure that the distance from the inner container to the outside wall of the package remains constant under conditions normally incident to transportation.

(f) Pyrophoric materials, in addition to the packaging prescribed in this subpart, must also meet the packaging requirements of § 173.134 or § 173.154.

(g) Liquid radioactive material must be packaged in or within a leak-resistant and corrosion-resistant inner metal container. In addition—

(1) The packaging must be adequate to prevent loss or dispersal of the radioactive contents from the inner container, if the package were subjected to the 30-foot drop test prescribed in § 173.398(b)(2)(i); or

(2) Enough absorbent material must be provided to absorb at least twice the volume of the liquid contents. The absorbent material may be located outside the radiation shield only if it can be shown that if the liquid contents were taken up by the absorbent material the resultant dose rate at the surface of the package would not exceed 1,000 millirem per hour.

(h) There must be no significant removable radioactive surface contamination on the exterior of the package (see § 173.399a).

(i) Except for shipments described in paragraph (j) of this section, all radioactive materials must be packaged in suitable containers (shielded, if necessary) so that at any time during the conditions normally incident to transportation the radiation dose rate does not exceed 200 millirem per hour at any point on the external surface of the package, and the transport index does not exceed 10.

(j) When a package is transported in a transport vehicle (except aircraft) assigned for the sole use of that consignor, the radiation dose rate from the package may exceed the limits specified in § 173.393(g) if it does not exceed at any time during transport any of the limits specified in subparagraphs (1) through

(4) of this paragraph. Shipments must be loaded by the consignor, and unloaded by the consignee from the transport vehicle in which originally loaded.

(1) 1,000 millirem per hour at 3 feet from the external surface of the package (closed transport vehicle only);

(2) 200 millirem per hour at any point on the external surface of the car or vehicle (closed transport vehicle only);

(3) 10 millirem per hour at 6 feet from the external surface of the car or vehicle; and

(4) 2 millirem per hour in any normally occupied position in the car or vehicle.

(k) When radioactive materials are loaded by the shipper into a transport vehicle assigned for the sole use of that shipper, the shipper must observe all applicable requirements of Part 174, 175, or 177 of this chapter as appropriate.

(l) Packages consigned for export are also subject to the regulations of the foreign governments involved in the shipment. See §§ 173.8 and 173.9.

(M) By amending § 173.394 to read as follows:

§ 173.394 Radioactive material in special form.

(a) Radioactive materials in special form, in aggregate quantity not exceeding 20 curies per package, must be packaged as follows:

(1) Spec. 5B, 5D, 6A, 6B, 6C, 6J, 6K, 17C, 17H, 42B, or 42C (§§ 178.82, 178.84, 178.97, 178.98, 178.99, 178.100, 178.101, 178.107, 178.108, 178.115, 178.118 of this chapter) metal drums.

(2) Spec. 21C (§ 178.224 of this chapter) fiber drums.

(3) Spec. 15A, 15B, 15C, 15D, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.171, 178.190, 178.191 of this chapter) wooden boxes.

(4) Any Spec. 12 series (§§ 178.205 through 178.212 of this chapter) fiberboard boxes, 275-pound test minimum, or Spec. 23F or 23H (§§ 178.214 or 178.219 of this chapter) fiberboard boxes.

(5) Spec. 55 (§ 178.250 of this chapter) metal-encased shielded container. Additionally authorized for up to 300 curies per package, for domestic use only.

(6) Spec. 7A (§ 178.350 of this chapter) general package.

(7) Spec. 6M (§ 178.104 of this chapter) metal package.

(8) Any other package authorized by the Department under Part 170 of this chapter.

(b) Radioactive materials in special form, in aggregate quantity not exceeding 5,000 curies per package, must be packaged in containers as follows:

(1) Spec. 55 (§ 178.250 of this chapter) metal-encased shielded container. Packages containing more than 300 curies must meet the special tests prescribed in § 173.398(b). See also § 173.394(a)(5)).

(2) Spec. 6M (§ 178.104 of this chapter) metal package.

(3) Any other package meeting the test conditions of § 173.398(b) and authorized by the Department.

(4) Any other package authorized by the Department under Part 170 of this chapter.

(c) Large quantities of radioactive materials in special form must be shipped only in packages which meet the criteria in the regulations of the U.S. Atomic Energy Commission, Title 10, Code of Federal Regulations, Part 71, and which have been specifically authorized for that use by the Department under Part 170 of this chapter. In applying for Departmental authorization of packages for large quantities of radioactive materials to be used in shipments by the U.S. Atomic Energy Commission, or one of its contractors or licensees, a copy of the license amendment or other approval issued by that Commission will be accepted in place of the package structural integrity evaluation.

(N) By amending § 173.395 to read as follows:

§ 173.395 Radioactive material in normal form.

(a) Radioactive materials in normal form not exceeding 0.001 curie of Group I radionuclides, 0.05 curie of Group II radionuclides, 3 curies of Group III radionuclides, 20 curies of Groups IV and V radionuclides, or 1,000 curies of Group VI radionuclides must be packaged as follows:

(1) Spec. 5B, 5D, 6B, 6C, 6J, 6K, 17C, 17H, 42B, or 42C (§§ 178.82, 178.84, 178.98, 178.99, 178.100, 178.101, 178.107, 178.108, 178.115, 178.118 of this chapter) metal drums.

(2) Spec. 21C (§ 178.224 of this chapter) fiber drums.

(3) Spec. 14, 15A, 15B, 15C, 15D, 19A, or 19B (§§ 178.165, 178.168, 178.169, 178.170, 178.171, 178.190, 178.191 of this chapter) wooden boxes.

(4) Any Spec. 12 series (§§ 178.205 through 178.212 of this chapter) fiberboard boxes, 275-pound test minimum; or Spec. 23F or 23H (§ 178.214 or 178.219 of this chapter) fiberboard boxes.

(5) Any Spec. 3 or 4 series (§§ 178.36 through 178.44 or §§ 178.47 through 178.58 of this chapter) cylinders.

(6) Spec. 55 (§ 178.250 of this chapter) metal-encased shielded container. Authorized for up to 10 times the quantities prescribed in this paragraph, for domestic shipments only.

(7) Spec. 7A (§ 178.350 of this chapter) general package.

(8) Spec. 6M (§ 178.104 of this chapter) metal package.

(9) Any other package authorized by the Department under Part 170 of this chapter.

(b) Radioactive materials in normal form not exceeding 20 curies of Groups I or II radionuclides, 200 curies of Groups III or IV radionuclides, 5,000 curies of Group V radionuclides or 50,000 curies of Group VI radionuclides must be packaged as follows:

(1) Spec. 55 (§ 178.250 of this chapter) metal-encased shielded container meeting the special tests prescribed in § 173.398(b).

(2) Spec. 6M (§ 178.104 of this chapter) metal package.

(3) Any other package meeting the test conditions of § 173.398(b) and authorized by the Department.

(4) Any other package authorized by the Department under Part 170 of this chapter.

(c) Large quantities of radioactive materials in normal form must be shipped only in packages which meet the criteria prescribed in the regulations of the U.S. Atomic Energy Commission, Title 10, Code of Federal Regulations, Part 71, and which have been specifically authorized for such use by the Department under Part 170 of this chapter. In applying for Departmental authorization of package for large quantities of radioactive materials to be used in shipments by the U.S. Atomic Energy Commission, or one of its contractors or licensees, a copy of the license amendment or other approval issued by that Commission will be accepted in place of the package structural integrity evaluation.

(O) By amending § 173.396 to read as follows:

§ 173.396 Fissile material.

(a) The following materials are exempted from this section. They must instead be packaged in accordance with the other provisions of this subpart, as appropriate:

(1) Not more than 15 grams of fissile material;

(2) Uranium or thorium containing not more than 0.72 percent by weight of fissile material;

(3) Uranium compounds other than metal (e.g., UF_4, UF_6, or uranium oxide in bulk form, not pelleted or fabricated into shapes), and aqueous solutions of uranium, in which the total amount of uranium-233 and plutonium present does not exceed 1 percent by weight of the uranium-235 content, and the total fissile content does not exceed 1 percent by weight of the total uranium content;

(4) Homogeneous hydrogenous solutions or mixtures containing not more than:

(i) 500 grams of any fissile material, provided the atomic ratio of hydrogen to fissile material is greater than 7,600; or

(ii) 800 grams of uranium-235, if the atomic ratio of hydrogen to fissile material is greater than 5,200, and the content of other fissile material is not more than 1 percent by weight of the total uranium-235 content; or

(iii). 500 grams of uranium-233 and uranium-235, if the atomic ratio of hydrogen to fissile material is greater than 5,200, and the content of plutonium is not more than 1 percent by weight of the total uranium-233 and uranium-235 content.

(5) A package containing less than 350 grams of fissile material, if there is not more than 5 grams of fissile material in any cubic foot within the package.

(b) Fissile material in special form with radioactivity content not exceeding 20 curies, or fissile material in normal form containing not more than 0.001 curies of Group I radionuclides, 0.05 curies of Group II radionuclides, 3 curies

of Group III radionuclides, or 20 curies of Group IV radionuclides must be packaged as follows:

(1) Spec. 6L (§ 178.103 of this chapter) metal container.

(2) Spec. 6M (§ 178.104 of this chapter) metal package.

(3) Any container listed in § 173.395 (a). Authorized only for not more than 500 grams of uranium-235 as Fissile Class III, or not more than 40 grams of uranium-235 as Fissile Class II. For Fissile Class II shipments, the transport index to be assigned to each package shall be 0.4 for each gram of uranium-235 above 15 grams up to a maximum of 40 grams (transport index of 10).

(4) Any other package meeting the regulations of the U.S. Atomic Energy Commission, Title 10, Code of Federal Regulations, Part 71, and which has been specifically authorized for such use by the Department.

(c) Fissile material in excess of the quantities specified in paragraph (b) of this section must be shipped only in packages which meet the regulations of the U.S. Atomic Energy Commission, Title 10, Code of Federal Regulations, Part 71, and which have been specifically authorized for such use by the Department.

(d) Petitions for authorization of nonspecification containers for fissile radioactive materials and for all Fissile Class III shipments must be submitted as prescribed in Part 170 of this chapter, and must also include the following:

(1) Type and amount of fissile radioactive materials which is to be carried in each package, including:

(i) The transport index to be assigned to the package for the proposed package loadings when shipped as Fissile Class II; and

(ii) The maximum number of packages proposed when shipped as Fissile Class III.

(2) A nuclear criticality safety evaluation demonstrating that the container design and labeling, and limitation on its contents are adequate to assure nuclear criticality safety. Any tests performed in this respect should be described.

(3) In applying for Departmental authorization of packages for fissile radioactive materials to be used in shipments by the U.S. Atomic Energy Commission, or one of its contractors or licensees, a copy of the license amendment or other approval issued by that Commission will be accepted in place of the nuclear criticality safety evaluation and the package structural integrity evaluation.

(e) Mixing of packages of other types of radioactive materials, including Fissile Class I, with Fissile Class II packages is permitted if the transport index in any one transport vehicle or storage location does not exceed 50.

(f) For Fissile Class II packages shipped under the exclusive use provisions of § 173.393(j), the transport index number which is calculated for nuclear criticality control purposes must not exceed 10 for any single package or 50 for the full load, unless specifically authorized by the Department for Fissile Class III shipments.

(g) Fissile Class III shipments may be made only in accordance with subparagraph (1) or (2) of this paragraph, or in accordance with other procedures authorized by the Department. The transport controls must provide nuclear criticality safety and shall be carried out by the shipper or carrier, as appropriate, to protect against loading, transporting, or storing of that shipment together with other fissile material.

(1) Transportation in a transport vehicle assigned for the sole use of that consignor, with a specific restriction for such sole use to be provided in the special arrangements, and with instructions to that effect issued with the shipping papers; or

(2) Transportation under escort by a person in a separate vehicle, with the escort having the capability, equipment, authority, and instructions to provide administrative controls adequate to assure compliance with this paragraph.

(P) By adding the following new sections after § 173.396:

§ 173.396a Small quantities of radioactive materials and radioactive devices.

(a) Radioactive materials in normal form not exceeding 0.01 millicurie of Group I radionuclides; 0.1 millicurie of Group II radionuclides; 1 millicurie of Groups III, IV, V, or VI radionuclides, 25 curies of tritium as a gas, as luminous paint, or as absorbed on a solid material; tritium oxide in aqueous solution with a concentration not exceeding 0.5 millicuries per milliliters; 1 millicurie of radioactive material in special form; or 15 grams of uranium-235 are exempt from specification packaging, marking and labeling if the following conditions are met:

(1) The materials are packaged in strong tight packages such that there will be no leakage of radioactive materials under conditions normally incident to transportation.

(2) The package must be such that the radiation at any point on the external surface of the package does not exceed 0.5 millirem per hour.

(3) There must be no detectable radioactive surface contamination on the exterior of the package (see § 173.399a).

(4) The outside of the inner container must bear the marking "RADIOACTIVE."

(b) Manufactured articles such as instruments, clocks, electronic tubes or apparatus, or other similar devices, having radioactive materials (other than liquids) in a nondispersible form as a component part, are exempt from specification packaging, marking, and labeling, if the following conditions are met:

NOTE 1: For radioactive gases, the requirement for the radioactive material to be in a nondispersible form does not apply.

(1) Radioactive materials are securely contained within the items, or are securely packaged in strong, tight packages, so that there will be no leakage of radioactive materials under conditions normally incident to transportation.

(2) The radiation dose rate at 4 inches from any unpackaged item does not exceed 10 millirem per hour.

(3) The radiation dose rate at any point on the external surface of the outside container does not exceed 0.5 millirem per hour. However, for carload or truckload lots only, the radiation at the external surface of the package or the item may exceed 0.5 millirem per hour, but must not exceed 2 millirem per hour.

(4) There must be no detectable radioactive surface contamination on the exterior of the package (see § 173.399a).

(5) The outside of the package or item must bear the marking "RADIOACTIVE."

(6) The total radioactivity content of each package must not exceed the following:

(i) 0.001 curie of Group I radionuclides;

(ii) 0.05 curies of Group II radionuclides;

(iii) 3 curies of Groups III or IV radionuclides;

(iv) 1 curie of Groups V or VI radionuclides, except tritium;

(v) 200 curies of tritium as a gas, as luminous paint, or as absorbed on a solid material; or

(vi) 20 curies of radioactive materials in special form.

(7) The total radioactivity content of each individual article or item must not exceed 10 percent of the total package limits specified in subparagraph (6) of this paragraph.

(c) Shipments made under this section for transportation by motor carriers are exempt from Part 177, except § 177.817, of this chapter.

§ 173.397 Low specific activity materials.

(a) Low specific activity materials, with individual package contents not exceeding 0.001 curie of Group I radionuclides, 0.05 curies of Group II radionuclides, 3 curies of Group III radionuclides, 20 curies of Group IV and V radionuclides, or 1,000 curies of Group VI radionuclides, must be packaged as follows:

(1) Any specification metal drums.

(2) Any specification fiber drums.

(3) Any specification wooden boxes.

(4) Any Spec. 12 series (§§ 178.205 through 178.212 of this chapter) or Spec. 23F or 23H (§ 178.214 or § 178.219 of this chapter) fiberboard boxes.

(5) Spec. 21P (§ 178.225 of this chapter) fiber drum over-packs or Spec. 6D or 37M (§ 178.102 or § 178.134 of this chapter) cylindrical steel drum overpacks, when used with Spec. 2S, 2SL, or 2T (§ 178.21, § 178.35, or § 178.35a of this chapter) polyethylene inside containers. Authorized for low specific activity radioactive liquids. The containers are not authorized for materials containing nitric acid in strength exceeding 20 percent. The requirements of § 173.393(e) (1) and (2) do not apply to these containers.

(6) Spec. 7A (§ 178.350 of this chapter) general packaging.

(7) Any other package authorized by the Department under Part 170 of this chapter.

(b) Low specific activity materials not packaged as prescribed in paragraph (a) of this section and which are transported in transport vehicles (except aircraft) assigned for the sole use of that consignor are exempt from the packaging, marking and labeling requirements of §§ 173.393, 173.395, 173.399, and 173.401, except as specified in this section, if the shipments meet the requirements of paragraph (c) or (d) of this section.

(c) Packaged shipments of low specific activity materials transported in transport vehicles (except aircraft) assigned for the sole use of that consignor must comply with the folowing:

(1) Materials must be packaged in strong, tight packages so that there will be no leakage of radioactive material under conditions normally incident to transportation.

(2) Packages must not have any significant removable surface contamination.

(3) External radiation levels must comply with § 173.393(j).

(4) Shipments must be loaded by consignor and unloaded by consignee from the transport vehicle in which originally loaded.

(5) There must be no loose radioactive material in the car or vehicle.

(6) Shipment must be braced so as to prevent leakage or shift of lading under conditions normally incident to transportation.

(7) Except for shipments of uranium or thorium ores, unconcentrated, the transport vehicle must be placarded in accordance with § 174.541(b) or § 177.823 of this chapter, as appropriate.

(8) The outside of each outside package must be stenciled or otherwise marked "RADIOACTIVE—LSA."

(d) Unpackaged (bulk) shipments of low specific activity materials transported in transport vehicles (except aircraft) assigned for the sole use of that consignor must comply with the following:

(1) Authorized materials are limited to the following:

(i) Uranium or thorium ores and physical or chemical concentrates of those ores.

(ii) Uranium metal or natural thorium metal, or alloys of these materials; or

(iii) Materials of low radioactive concentration, if the average estimated radioactivity concentration does not exceed 0.001 millicurie per gram and the contribution from Group I material does not exceed 1 percent of the total radioactivity.

(iv) Objects of nonradioactive material externally contaminated with radioactive material, if the radioactive material is not readily dispersible and the surface contamination, when averaged over 1 square meter, does not exceed 0.0001 millicurie per square centimeter of Group I radionuclides or 0.001 millicurie per square centimeter of other radionuclides.

(2) Liquids must be transported in the following:

(i) Spec. 103C–W (§§ 179.200, 179.201, 179.202 of this chapter) tank cars. The requirements of § 173.393(g) do not apply to these tank cars. Bottom fittings and valves are not authorized.

(ii) Spec. MC 310, MC 311, MC 312, or MC 331 (§ 178.330, § 178.331, §178.337, or § 178.343 of this chapter) cargo tanks. Authorized only where the radioactivity concentration does not exceed 10 percent of the specified low specific activity levels. The requirements of § 173.393(g) do not apply to these cargo tanks. Bottom fittings and valves are not authorized. Trailer-on-flat-car service is not authorized.

(iii) Any other cargo tank authorized by the Department under Part 170 of this chapter.

(3) External radiation levels must comply with subparagraphs (2), (3), and (4) of § 173.393(j).

(4) Shipments must be loaded by the consignor, and unloaded by the consignee from the transport vehicles in which originally loaded.

(5) Except for shipments of uranium or thorium ores, unconcentrated, the transport vehicle must be placarded in accordance with § 174.541(b) or § 177.823 of this chapter, as appropriate.

§ 173.398 Special tests.

(a) *Special form material.* To qualify as special form material, the radioactive material must either be in massive solid form or encapsulated. Each item, whether or not encapsulated, must have no dimension less than 0.5 millimeters, or must have at least one dimension greater than five millimeters. Each item must not dissolve or convert into dispersible form to the extent of more than 0.005 percent, by weight, by immersion for 1 week in water at 68° F. or in air at 86° F. If in solid form, the radioactive material must not break, crumble, or shatter if subjected to the percussion test prescribed hereunder, and further, must not melt, sublime, or ignite at temperatures below 1,000° F. If encapsulated, the capsule must retain its contents when subjected to all of the performance tests prescribed in this section, and must not melt, sublime, or ignite at temperatures below 1,475° F. It is not necessary to actually conduct these tests if it can be shown, through engineering evaluations or comparative data, that the material would be capable of performing satisfactorily under the prescribed test conditions.

(1) *Free drop.* A free drop through a distance of 30 feet onto a flat essentially unyielding horizontal surface, striking the surface in such a position as to suffer maximum damage.

(2) *Percussion.* Impact of the flat circular end of a 1 inch diameter steel rod weighing three pounds, dropped through a distance of 40 inches. The capsule or material shall be placed on a sheet of lead, of hardness number 3.5 or 4.5 on the Vickers scale, and not more than 1 inch thick, supported by a smooth, essentially unyielding surface.

(3) *Heating.* Heating in air to a temperature of 1,475° F. and remaining at that temperature for a period of 10 minutes.

(4) *Immersion.* Immersion for 24 hours in water at room temperature. The water shall be at pH6–pH8, with a maximum conductivity of 10 micromhos/cm.

(b) *Standards for hpyothetical accident conditions of transportation.* (1) Each package used for shipping radioactive material (including fissile radioactive material) under §§ 173.394(b) and 173.395(b) must be designed and constructed and its contents so limited that, if subjected to the hypothetical accident conditions prescribed in this paragraph, it will meet the following conditions:

(i) The reduction of shielding would not be enough to increase the radiation dose rate at 3 feet from the external surface of the package to more than 1,000 millirem per hour.

(ii) No radioactive material would be released from the package.

(2) Test conditions: The conditions which the package must be capable of withstanding must be applied sequentially, to determine their cumulative effect on a package, in the following order:

(i) *Free drop.* A free drop through a distance of 30 feet onto a flat essentially unyielding horizontal target surface, striking the surface in a position for which maximum damage is expected. The target surface must be such that the total impact energy shall be absorbed by the packaging.

(ii) *Puncture.* A free drop through a distance of 40 inches striking, in a position for which maximum damage is expected, the top end of a vertical cylindrical mild steel bar mounted on an essentially unyielding horizontal surface. The bar shall be 6 inches in diameter, with the top horizontal and its edge rounded to a radius of not more than one-quarter inch, and of such a length as to cause maximum damage to the package, but not less than 8 inches long. The long axis of the bar shall be perpendicular to the package surface.

(iii) *Thermal.* Exposure for 30 minutes within a source of radiant heat having a temperature of 1,475° F. and an emissivity coefficient of 0.9, or equivalent. For calculational purposes, it shall be assumed that the package has an absorption coefficient of 0.8. The package shall not be cooled artifically until after the 30-minute test period has expired and the temperature at the center of the package has begun to fall.

(iv) *Water immersion (fissile radioactive materials packages only).* Immersion in water for 24 hours to a depth of at least 3 feet.

§ 173.399 Radioactive materials labels.

(a) Each package of radioactive materials, unless exempted by § 173.396a or § 173.397, shall be labeled as provided in this section (see § 173.414 for description of labels). The label to be used shall be determined by the transport index or other considerations as follows:

(1) Radioactive white label:

(i) Each package not exceeding 0.5 millirem per hour at any point on the external surface of the package, and having a transport index of zero. (Not authorized for Fissile Class II or III packages.)

(2) Radioactive yellow label: When the limit in subparagraph (1) of this paragraph is exceeded, and—

(i) Each package not exceeding 10 millirem per hour at any point on the external surface of the package and not exceeding 0.5 millirem per hour at three feet from the external surface of the package; and

(ii) Each package for which the transport index does not exceed 0.5 at any time during transportation. (Not authorized for Fissile Class III packages.)

(3) Radioactive yellow III label: When the limit in subparagraph (2) of this paragraph is exceeded, and—

(i) Each Fissile Class III package;

(ii) Each package containing a large quantity of radioactive material as defined in § 173.391; and

(iii) Each package being transported under a permit issued by the Bureau of Explosives, as authorized in § 173.22(d).

(b) Radioactive materials having other hazardous characteristics, as defined elsewhere in this part, must also be labeled with other labels as required by this part according to the hazards of the commodity (see §§ 173.2 and 173.402). For example:

(1) Packages containing the solid nitrates of uranium or thorium must bear both a "radioactive" label and a "yellow" oxidizing materials label.

(c) Detonating fuses with radioactive components as described in § 173.53(g)(2) are exempt from the labeling requirements of this section.

§ 173.399a Contamination control.

(a) Removable radioactive contamination is not significant if the average amount of radioactive contamination which can be removed by wiping the external surface of the package with an absorbent material, as measured on the wiping material, does not exceed—

(1) 10^{-11} curie per square centimeter beta-gamma (2,200 disintegrations/min. per 100 square centimeters) and 10^{-12} curie per square centimeter alpha (220 disintegrations/min. per 100 square centimeters) for all contaminants except natural or depleted uranium and natural thorium; or

(2) 10^{-10} curie per square centimeter beta-gamma (22,000 disintegrations/min. per 100 square centimeters) and 10^{-11} curie per square centimeter alpha (2,200 disintegrations/min. per 100 square centimeters) where the only contaminant is known to be natural or depleted uranium or natural thorium.

(b) Each transport vehicle used for transporting low specific activity radioactive materials in carload or truckload lots under § 173.397(d) must be surveyed by the carrier, or other person designated by the carrier, with radiation detection instruments after each use. Where the survey shows that the surface radiation dose rate exceeds 0.5 millirem per hour, or that there is significant removable radioactive surface contamination, the carrier is responsible for cleaning the transport vehicle so that the radiation dose rates are reduced to below those levels.

(c) This section does not apply to any transport vehicle (except aircraft) used solely for the transportation of radioactive materials, if a survey of its interior surface shows that the radiation dose rate does not exceed 10 millirem per hour at the interior surface or 2 millirem per hour at 3 feet from any interior surface. These vehicles must be stenciled with the words "FOR RADIOACTIVE MATERIALS USE ONLY" in lettering at least three inches high in a conspicuous place or places, on both sides of the exterior of the vehicle.

(Q) In § 173.402, by cancelling paragraphs (a) (9) and (10) and (d); by adding a new paragraph (c)(2); and by amending paragraphs (a)(8), (b)(1), (c), and (c)(1), as follows:

§ 173.402 Labeling dangerous articles.

(a) * * *

(8) "Radioactive" as described in § 173.414 on packages of radiative material as prescribed in § 173.399, unless exempted by § 173.396a or § 173.397.

* * * * *

(b) * * *

(1) Labels authorized for shipments of explosives and other dangerous articles by air are shown in §§ 173.405(b), 173.406(b), 173.407(b), 173.408(b), 173.409(b), 173.410(b), 173.411(b), 173.412(b), and 173.414.

(c) Labels are not required on carload or truckload lots of dangerous articles, except for the commodities listed in this paragraph, when the shipments are loaded by the shipper, and are unloaded by the consignee from the transport vehicle in which originally loaded. The commodities for which this exemption does not apply include: Explosives, Class A; Poisons, Class A; etiological agents; and radioactive materials.

(1) Labels are not required on carload or truckload lots of any dangerous articles for shipments made by, for, or to the Department of Defense if the shipments are loaded by the shipper and unloaded by the consignee from the transport vehicle in which originally loaded and if the shipments are accompanied by qualified personnel supplied with equipment to repair leaks or other container failures which would permit escape of contents.

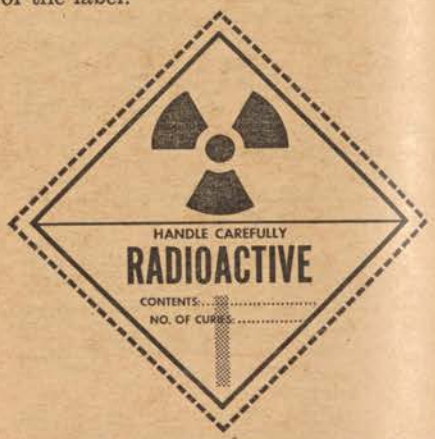
(2) The proper shipping name of the contents must be marked on each package shipped under the exemption in this paragraph.

(R) By amending § 173.414 to read as follows:

§ 173.414 Radioactive materials labels.

(a) Labels for packages of radioactive materials must be of diamond shape, in colors specified in this section, with each side at least 4 inches long. Printing must be in black inside of a black line border measuring at least 3½ inches on each side and as shown in this section.

(b) "Radioactive white" label for radioactive materials. Label must be white in color. A single red vertical bar must be overprinted on the lower half of the label.



(c) "Radioactive yellow" label for radioactive materials. The upper half of the label must be bright yellow and the bottom half must be white. Two red vertical bars must be overprinted on the lower half of the label.

(d) "Radioactive yellow III" label for radioactive materials. The upper half of the label must be bright yellow and the bottom half must be white. Three red vertical bars must be overprinted on the lower half of the label.

4. Part 174 would be amended as follows:

(A) By amending paragraphs (j) (1) and (2) of § 174.532 to read as follows:

§ 174.532 Loading other dangerous articles.

* * * * *

(j) Radioactive materials.

(1) Shipments of low specific activity materials, as defined in § 173.391(c) of this chapter, must be loaded so as to avoid spillage and scattering of loose material. Loading restrictions are prescribed in § 173.397 of this chapter.

(2) Storage and loading restrictions are prescribed in § 174.586(h).

* * * * *

(B) By amending § 174.541(b) to read as follows:

§ 174.541 "Dangerous" placards; "Dangerous-Radioactive material" placards; or "Caution-Residual phosphorous" placards.

* * * * *

(b) "Dangerous-Radioactive Material" placards, as prescribed in § 174.553, must be applied to cars containing packages bearing a "radioactive yellow-III" label (three vertical red stripes) as prescribed in § 173.414(d) of this chapter, and to carload lots loaded under §§ 173.393 (j), (k), and 173.397 of this chapter.

* * * * *

(C) By amending § 174.544(a)(6) to read as follows:

§ 174.544 Placards not required.

(a) * * *

(6) Cars containing packages of radioactive material which are exempted from labeling under § 173.396a of this chapter, or which bear only the labels prescribed in § 173.414 (b) and (c) of this chapter.

(D) By amending paragraphs (d) and (d)(1) of § 174.566 to read as follows by adding new paragraphs (d)(2) and (e) to § 174.566, as follows:

§ 174.566 Cleaning cars.

* * * * *

(d) Cars contaminated with radioactive materials:

(1) Each car used for transporting low specific activity radioactive materials in carload or truckload lots under the provisions of § 173.397(d) must be surveyed by the carrier, or other person designated by the carrier, with radiation detection instruments after each use. If the survey shows that the surface radiation dose rate exceeds 0.5 millirem per hour, or that there is significant removable radioactive surface contamination, the carrier is responsible for cleaning the car so that the radiation dose rates are reduced to below those levels.

(2) This section does not apply to any car used solely for transporting radioactive materials if a survey of the interior surface shows that the radiation dose rate does not exceed 10 millirem per hour at the interior surface or 2 millirem per hour at 3 feet from any interior surface. These cars must be stenciled with the words "FOR RADIOACTIVE MATERIALS USE ONLY" in lettering at least 3 inches high in a conspicuous place on both sides of the exterior of the car.

(e) In case of fire, wreck, breakage, or unusual delay involving shipments of radioactive material, see § 174.588.

(E) By amending the table in paragraph (a) of § 174.584 as follows and cancelling footnote 1 of the table:

§ 174.584 Waybills, switching orders, or other billing.

(a) * * *

	Label notation to follow entry of the article on the billing	Placard notation to follow entry of the article on the billing	Placard endorsement must be ⅜" high and appear on the billing near the space provided for the car number
Add			
For radioactive materials with "radioactive white" or "radioactive yellow" labels.	Radioactive white or radioactive yellow label.	None	None.
For radioactive materials with "radioactive yellow—III" label.	Radioactive yellow—III.	Dangerous radioactive material placard.	"Radioactive Material."
Cancel			
For radioactive materials, class D poison.	Radioactive material label.	....do	Do.
* * *	* * *	* * *	* * *

[1] Canceled.

(F) By amending § 174.586(h) to read as follows:

§ 174.586 Handling explosives and other dangerous articles.

* * * * *

(h) Radioactive materials:

(1) The number of packages of radioactive materials, as provided in §§ 173.393 through 173.396 of this chapter, in any rail car or storage location, must be limited so that the total transport index number, as defined in § 173.391(g) of this chapter and determined by adding together the transport index numbers on the labels of the individual packages, does not exceed 50. This provision does not apply to sole-use shipments described in § 173.393 (j) or (k) or § 173.397 of this chapter.

(2) Packages of radioactive material bearing "radioactive yellow" or "radioactive yellow-III" labels must not be placed in cars, depots, or other places closer than 3 feet to an area (or dividing partition between areas) which may be continuously occupied by passengers, employees, or shipments of animals, nor closer than 15 feet to any package containing undeveloped film (if so marked). If more than one of these packages is present, the distance must be computed from the table below on the basis of the total transport index number (determined by adding together the transport index numbers on the labels of the individual packages) of packages in the car or storeroom:

Total transport index	Minimum separation distance in feet to nearest undeveloped film	Distance in feet to area of passengers or employees, or distance in feet from dividing partition of a combination car
None	0	0
0.1–10.0	15	3
10.1–20.0	22	4
20.1–30.0	29	5
30.1–40.0	33	6
40.1–50.0	36	7

NOTE 1: The distance in the table must be measured from the nearest point on the packages of radioactive materials.

(G) By amending § 174.588(c)(1) to read as follows:

§ 174.588 Disposition of damaged or astray shipments.

* * * * *

(c) * * *

(1) *Radioactive materials.* In case of fire, wreck, breakage, or unusual delay involving shipments of radioactive materials, the carrier shall immediately notify the shipper and the Department. Cars, buildings, areas, or equipment in which radioactive materials have been spilled may not be again placed in service or routinely occupied until decontaminated by qualified persons, so that at any accessible surface the radiation dose rate is less than 0.5 millirem per hour and there is no significant removable radioactive surface contamination.

NOTE 1: In these instances, the package or materials should be segregated as far as practicable from personnel contact. If radiological advice or assistance is needed, the U.S. Atomic Energy Commission should also be notified. In case of obvious leakage, or if it appears likely that the inside container may have been damaged, care should be taken to avoid inhalation, ingestion, or contact with the radioactive material. Any loose radioactive materials should be left in a segregated area and held pending disposal instructions from qualified persons.

NOTE 2: Details involving the handling of radioactive materials in the event of a wreck can be found in Bureau of Explosives Pamphlet No. 22, "Recommended Practices for Handling Collisions and Derailments Involving Explosives, Gasoline and Other Dangerous Articles," available from the Bureau of Explosives, Association of American Railroads, 63 Vesey Street, New York, N.Y. 10007.

5. In Part 175, § 175.655(j) would be amended to read as follows:

§ 175.655 Protection of packages.

* * * * *

(j) Radioactive materials:

(1) The number of packages of radioactive materials, as provided in

§§ 173.393 through 173.396 of this chapter, in any rail car or storage location, must be limited so that the total transport index number, as defined in § 173.391(h) of this chapter and determined by adding together the transport index numbers shown on the labels of the individual packages, does not exceed 50. This provision does not apply to sole-use shipments described in § 173.393 (j) or (k) or § 173.397 of this chapter.

(2) Packages of radioactive material bearing "radioactive yellow" or "radioactive yellow–III" labels shall not be placed in cars, depots, or other places closer than 3 feet to an area (or dividing partition between areas) which may be continuously occupied by passengers, employees, or shipments of animals, nor closer than 15 feet to any package containing undeveloped film (if so marked). If more than one of these packages is present, the distance shall be computed from the following table on the basis of the total transport index number (determined by adding together the transport index numbers on the labels of the individual packages) of packages in the car or storeroom.

Total transport index	Minimum separation distance in feet to nearest undeveloped film	Distance in feet to area of passengers or employees, or distance in feet from dividing partition of a combination car
None	0	0
0.1–10.0	15	3
10.1–20.0	22	4
20.1–30.0	29	5
30.1–40.0	33	6
40.1–50.1	36	7

NOTE 1: The distance in the table must be measured from the nearest point of the packages of radioactive materials.

(3) In case of fire, wreck, breakage, or unusual delay involving shipments of radioactive materials, the carrier shall immediately notify the shipper and the Department. Cars, buildings, areas, or equipment in which radioactive materials have been spilled may not be again placed in service or routinely occupied until decontaminated by qualified persons, so that at any accessible surface the radiation dose rate is less than 0.5 millirem per hour and there is no significant removable radioactive surface contamination.

NOTE 1: In these instances, the package or materials should be segregated as far as practicable from personnel contact. If radiological advice or assistance is needed, the U.S. Atomic Energy Commission should also be notified. In case of obvious leakage, or if it appears likely that the inside container may have been damaged, care should be taken to avoid inhalation, ingestion, or contact with the radioactive material. Any loose radioactive materials should be left in a segregated area and held pending disposal instructions from qualified persons.

NOTE 2: Details involving the handling of radioactive materials in the event of a wreck can be found in Bureau of Explosives Pamphlet No. 22, "Recommended Practices for Handling Collisions and Derailments Involving Explosives, Gasoline and Other Dangerous Articles," available from the Bureau of Explosives, Association of American Railroads, 63 Vesey Street, New York, N.Y. 10007.

6. Part 177 would be amended as follows:

(A) By adding the following new items to the table of contents:

Sec.
177.842 Radioactive materials.
177.843 Contamination of vehicles.
177.861 Accidents; radioactive materials.

(B) By amending the ninth listing in § 177.823 to read as follows:

§ 177.823 Required exterior marking on motor vehicles and combinations.

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

Commodity	*Type of Marking or placard*
Change:	RADIOACTIVE
Radioactive material, any quantity requiring "radioactive yellow-III" label (see § 173.414(d)).	(Black letters on yellow background).
* * *	* * *

(C) By canceling § 177.841(d) as follows:

§ 177.841 Poisons.

* * * * *

(d) [Canceled]

(D) By adding the following new §§ 177.842 and 177.843:

§ 177.842 Radioactive material.

(a) The number of packages of radioactive materials, as provided for in §§ 173.393 through 173.396 of this chapter, in any motor vehicle, trailer or storage location must be limited so that the total transport index number, as defined in § 173.391(h) of this chapter, and determined by adding together the transport index numbers shown on the labels of the individual packages does not exceed 50. This provision does not apply to sole-use shipments described in § 173.393 (j) or (k) or § 173.397 of this chapter.

(b) Packages of radioactive material bearing "radioactive yellow" or "radioactive yellow-III" labels shall not be placed in motor vehicles or other places closer than the distances shown in the following table to any area which may be continuously occupied by passengers, employees, or shipments of animals, not closer than the distances shown in the table below to any package containing undeveloped film (if so marked). If more than one of these packages is present, the distance shall be computed from the following table on the basis of the total transport index number (determined by adding together the transport index numbers on the labels of the individual packages) of packages in the vehicle or storeroom.

Total transport index	Minimum separation distances in feet to nearest undeveloped film for various times of transit					Distance in feet to area of passengers or employees, or distance in feet from dividing partition of cargo compartments.
	up to 2 hours	2–4 hours	4–8 hours	8–12 hours	over 12 hours	
None	0	0	0	0	0	0
0.1–1.0	1	2	3	4	5	1
1.1–5.0	3	4	6	8	11	2
5.1–10.0	4	6	9	11	15	3
10.1–20.0	5	8	12	16	22	4
20.1–30.0	7	10	15	20	29	5
30.1–40.0	8	11	17	22	33	6
40.1–50.0	9	12	19	24	36	7

NOTE 1: The distance in the table must be measured from the nearest point of the package of radioactive materials.

(c) Shipments of low specific activity materials, as defined in § 173.391 of this chapter, must be loaded so as to avoid spillage and scattering of loose materials. Loading restrictions are set forth in § 173.397 of this chapter.

(d) Packages must be so blocked and braced that they cannot change position during conditions normally incident to transportation.

(e) Persons should not remain unnecessarily in a vehicle containing radioactive materials.

§ 177.843 Contamination of vehicles.

(a) Each motor vehicle used for transporting low specific activity radioactive materials in carload or truckload lots under the provisions of § 173.397(d) must be surveyed by the carrier, or other person designated by the carrier, with radiation detection instruments after each use. If the survey shows that the surface radiation dose rate exceeds 0.5 millirem per hour, or that there is significant removable radioactive surface contamination, the carrier is responsible for cleaning the motor vehicle so that the radiation dose rates are reduced to below those levels.

(b) This section does not apply to any vehicle used solely for transporting radioactive material if a survey of the interior surface shows that the radiation dose rate does not exceed 10 millirem per hour at the interior surface or 2 millirem per hour at 3 feet from any interior surface. Such vehicles must be stenciled with the words "FOR RADIOACTIVE MATERIALS USE ONLY" in lettering at least 3 inches high in a conspicuous place, on both sides of the exterior of the vehicle.

(c) In case of fire, wreck, breakage, or unusual delay involving shipments of radioactive material, see § 177.861.

(E) By canceling paragraphs (c) and (d) of § 177.860:

§ 177.860 Accidents; poisons.

* * * * *

(c) [Canceled]
(d) [Canceled]

(F) By adding the following new § 177.861:

§ 177.861 Accidents; radioactive materials.

(a) *Radioactive materials.* In case of fire, wreck, breakage, or unusual delay involving shipments of radioactive materials, the carrier shall immediately notify the shipper and the Department. Vehicles, buildings, areas, or equipment in which radioactive materials have been spilled may not be again placed in service or routinely occupied until decontaminated by qualified persons, so that at any accessible surface the radiation dose rate is less than 0.5 millirem per hour and there is no significant removable radioactive surface contamination.

NOTE 1: In these instances, the package or materials should be segregated as far as practicable from personnel contact. If radiological advice or assistance is needed, the U.S. Atomic Energy Commission should also be notified. In case of obvious leakage, or if it appears likely that the inside container may have been damaged, care should be taken to avoid inhalation, ingestion, or contact with the radioactive material. Any loose radioactive materials should be left in a segregated area and held pending disposal instructions from qualified persons.

NOTE 2: Details involving the handling of radioactive materials in the event of a wreck can be found in Bureau of Explosives Pamphlet No. 22, "Recommended Practices for Handling Collisions and Derailments Involving Explosives, Gasoline and Other Dangerous Articles," available from the Bureau of Explosives, Association of American Railroads, 63 Vesey Street, New York, N.Y. 10007.

(b) *Cleaning vehicles.* See § 177.843.

(G) By amending § 177.870(g) to read as follows:

§ 177.870 Regulations for passenger-carrying vehicles.

* * * * *

(g) *Radioactive materials.* Except by special authorization by the Department, carriers must not transport any radioactive material bearing either "radioactive yellow" or "radioactive yellow-III" labels in or on any bus or other motor vehicle while engaged in transporting passengers.

7. Part 178 would be amended as follows:

(A) By adding the following new items to the table of contents:

Sec.
178.104 Specification 6M; package for radioactive materials.

Subpart K—Specifications for General Packages

Sec.
178.350 Specification 7A; general package.

(B) By amending § 178.103–2(a) to read as follows:

§ 178.103–2 Rated capacity.

(a) Authorized only for not more than 14 kilograms of uranium-235 as metal or oxide, or as compounds or alloys which will not decompose at temperatures up to 750° F. Each container shipped as Fissile Class II shall be assigned a transport index of one (1) (unless external radiation levels require a higher assignment). The atomic ratio of hydrogen to uranium-235 shall not exceed three, all sources of hydrogen within the inside container being considered.

(C) By amending § 178.103–3 (a), (b), and (c) to read as follows:

§ 178.103–3 General requirements.

(a Outside container must conform to Spec. 6J (§ 178.100) or 17H (§ 178.118) 55-gallon capacity steel drum, or equivalent, except as otherwise specified herein. The drum wall must be at least 18-gauge steel, and may be either a single sheet of steel with three or more rolling hoops, or may be produced by welding together two appropriate lengths of such drums. The removable head must be constructed of at least 16-gauge steel with one or more corrugations in the cover near the periphery.

(b) Inner container must conform to Spec. 2R (§ 178.34), or equivalent (except that cast iron is not authorized), with maximum usable inside diameter of 5¼ inches, maximum outside length of 50 inches (with cap in place) and minimum wall thickness of one-fourth inch. Material shall be Schedule 40 steel pipe or other material having equivalent physical strength and fire resistance. Flanged closures are not authorized. Pipe threads must be luted with an appropriate nonhardening compound to prevent inleakage of water or loosening of the cap due to vibration.

(c) Inner container must be fixed within the outer container with appropriate centering devices of adequate physical strength and fire resistance to be able to withstand the accident test conditions of § 173.398 of this chapter without a displacement of the inner container of more than 2 inches in any direction. The following types of centering mechanisms meet this requirement without need for performing the accident tests. Any other type of centering device must be specifically authorized by the Department.

(1) Not less than four steel rod spacers, of at least one-fourth inch (for packages of 55-gallon capacity) or three-eighths inch (for packages with greater than 55-gallon capacity) cold rolled steel, welded to the pipe at each end by minimum 2-inch continuous weld. Rods must be welded to the pipe at radial positions not exceeding 90°, and so as not to interfere with closure of inner container. Each spacer rod must extend 3 inches beyond the inner container at each end, then radially to the wall of the outer container (to provide a spring-like snug fit) and along the entire length of the wall of the outer container. For packages of more than 55-gallon capacity, each spacer rod shall be braced by welding a ¼-inch by 2-inch steel plate strip to the spacer rod and the pipe with a continuous weld at each joint, the joints being located approximately halfway along the length of the container.

(2) At least three steel "spiders," not more than 24 inches apart, with each having at least four legs. Each leg must be constructed of at least ¼-inch by 1-inch steel angle iron, welded by continuous weld at each joint to inner and outer steel bands of at least ¼-inch by 1-inch steel. The inner steel band must be welded to the inner container by at least six 2-inch welds on both edges of the band.

* * * * *

(D) By amending § 178.103–5 to read as follows:

§ 178.103–5 Closure.

(a) The outer container closure shall be at least a 12-gauge bolted ring with drop-forged lugs, one of which is threaded, and having at least a ⅜-inch steel bolt and a lock nut, or equivalent device.

(b) The closure device must have affixed to it a tamper-proof lock wire and seal adequate to prevent inadvertent opening of the package, and of a type that must be broken if the package is opened.

(E) By adding the following new § 178.104:

§ 178.104 Specification 6M; metal package for radioactive materials.

§ 178.104–1 General requirements.

(a) Each package must meet the applicable requirements of § 173.24 of this chapter.

§ 178.104–2 Rated capacity.

(a) Authorized only for radioactive materials which will not decompose at temperatures up to 250° F., as prescribed below.

(1) *Fissile radioactive materials as shown in the following table.* The atomic ratio of hydrogen to fissile material shall not exceed three, all sources of hydrogen within the inside container being considered. Packages are authorized as Fissile Class II, with the transport index to be assigned as shown in the table. Shipments are authorized as Fissile Class III, with not more than the listed number of packages per transport vehicle.

	Maximum package—number contents (kilograms)	Transport index (fissile class II)	Maximum number of packages per transport vehicle (fissile class III)
1. Plutonium or uranium-233:			
a. Oxide	6.0	0.7	195
b. Metal, alloys	[1] 4.5	3.6	35
or other	3.0	3.6	35
compounds.	2.5	2.8	45
	1.0	.7	202
2. Uranium-235:			
a. Oxide	6.0	.1	3,415
b. Metal, alloy or	11.0	3.0	42
other com-	7.0	1.3	97
pounds.	3.5	.4	358

[1] Divided into two parts of not more than 2.25 kilograms each, and each part separated by at least 2¾ inches by an appropriate divider mechanism.

(2) *Other solid radioactive materials.* Thermal decay energy output shall not exceed 8 watts. Radiation levels shall not exceed those prescribed in § 173.393 of this chapter.

§ 178.104–3 Package construction.

(a) Outside container must conform to Spec. 6C, 6J, 17C, or 17H (§§ 178.99, 178.100, 178.115, 178.118) steel drum, or equivalent, except as otherwise specified herein. Inside dimensions must be at least 13⅞ inches in diameter and 15¾ inches in height.

(b) Inner container must conform to Spec. 2R (§ 178.34) or equivalent (except that cast iron is not authorized), with maximum usable inside diameter of 5¼ inches and minimum wall thickness of one-eighth inch. Material shall be Schedule 40 steel pipe or other material having equivalent physical strength and fire resistance. Pipe threads must be luted with an appropriate nonhardening compound to prevent inleakage of water or loosening of the cap due to vibration or heat.

(c) Inner container must be fixed within the outer container with appropriate centering devices of adequate physical strength and fire resistance to be able to withstand the accident test conditions prescribed in § 173.398 of this chapter without a displacement of the inner container of more than 2 inches in any direction. The following types of centering mechanisms meet this requirement. Any other type of centering device must be specifically approved by the Department.

(1) Machined discs and rings of wood, plywood, or nonflammable solid fiberboard multipurpose insulating material or other nonflammable material having an equivalent thermal and shock absorbing effect. The sides of the inner container shall be protected by at least 3¾ inches of such material, and the ends by 1⅞ inches of such material. There must be no gap or direct heat path to the inner container.

(d) Any radiation shielding material used must be placed within the inner container, and must be protected in all directions by at least 4 inches of the thermal insulating material described in this section. Each such shielded package must be able to withstand the fire test conditions prescribed in § 173.398 of this chapter.

(e) Gross weight shall conform to the limits prescribed in § 178.99–5.

§ 178.104–4 Closure.

(a) The outer container closure must be at least a 12-gauge bolted ring with drop-forged lugs, one of which is threaded, and having at least a 5/16-inch steel bolt for drum sizes not over 30 gallons or a ⅜-inch steel bolt for drum sizes over 30 gallons, and having a lock nut or equivalent device.

(b) The closure device must have affixed to it a tamper-proof lock wire and seal adequate to prevent inadvertent opening of the package, and of a type that must be broken if the package is opened.

§ 178.103–5 Markings.

(a) Marking on the outside of each inner container as follows: "DOT–2R" and "RADIOACTIVE MATERIALS."

(b) Marking on the outside of each package as follows: "DOT–6M"; "RADIOACTIVE MATERIALS" or "FISSILE RADIOACTIVE MATERIALS", as appropriate; and the gauge of metal in the thinnest part, rated capacity in gallons, and year of manufacture (for example, 18–30–67).

(c) Marking to conform with § 173.24 of this chapter.

§ 178.205–38 [Canceled]

(F) By canceling § 178.205–38:

Subpart K—Specifications for General Packages

§ 178.350 Specification 7A; general package.

§ 178.350–1 General requirements.

(a) Each package must meet all applicable requirements of § 173.24 of this chapter.

§ 178.350–2 Specific requirements.

(a) Each package must be so designed and constructed that, under the environmental and test conditions prescribed in this section:

(1) There will no release of radioactive material from the package;

(2) The effectiveness of the packaging will not be substantially reduced; and

(3) There will be no mixture of gases or vapors in the package which could, through any credible increase of pressure or an explosion, significantly reduce the effectiveness of the package.

(b) Environmental conditions:

(1) *Heat.* Direct sunlight at an ambient temperature of 130° F. in still air.

(2) *Cold.* An ambient temperature of −40° F. in still air and shade.

(3) *Reduced pressure.* Ambient atmospheric pressure of 0.5 atmosphere (absolute) (7.3 p.s.i.a.).

(4) *Vibration.* Vibration normally incident to transportation.

(c) Test conditions:

(1) *Water spray.* A water spray heavy enough to keep the entire exposed surface of the package except the bottom continuously wet during a period of 30 minutes.

(2) *Free drop.* Within 1½ to 2½ hours after the conclusion of the water spray test, a free drop through a distance of 4 feet onto a flat essentially unyielding horizontal surface, striking the surface in a position for which maximum damage is expected.

(3) *Corner drop.* A free drop onto each corner of the package in succession, or in the case of a cylindrical package onto each quarter of each rim, from a height of one foot. This test applies only to packages which are constructed primarily of wood or fiberboard, and do not exceed 110 pounds gross weight.

(4) *Penetration.* Impact of the hemispherical end of a vertical steel cylinder 1¼ inches in diameter and weighing 13 pounds, dropped from a height of 40 inches onto the exposed surface of the package which is expected to be most vulnerable to puncture. The long axis of the cylinder shall be perpendicular to the package surface.

(5) *Compression.* For packages not more than 10,000 pounds in weight, a compressive load equal to either five times the weight of the package or 2 pounds per square inch multiplied by the maximum horizontal cross section of the package, whichever is greater. The load shall be applied during a period of 24 hours, uniformly against the top and bottom of the package in the position in which the package would normally be transported.

§ 178.350–3 Marking.

(a) Marking on the outside of each package as follows: "DOT–7A" and "RADIOACTIVE MATERIAL".

II. Title 14 of the Code of Federal Regulations would be amended as follows:

1. Part 103 would be amended as follows:

(A) By amending § 103.1 (b) and (c) (3) to read as follows and by cancelling paragraph (c) (4):

§ 103.1 Applicability.

* * * * *

(b) For the purposes of this part, "dangerous articles" are those articles defined and regulated in the applicable regulations of the Department of Transportation (49 CFR Parts 171–190).

(c) * * *

(3) Shipments of radioactive materials via cargo aircraft, made by or under the direction or supervision of the U.S. Atomic Energy Commission or the Department of Defense, which are escorted by personnel especially designated by or under the authority of that Commission or Department for the purposes of national security.

(4) [Canceled]

(B) By amending § 103.3 (a) and (b) to read as follows:

§ 103.3 Certification requirements.

(a) No shipper may offer, and no person operating an aircraft may knowingly accept, any dangerous article for shipment in an aircraft unless there is accompanying the shipment a clear and visable statement which reads as follows: "This is to certify that the above-named articles are properly classified, described, packaged, marked, and labeled, and are in proper condition for transportation, according to the applicable regulations of the Department of Transportation. In the applicable case of shipments in passenger-carrying aircraft, the shipper shall also add the words: "This shipment is within the limitations prescribed for passenger-carrying aircraft." The shipper, or his authorized agent, shall sign the statement. The person operating an aircraft may rely on the shipper's statement as prima facie evidence that the shipment complies with the requirements of this part.

(b) The shipper shall execute the required certificates in duplicate. One signed copy accompanies the shipment and the originating air carrier retains the other signed copy.

* * * * *

(C) By amending § 103.7 to read as follows:

§ 103.7 Passenger-carrying aircraft.

No person may carry any dangerous article in a passenger-carrying aircraft except—

(a) Articles specified by 49 CFR 172.5 as exempted from the specification packing, marking, and labeling requirements of 49 CFR Parts 172, 173, and 178, when those articles are shipped as required for the exemption; and

(b) The following articles when packed, marked, and labeled as specifically provided in 49 CFR Parts 171 through 178 for shipment by rail express:

(1) Small arms ammunition and practice cartridge ammunition.

(2) Class C explosives, other than those permitted under subparagraph (1) of this paragraph, with a net weight of not more than 50 pounds in each outside container.

(3) Subject to § 103.19(a), nonflammable compressed gases, except anhydrous ammonia, boron trifluoride, chlorine, hydrogen bromide, hydrogen chloride, nitrosyl chloride, and sulfur dioxide.

(4) X-ray film with a nitrocellulose base and motion picture film, either exposed or unexposed.

(5) Pyroxylin plastics containing nitrocellulose, in sheets, rolls, rods, or tubes.

(6) Subject to § 103.19(b), radioactive materials other than liquids, which do not bear a radioactive yellow III label and are listed in 49 CFR 172.5 as acceptable for shipment by rail express.

(D) By amending § 103.9 to read as follows:

§ 103.9 Cargo aircraft.

(a) No person may carry any dangerous article in a cargo aircraft except those articles permitted on passenger-carrying aircraft under § 103.7, and except articles that:

(1) Are specified in 49 CFR 172.5 as acceptable for shipment by rail express;

(2) Do not exceed the maximum quantity for each outside container specified in 49 CFR 172.5 for rail express; and

(3) Have been certified by the shipper as acceptable for shipment by rail express under the specific requirements of 49 CFR Parts 171 through 178.

(b) For the purposes of this part, a cargo aircraft is any aircraft that is not a passenger-carrying aircraft.

(E) By amending § 103.19(b) to read as follows:

§ 103.19 Quantity limitations.

* * * * *

(b) No person may carry aboard an aircraft a number of packages of radioactive materials that makes the total transport index number (determined by adding together the transport index numbers shown on the labels of the individual packages) more than 50.

§ 103.21 [Canceled]

(F) By canceling § 103.21.

(G) By amending § 103.23 to read as follows:

§ 103.23 Special requirements for radioactive materials.

(a) No person may place packages of radioactive materials bearing "radioactive yellow" or "radioactive yellow-III" labels in aircraft closer than the distances shown in the folowing table to a space (or dividing partition between spaces) which may be continuously occupied by people, or shipments of animals, or closer than the distances shown in the following table to any package containing undeveloped film (if so marked). If more than one of these packages is present, the distance shall be computed from the following table on the basis of the total transport index numbers shown on the labels of the individual packages in the aircraft:

Total transport index	Minimum separation distances in feet to nearest undeveloped film for various times of transit					Distance in feet to area of passengers or employees, or distance in feet from dividing partition of cargo compartments
	Up to 2 hours	2-4 hours	4-8 hours	8-12 hours	Over 12 hours	
None	0	0	0	0	0	0
0.1- 1.0	1	2	3	4	5	1
1.1- 5.0	3	4	6	8	11	2
5.1-10.0	4	6	9	11	15	3
10.1-20.0	5	8	12	16	22	4
20.1-30.0	7	10	15	20	29	5
30.1-40.0	8	11	17	22	33	6
40.1-50.0	9	12	19	24	36	7

(b) In case of fire, wreck, breakage, or unusual delay involving shipments of radioactive materials, the operator of the aircraft shall immediately notify the shipper and the Department. Aircraft in which radioactive materials have been spilled may not be again placed in service or routinely occupied until decontaminated by qualified persons, so that at any accessible surface the radiation dose rate is less than 0.5 millirem per hour and there is no significant removable radioactive surface contamination.

NOTE 1: In these instances, the package or materials should be segregated as far as practicable from personnel contact. If radiological advice or assistance is needed, the U.S. Atomic Energy Commission should also be notified. In case of obvious leakage, or if it appears likely that the inside container may have been damaged, care should be taken to avoid inhalation, ingestion, or contact with the radioactive materials. Any loose radioactive materials should be left in a segregated area pending disposal instructions from qualified persons.

[F.R. Doc. 68-695; Filed, Jan. 19, 1968; 8:45 a.m.]

Office of the Secretary

[49 CFR Part 239]

[OST Docket No. 6; Notice No. 2A]

STANDARD TIME ZONE BOUNDARIES

Time Zones Applicable to State of Indiana

On August 9, 1967, the Department of Transportation issued a notice of proposed rule making (32 F.R. 11478) based on a petition from the Governor of Indiana requesting that the entire State of Indiana be included within the central standard time zone. As a result of the comments received and discussed below, the Department is issuing a modified proposal for further comment. The new proposal would include all of the State, except for six counties in the northwest sector and seven counties in the southwest sector, within the eastern standard time zone.

This notice is issued under the Act of March 19, 1918, ch. 24, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–267), which authorizes the Department to modify time zone boundaries, and the Department of Transportation Act (80 Stat. 939, 49 U.S.C. 1655).

Since the beginning of this proceeding over 6 months ago, nearly 50,000 interested persons and businesses and civic organizations have commented to the Department on this issue. Although the original proposal was based on a petition from the Governor of Indiana requesting that the entire State be included within the central standard time zone, the comments from interested persons and groups were not restricted to that suggestion alone. Most comments reflected the needs of particular areas or cities within the State. The original notice of proposed rule making published by the Department indicated that the Department would "* * * adopt, deny, or modify * * *" the petition of the Governor when all timely comments had been received and assessed. After exhaustive analysis of the data received, the Department now believes that a modification of the Governor's proposal would best serve the interests of the citizens, commerce and common carriers of Indiana. The line which the Department now proposes as the official boundary between central standard and eastern standard time in the State of Indiana would place Lake, Porter, La Porte, Starke, Jasper, Newton, Gibson, Pike, Dubois, Spencer, Warrick, Vanderburgh, and Posey Counties within the central standard time zone. All other Indiana counties would be in the eastern standard time zone.

Numerous factors entered into the Department's decision on this matter. Excluding the counties listed above as falling within central time, nearly 40,000 persons have expressed their opinions on this matter. Of these 40,000 nearly 75 percent expressed their preference for the eastern standard time zone. In addition, the Chambers of Commerce of Converse, Richmond, Kokomo, Nappannee, Shelby County, Brownstown, Elkhart, Indianapolis, Marion County, Logansport, Rochester, Winchester, Clinton County, Fremont, Terre Haute, Westchester, Tipton County, Greater Lafayette, New Albany, Anderson, Columbia, LaGrange, and South Bend-Mishawaka all expressed their desire to be included within the eastern time zone. Of nearly 300 business firms responding from the same area, 88 percent favored eastern standard time. In addition, comments received from labor unions, news media, civic groups, transportation and communication organizations, and religious

groups expressed an overwhelming preference for eastern time. The area of the State from which the smallest number of responses was received, southeastern Indiana, indicated a 2 to 1 preference for eastern time.

The comments from the 13 counties mentioned above, which would be included within the central standard time zone under this modified proposal, indicated an opposite view. The comments from the area in and around Gary (Lake, Porter, La Porte, Starke, Jasper, and Newton Counties), favored central time at a ratio of over 9 to 1. The Chambers of Commerce of Gary, East Chicago, East Gary, La Porte County and Michigan City all supported central time for their respective areas. Correspondence from the business and commercial communities pointed to the ties of this northwest area to the city of Chicago, and this was an important factor in the Department's considerations. The Indiana State Chamber of Commerce indicated the historical observation of central time which these counties have reflected as a factor of significance.

The comments from the southwestern area of the State (Gibson, Pike, Dubois, Spencer, Warrick, Vanderburgh, and Posey Counties) were similar to those from the northwestern corner. Of over 9,000 responses from the citizens of this area, 93 percent favored central time. The business community indicated its preference for central time at a ratio of more than 3 to 1. As it did with relation to the northwest area of the State, the Indiana State Chamber of Commerce indicated to the Department that these seven southwestern counties have historically observed central time.

Many complex factors were involved in the Department's decision to modify the original proposal. Because of the volume of mail and the variety of sources, considerable time was spent in analyzing the data received and only a synopsis of this analysis has been included herein. It is the belief of the Department that this modification of the existing boundary line would best serve the interests and needs of the people of Indiana.

In consideration of the foregoing, the Department of Transportation proposes that § 239.3(b) of Title 49, Code of Federal Regulations, be amended to read as follows:

§ 239.3 Boundary line between eastern and central zones.

* * * * *

(b) *Indiana.* From the juncture of the western boundary of the State of Michigan with the northern boundary of the State of Indiana eastwardly along said northern boundary to the east line of La Porte County; thence southerly along the east line of La Porte County to the north line of Starke County; thence east along the north line of Starke County to the east line of Starke County; thence south along the east line of Starke County to the south line of Starke County; thence west along the south line of Starke County to the east line of Jasper County; thence south along the east line of Jasper County to the south line of Jasper County; thence west along the south lines of Jasper and Newton Counties to the western boundary of the State of Indiana; thence south along the western boundary of the State to the north line of Gibson County; thence east along the north lines of Gibson, Pike, and Dubois Counties to the east line of Dubois County; thence south along the east line of Dubois County to the north line of Perry County; thence west along the north line of Perry County to the west line of Perry County; thence south along the west line of Perry County to the southern boundary of the State of Indiana.

* * * * *

All interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, and arguments as they may desire. Communications should identify the regulatory docket or notice number (see above) and be submitted in duplicate to the Docket Clerk; Office of the General Counsel; Department of Transportation; Washington, D.C. 20590.

Communications received on or before February 26, 1968, and all other communications received before the date of this notice, will be considered by the Department before taking final action. All docketed comments will be available for examination by interested persons, both before and after the closing date for comments.

This modified proposal in no way concerns adherence to or exemption from advanced (daylight saving) time during the summer months. The Uniform Time Act requires observance of advanced time within the established time zones from the last Sunday in April to the last Sunday in October but permits an individual State to exempt itself, by law, from observing advanced time within the State.

This modified proposal is made under the authority of the Act of March 19, 1918, ch. 24, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–267); section 6(e)(5) of the Department of Transportation Act (80 Stat. 939, 49 U.S.C. 1655); and 49 CFR Part 5.

Issued in Washington, D.C., on January 16, 1968.

JOHN E. ROBSON,
General Counsel.

[F.R. Doc. 68-786; Filed, Jan. 19, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 68]

MILLED RICE

Proposed Standards

Pursuant to the administrative procedure provisions of 5 U.S.C. 553, notice is hereby given that the U.S. Department of Agriculture is considering certain amendments to §§ 68.327, 68.328, 68.329, 68.330, 68.331, 68.332, and 68.333 of the revised U.S. Standards for Milled Rice (7 CFR 68.301 et seq.) as published in the FEDERAL REGISTER (32 F.R. 14637) on October 20, 1967, under authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624). The revised standards were promulgated to become effective January 1, 1968.

Statement of considerations. The Agricultural Marketing Act of 1946 specifically authorizes and directs the Secretary of Agriculture "* * * to develop and improve standards * * * and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices." Under this authority, standards for milled rice are continually being reviewed for further improvement. Such improvement depends, in part, on comments, views, and recommendations received from the various segments of the rice industry and other interested parties.

A proposed revision of the rice standards was published in the FEDERAL REGISTER on June 2, 1967. There were comments to the Hearing Clerk, U.S. Department of Agriculture, on the proposal which included comments from industry representatives for milled rice. Some of these comments and recent complaints from foreign buyers indicate dissatisfaction with the "lightly" and "loosely" milled rice and a preference for a higher degree of milling in U.S. No. 4 and the lower grades. In addition to such preferences, there has been a request for a better degree of milling than that provided for by "well milled."

The milling requirements in effect since January 3, 1966, and in the revised milled rice standards provide, except for the special grade Undermilled rice, four degrees of milling as follows:

Grade	*Milling degree*
U.S. Nos. 1 and 2	Well Milled.
U.S. No. 3	Reasonably Well Milled.
U.S. No. 4	Lightly Milled.
U.S. Nos. 5 and 6	Loosely Milled.

To provide for a higher degree of milling in U.S. No. 1 and U.S. Nos. 4, 5, and 6, it is proposed that "extra well milled" be added and "lightly milled" and "loosely milled" be deleted. Under this proposal the milling degrees for the respective grades would be:

Grade	*Milling degree*
U.S. No. 1	Extra Well Milled.
U.S. No. 2	Well Milled.
U.S. Nos. 3, 4, 5, and 6.	Reasonably Well Milled.

Samples of rice illustrating the lowest level of the "extra well milled," as well as the other degrees of milling, would be maintained as provided for in § 68.327.

If this proposal is adopted, provision would also be made for showing the degree of milling under "Remarks" on all grade certificates.

As an alternate proposal the present degrees of milling as well as "extra well milled" would serve as special grades which would be added to and made a part of the grade designation without regard to the numerical and sample grades. For example, a grade would be shown as "U.S.

No. 3 Long Grain Milled Rice, Well Milled."

Proposed amendments. Accordingly, it is proposed to revise the U.S. Standards for Milled Rice (Subpart E, 7 CFR 68.327, 68.328, 68.329, 68.330 and 68.331) to read as follows:

§ 68.327 Milling requirements.

Samples illustrating the lowest level for the various degrees of milling of milled rice; i.e., "extra well milled," "well milled," and "reasonably well milled," will be maintained by the Grain Division, Consumer and Marketing Service, and will be available for reference in all rice inspection offices.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.328 Grades and grade requirements for the classes Long Grain Milled Rice, Medium Grain Milled Rice, Short Grain Milled Rice, and Mixed Milled Rice.

(See also § 68.332.)

Grade [1]	Maximum limits of—									
	Seeds, heat-damaged, and paddy kernels (singly or combined)		Red rice and damaged kernels (singly or combined)	Chalky kernels		Broken kernels				Rice of other classes [3]
	Total	Heat-damaged kernels and objectionable seeds		In Long Grain Rice	In Medium Grain or Short Grain Rice	Total	Removed by No. 5 sizing plate [2]	Removed by No. 6 sizing plate [2]	Through 6/64 sieve [2]	
	Number in 500 grams	*Number in 500 grams*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1	2	1	0.5	1.0	2.0	4.0	0.04	0.1	0.1	1.0
U.S. No. 2	4	2	1.5	2.0	4.0	7.0	.06	.2	.2	2.0
U.S. No. 3	7	5	2.5	4.0	6.0	15.0	.1	.8	.5	3.0
U.S. No. 4	20	15	4.0	6.0	8.0	25.0	.4	2.0	.7	5.0
U.S. No. 5	30	25	[4] 6.0	10.0	10.0	35.0	.7	3.0	1.0	10.0
U.S. No. 6	75	75	[5] 15.0	15.0	15.0	50.0	1.0	4.0	2.0	10.0
U.S. Sample grade	U.S. Sample grade shall be milled rice of any of these classes which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 6, inclusive; or which contains more than 14.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.									

[1] Color and milling requirements: U.S. No. 1 shall be white or creamy and shall be extra well milled. U.S. No. 2 may be slightly gray and shall be well milled. U.S. No. 3 may be light gray and shall be at least reasonably well milled. U.S. No. 4 may be gray or slightly rosy and shall be at least reasonably well milled. U.S. No. 5 and U.S. No. 6 may be dark gray or rosy and shall be at least reasonably well milled. These color requirements are not applicable to Parboiled Milled Rice.

[2] Sizing plates shall be used for Long Grain Milled Rice and may be used for Medium Grain Milled Rice, and sieves shall be used for Short Grain Milled Rice and may be used for Medium Grain Milled Rice; but any device which gives equivalent results may be used.

[3] These limits do not apply to the class Mixed Milled Rice.

[4] Milled rice in grade U.S. No. 5 of the special grade Undermilled rice may contain not more than 10 percent of red rice and damaged kernels, either singly or combined, but in any case not more than 6.0 percent of damaged kernels.

[5] Milled rice in grade U.S. No. 6 may contain not more than 6.0 percent of damaged kernels.

§ 68.329 Grades and grade requirements for the class Second Head Milled Rice.

(See also § 68.332.)

Grade	Maximum limits of—				Color and milling requirements
	Seeds, heat-damaged, and paddy kernels		Red rice and damaged kernels (singly or combined)	Chalky kernels	
	Total (singly or combined)	Heat-damaged kernels and objectionable seeds (singly or combined)			
	Number in 500 grams	*Number in 500 grams*	*Percent*	*Percent*	
U.S. No. 1	15	5	1.0	3.0	Shall be white or creamy and shall be extra well milled.
U.S. No. 2	20	10	2.0	5.0	May be slightly gray and shall be well milled.
U.S. No. 3	35	15	3.0	10.0	May be light gray and shall be at least reasonably well milled.
U.S. No. 4	50	25	5.0	15.0	May be gray or slightly rosy and shall be at least reasonably well milled.
U.S. No. 5	75	40	10.0	20.0	May be dark gray or rosy and shall be at least reasonably well milled.
U.S. Sample grade	U.S. Sample grade shall be milled rice of this class which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains more than 14.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.				

§ 68.330 Grades and grade requirements for the class Screenings Milled Rice.

(See also § 68.332.)

Grade	Maximum limits of—			Color and milling requirements
	Paddy kernels and seeds		Chalky kernels	
	Total	Objectionable seeds		
	Number in 500 grams	*Number in 500 grams*	*Percent*	
U.S. No. 1	30	20	5.0	Shall be white or creamy and shall be extra well milled.
U.S. No. 2	75	50	8.0	May be slightly gray and shall be well milled.
U.S. No. 3	125	90	12.0	May be light gray or slightly rosy and shall be at least reasonably well milled.
U.S. No. 4	175	140	20.0	May be gray or rosy and shall be at least reasonably well milled.
U.S. No. 5	250	200	30.0	May be dark gray or very rosy and shall be at least reasonably well milled.
U.S. Sample grade	U.S. Sample grade shall be milled rice of this class which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains more than 14.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which has a badly damaged or extremely red appearance; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.			

§ 68.331 Grades and grade requirements for the class Brewers Milled Rice.

(See also § 68.332.)

Grade	Maximum limits of—		Color and milling requirements
	Paddy kernels and seeds		
	Total	Objectionable seeds	
	Percent	*Percent*	
U.S. No. 1	0.5	0.05	Shall be white or creamy and shall be well milled.
U.S. No. 2	1.0	.1	May be slightly gray and shall be well milled.
U.S. No. 3	1.5	.2	May be light gray or slightly rosy and shall be at least reasonably well milled.
U.S. No. 4	3.0	.4	May be gray or rosy and shall be at least reasonably well milled.
U.S. No. 5	5.0	1.5	May be dark gray or very rosy and shall be at least reasonably well milled.
U.S. Sample grade.	U.S. Sample grade shall be milled rice of this class which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains more than 14.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable, foreign odor; or which has a badly damaged or extremely red appearance; or which contains more than 0.1 percent of foreign material; or which contains more than 15.0 percent of broken kernels that will pass readily through a 2½/64 round hole sieve; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.		

Section 68.333 would be changed to provide that the degree of milling shall be shown on all grade certificates as follows:

§ 68.333 Grade designations for Milled Rice.

The grade designation for milled rice shall include, in the order named, the letters "U.S."; the number of the grade or the words "Sample grade," as the case may be; the name of the class; and the name of each applicable special grade. In the case of Mixed Milled Rice, the grade designation shall include also, following the name of the class, the name and approximate percentage of the whole kernels and broken kernels, separately, of the predominant class and of each other class of milled rice contained in the mixture. The degree of milling shall be shown under "Remarks" on all grade certificates.

Alternate proposed amendments. If the degree of milling shall serve as a special grade rather than as a grading factor, the following changes would be made:

Footnote 1 in § 68.328 would be changed to read as follows: "Color requirements: U.S. No. 1 shall be white or creamy. U.S. No. 2 may be slightly gray. U.S. No. 3 may be light gray. U.S. No. 4 may be gray or slightly rosy. U.S. No. 5 and U.S. No. 6 may be dark gray or rosy. The color requirements are not applicable to Parboiled Milled Rice."

In §§ 68.329, 68.330, and 68.331 the column heading "Color and milling requirements" would be changed to "Color requirements" and the degree of milling for each of the numerical grades would be deleted.

Section 68.332(a) would be changed to read as follows:

§ 68.332 Special grades, special grade requirements, and special grade designations for milled rice.

(a) *Extra well milled, well milled, reasonably well milled, lightly milled, loosely milled, and undermilled rice—* (1) *Requirements.* Extra well milled, well milled, reasonably well milled, lightly milled, and losely milled rice shall be rice which has been milled to a degree not lower than the lowest level for the degree of milling required in the samples maintained by the Grain Division to illustrate the lowest level for the various degrees of milling (see § 68.327). Undermilled rice shall be rice which does not meet the degree of milling for extra well milled, well milled, reasonably well milled, lightly milled, and loosely milled but meets the minimum requirement for milled rice as defined in § 68.301. Undermilled rice in grades U.S. No. 1 and U.S. No. 2 may contain not more than 2 percent, in grades U.S. No. 3 and U.S. No. 4 not more than 5 percent, in grade U.S. No. 5 not more than 10 percent, and in grade U.S. No. 6 not more than 15 percent, of well milled rice, and the factor "color requirements" shall be disregarded.

* * * * *

Public hearings on the proposed amendments will not be held, but all persons who desire to submit written data, views, or arguments on this proposal should file them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 60 days after the proposal has been published in the FEDERAL REGISTER. All comments so filed will be available for public inspection during official hours of business (7 CFR 1.27(b)). Consideration will be given all written comments so filed with the Hearing Clerk, and to all other information available in the U.S. Department of Agriculture in arriving at a decision with respect to the proposed amendment to the revised milled rice standards.

Copies of the revised standards referred to in this notice may be obtained from the Director, Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, or from any Field Office of the Grain Division.

Any revision, if adopted, will become effective on or about June 1, 1968.

Done at Washington, D.C., this 16th day of January 1968.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 68-789; Filed, Jan. 19, 1968; 8:47 a.m.]

[7 CFR Parts 1030, 1031, 1038, 1039, 1045, 1051, 1063]

MILK IN CHICAGO, ILL., AND CERTAIN OTHER MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Marketing Agreements and Orders

7 CFR Part	Marketing Area	Docket Nos.
1030	Chicago	AO 361.
1031	Northwestern Indiana	AO 170-A24.
1038	Rock River Valley	AO 194-A17.
1039	Milwaukee	AO 212-A22.
1045	Northeastern Wisconsin	AO 334-A12.
1051	Madison	AO 329-A8.
1063	Quad Cities-Dubuque	AO 105-A27.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to proposed marketing agreements and orders regulating the handling of milk in the Chicago, Ill., and six other marketing areas, which was issued December 30, 1967 (32 F.R. 21054), is hereby extended to February 19, 1968.

Signed at Washington, D.C., on January 17, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-813; Filed, Jan. 19, 1968; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ADMINISTRATIVE OFFICER; KINGMAN JOB CORPS CONSERVATION CENTER, ARIZ.

Delegation of Authority

Pursuant to authority contained in section 2 of Bureau Order No. 698, as amended, the Administrative Officer of the Kingman Job Corps Conservation Center is authorized to issue orders, regardless of amount for equipment, supplies and services, obtainable from General Services Administration Stores Stock, Federal Supply Schedules, and other established sources of supply. They are also authorized to make open market purchases for supplies, equipment and services, not exceeding $2,500 per transaction ($2,000 if for construction), pursuant to section 302(c)(3) of the Federal Property and Administrative Services Act of 1949, as amended, provided that the supplies and services are not available from established sources.

With the exception of SF–44, Purchase Order-Invoice Voucher, the authority cannot be redelegated.

ELDON G. HAYES,
Center Director.

[F.R. Doc. 68–791; Filed, Jan. 19, 1968; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

GEORGE WASHINGTON UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68–00253–33–46500. Applicant: George Washington University, School of Medicine, 1331 H Street NW., Washington, D.C. 20005. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter, Sweden. Intended use of article: The article will be used to section tissues for study under an electron microscope. The application lists several specific examples of the projects being studied. Application received by Commissioner of Customs: November 29, 1967.

Docket No. 68–00254–65–46040. Applicant: Ohio State University, Department of Ceramic Engineering, 190 North Oval Drive, Columbus, Ohio 43210. Article: Electron Microscope, Model JEM–30B. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used by undergraduate students for structural studies, determination of particle size and shape, grain boundary studies, fracture surface studies, nucleation development and time-temperature relational studies of ceramic systems. Application received by Commissioner of Customs: November 30, 1967.

Docket No. 68–00255–33–46500. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Ultra Microtome, Model "OM U2" Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: Applicant states:

* * * study involves the use of ferritin-labeled antibodies and the detection of the labeled antibody in thin sections of the parasites (which infect sheep) obtained with an ultramicrotome. In addition, morphological and pathological investigations at a fine structural level of microsporidian parasites are being carried out.

Application received by Commissioner of Customs: November 30, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68–774; Filed, Jan. 19, 1968; 8:45 a.m.]

SALVATION ARMY BOOTH MEMORIAL HOSPITAL ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68–00263–33–90000. Applicant: The Salvation Army Booth Memorial Hospital, Main Street and Booth Memorial Avenue, Flushing, N.Y. 11355. Article: Queen Charlotte's Foetal Blood Sampling Instruments, Catalogue No. 68–270. Manufacturer: Allen & Hanburys (Surgical Engineering) Ltd., United Kingdom. Intended use of article: Applicant states: "Determination of pH of Foetal scalp blood in cases of Foetal stress during labor." Application received by Commissioner of Customs: December 6, 1967.

Docket No. 68–00264–33–46040. Applicant: University of Pennsylvania, Department of Pharmacology, School of Medicine, Philadelphia, Pa. 19104. Article: Electron Microscope Model EM 300 including Decontamination Device, Desiccator, Film Holder, and Water Cooler. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: Applicant states:

Research and Teaching. Localization & study of neurohumoral transmitters, receptor

sites, & related enzymes involved in nerve impulse transmission. Information obtained will be applied to the treatment of diseases of the nervous system.

Application received by Commission of Customs: December 6, 1967.

Docket No. 68–00265–00–46040. Applicant: Washington University, St. Louis, Mo. 63130. Article: Shutter Model 171 460A for Siemens Electron Microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: Applicant states: "Accurate preset exposure of photoplates in microscope" application received by Commissioner of Customs: December 6, 1967.

Docket No. 68–00180–33–90000. Applicant: University of Utah Purchasing Department, Building 40, Salt Lake City, Utah 84112. Article: Stereotaxic Equipment. Manufacturer: Preci-Tool Manufacturing Co., Canada. Intended use of article: The article will be used for surgical research in the area of stereotaxic procedures. Application received by Commissioner of Customs: October 13, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68–775; Filed, Jan. 19, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMOCO CHEMICALS CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2246) has been filed by Amoco Chemicals Corp., 130 East Randolph Drive, Chicago, Ill. 60601, proposing an amendment to § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* to provide for the safe use of a copolymer prepared from α-methylstyrene, styrene, and dimethyl-α-methylstyrene as an optional component of paper and paperboard used in contact with food.

Dated: January 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–795; Filed, Jan. 19, 1968; 8:47 a.m.]

EASTMAN CHEMICAL PRODUCTS, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2245) has been filed by Eastman Chemical Products, Inc., Kingsport, Tenn. 37662, proposing an amendment to § 121.2569 *Resinous and polymeric coatings for polyolefin films* to provide for the safe use of 2,2-dimethyl-1,3-propanediol as an optional component of resinous and polymeric coatings for polyolefin films intended for food-contact use.

Dated: January 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–797; Filed, Jan. 19, 1968; 8:47 a.m.]

E. I. DU PONT DE NEMOURS & CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 8F0677) has been filed by E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, proposing the establishment of tolerances for neglible residues of the insecticide *S*-methyl *N*-[(methylcarbamoyl)oxy]thioacetimidate in or on the raw agricultural commodities corn grain (includes popcorn) and fresh corn including sweet corn (kernels plus cob with husk removed) at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide involves extraction of the residue, alkaline hydrolysis to *S*-methyl-*N*-hydroxythioacetimidate, and measurement of the latter by a microcoulometric gas chromatographic technique using a sulfur detection cell.

Dated: January 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–798; Filed, Jan. 19, 1968; 8:47 a.m.]

[Docket No. FDC–D–108; NDA No. 10–702V]

S. E. MASSENGILL CO.

Gallogen Injectable; Notice of Withdrawal of Approval of New-Drug Application

The S. E. Massengill Co., Bristol, Tenn. 37620, the sponsor of new-drug application No. 10–702V covering the drug Gallogen Injectable (brand of Tocamphyl) has requested withdrawal of the approval of their application and thereby waived the opportunity for a hearing provided for by section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)). Gallogen Injectable is an intravenous preparation used as a liver and bile stimulant and laxative for cattle, sheep, swine, dogs, and cats.

On the basis of new information evaluated together with the evidence available when new-drug application No. 10–702V was approved, it is concluded that the application fails to contain substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, the Commissioner by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and delegated to him by the Secretary (21 CFR 2.120), at the request of the applicant, and on the basis of the foregoing findings of fact, withdraws approval of new-drug application No. 10–702V applying to Gallogen Injectable, effective on the date of signature of this document.

Dated: January 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–799; Filed, Jan. 19, 1968; 8:47 a.m.]

MOBIL CHEMICAL CO.

Notice of Withdrawal of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations (21 CFR 120.8), Mobil Chemical Co., 150 East 42d Street, New York, N.Y. 10017, has withdrawn its petition (PP 8F0633), notice of which was published in the FEDERAL REGISTER of August 31, 1967 (32 F.R. 12633), proposing the establishment of tolerances for combined residues of the insecticide 4-benzothienyl *N*-methyl carbamate and its metabolite 4-hydroxybenzothiophene, calculated as the insecticide, in or on corn in ear form, corn fodder and forage, and cottonseed at 0.1 part per million.

Dated: January 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–800; Filed, Jan. 19, 1968; 8:48 a.m.]

MORTON CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2244) has been filed by Morton Chemical Co., a division of Morton International, Inc., 110 North Wacker Drive, Chicago, Ill. 60606, proposing an amendment to § 121.2571 *Components of paper and paperboard in contact with dry food* to provide for the safe use of a copolymer of styrene and allyl alcohol as an optional

component of paper and paperboard used in contact with dry food.

Dated: January 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-801; Filed, Jan. 19, 1968; 8:48 a.m.]

UNIROYAL, INC.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 8F0682) has been filed by Uniroyal Chemical Division, Uniroyal, Inc., Bethany, Conn. 06525, proposing the establishment of tolerances for residues of a herbicide consisting of tris-(2,4-dichlorophenoxyethyl) phosphite and bis-(2,4-dichlorophenoxyethyl) phosphite in or on the raw agricultural commodities corn (field and sweet), peanuts, potatoes, and strawberries at 0.1 part per million.

The analytical method proposed for determining residues of the herbicide is that of J. R. Lane, "Journal of Agricultural and Food Chemistry," vol. 9, pp. 377-380 (1961).

Dated: January 12, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-802; Filed, Jan. 19, 1968; 8:48 a.m.]

CYPROMID

Notice of Establishment of Temporary Tolerance

Notice is given that at the request of the Gulf Oil Corp., Post Office Box 8200, Kansas City, Mo. 64105, a temporary tolerance of 0.1 part per million is established for negligible residues of the herbicide cypromid (3',4-dichlorocyclopropanecarboxanilide) in or on the raw agricultural commodity onions. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the herbicide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture.

This temporary tolerance expires January 15, 1969.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a (j)) and delegated by him to the Commissioner (21 CFR 2.120).

Dated: January 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-796; Filed, Jan. 19, 1968; 8:47 a.m.]

CIVIL SERVICE COMMISSION

SPECIAL PAY RANGES

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has determined that the minimum rates and rate ranges for certain occupations for which special rates are currently established will be adjusted as indicated in the following tables.

SPECIAL SALARY RATES ESTABLISHED

These tables show the salary rates established by the Commission under 5 U.S.C. 5303. Each table shows (1) the occupations to which the rates apply, (2) the geographic coverage, (3) the effective date, and (4) the special salary rates authorized.

GS-690 Industrial Hygiene Series

GS-800 All Professional Series in the Engineer Group

Professional series at present in the GS-800 Group are:

GS-801	General	GS-855	Electronic
GS-803	Safety	GS-861	Aerospace
GS-804	Fire Prevention	GS-870	Marine
GS-806	Materials	GS-871	Naval Architecture
GS-807	Landscape Architecture	GS-880	Mining
GS-808	Architecture	GS-881	Petroleum
GS-810	Civil	GS-890	Agricultural
GS-819	Sanitary	GS-892	Ceramic
GS-830	Mechanical	GS-893	Chemical
GS-840	Nuclear	GS-894	Welding
GS-850	Electrical	GS-896	Industrial

SCIENCE SERIES AND SPECIALIZATIONS

GS-1221	Patent Adviser	GS-1330	Astronomy & Space Science
GS-1223	Patent Classifying	GS-1340	Meteorology
GS-1224	Patent Examining	GS-1360	Oceanography
GS-1301.1	Physical Science Subseries	GS-1372	Geodesy
GS-1306	Health Physics	GS-1380	Forest Prod. Technology
GS-1310	Physics	GS-1386	Photographic Technology
GS-1313	Geophysics	GS-1510	Actuary
GS-1315	Hydrology	GS-1515	Operations Research
GS-1320	Chemistry	GS-1520	Mathematics
GS-1321	Metallurgy	GS-1529	Mathematical Statistics

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after Feb. 1, 1968.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$7,239	$7,425	$7,611	$7,797	$7,983	$8,169	$8,355	$8,541	$8,727	$8,913
GS-6	7,982	8,187	8,391	8,597	8,802	9,007	9,212	9,417	9,622	9,827
GS-7	8,759	8,984	9,209	9,434	9,659	9,884	10,109	10,334	10,559	10,784
GS-8	9,106	9,352	9,598	9,844	10,090	10,336	10,582	10,828	11,074	11,320
GS-9	9,668	9,937	10,206	10,475	10,744	11,013	11,282	11,551	11,820	12,089
GS-10	10,291	10,585	10,879	11,173	11,467	11,761	12,055	12,349	12,643	12,937

[1] Corresponding statutory rates: GS-5—Tenth; GS-6—Tenth; GS-7—Tenth; GS-8—Eighth; GS-9—Se venth GS-10—Sixth.

NOTE: Special rates for GS-11 and GS-12 will remain as follows:

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-11	$10,945	$11,267	$11,589	$11,911	$12,233	$12,555	$12,877	$13,199	$13,521	$13,843
GS-12	11,843	12,225	12,607	12,989	13,371	13,753	14,135	14,517	14,899	15,281

[1] Corresponding statutory rates: GS-11—Fifth; GS-12—Second.

GS-1350 Geology

Geographic coverage: Worldwide.
Effective date: First day of the first pay period beginning on or after Feb. 1, 1968.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS-5	$7,239	$7,425	$7,611	$7,797	$7,983	$8,169	$8,355	$8,541	$8,727	$8,913
GS-7	8,534	8,759	8,984	9,209	9,434	9,659	9,884	10,109	10,334	10,559
GS-9	9,399	9,668	9,937	10,206	10,475	10,744	11,013	11,282	11,551	11,820
GS-11	10,301	10,623	10,945	11,267	11,589	11,911	12,233	12,555	12,877	13,199

[1] Corresponding statutory rates: GS-5—Tenth; GS-7—Ninth; GS-9—Sixth; GS-11—Third.

GS–610 Nurse Series

GS–615 Public Health Nurse Series

PFS–610 Postal Field Service Nurse

Geographic coverage: Washington, D.C., Standard Metropolitan Statistical Area including the District of Columbia Government's Children's Center, Laurel, Md., and the U.S. Marine Corps Base, Quantico, Va.

Effective date: First day of the first pay period beginning on or after Jan. 1, 1968.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS–4	$6,489	$6,655	$6,821	$6,987	$7,153	$7,319	$7,485	$7,651	$7,817	$7,983
GS–5	7,053	7,239	7,425	7,611	7,797	7,983	8,169	8,355	8,541	8,727
GS–6	7,572	7,777	7,982	8,187	8,392	8,597	8,802	9,007	9,212	9,417
GS–7	8,084	8,309	8,534	8,759	8,984	9,209	9,434	9,659	9,884	10,109
GS–8	8,614	8,860	9,106	9,352	9,598	9,844	10,090	10,336	10,582	10,828
GS–9	9,130	9,399	9,668	9,937	10,206	10,475	10,744	11,013	11,282	11,551
GS–10	9,703	9,997	10,291	10,585	10,879	11,173	11,467	11,761	12,055	12,349
GS–11	10,301	10,623	10,945	11,267	11,589	11,911	12,233	12,555	12,877	13,199

[1] Corresponding statutory rates: GS–4—Tenth; GS–5—Ninth; GS–6—Eighth; GS–7—Seventh; GS–8—Sixth GS–9—Fifth; GS–10—Fourth; GS–11—Third.

Level	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS–6	$7,458	$7,660	$7,862	$8,064	$8,266	$8,468	$8,670	$8,872	$9,074	$9,276	$9,478	$9,680
PFS–7	7,772	7,987	8,202	8,417	8,632	8,847	9,062	9,277	9,492	9,707	9,922	10,137

[1] Corresponding statutory rates: PFS–6—Eighth; PFS–7—Seventh.

GS–610 Nurse Series

GS–615 Public Health Nurse Series

PFS–610 Postal Field Service Nurse

Geographic coverage: Seattle and Bremerton, Wash.

Effective date: First day of the first pay period beginning on or after Jan. 1, 1968.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS–4	$6,489	$6,655	$6,821	$6,987	$7,153	$7,319	$7,485	$7,651	$7,817	$7,983
GS–5	6,867	7,053	7,239	7,425	7,611	7,797	7,983	8,169	8,355	8,541
GS–6	7,367	7,572	7,777	7,982	8,187	8,392	8,597	8,802	9,007	9,212
GS–7	7,859	8,084	8,309	8,534	8,759	8,984	9,209	9,434	9,659	9,884
GS–8	8,368	8,614	8,860	9,106	9,352	9,598	9,844	10,090	10,336	10,582
GS–9	8,861	9,130	9,399	9,668	9,937	10,206	10,475	10,744	11,013	11,282
GS–10	9,409	9,703	9,997	10,291	10,585	10,879	11,173	11,467	11,761	12,055
GS–11	9,979	10,301	10,623	10,945	11,267	11,589	11,911	12,233	12,555	12,877

[1] Corresponding statutory rates: GS–4—Tenth; GS–5—Eighth; GS–6—Seventh; GS–7—Sixth; GS–8—Fifth; GS–9—Fourth; GS–10—Third; GS–11—Second.

Level	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS–6	$7,256	$7,458	$7,660	$7,862	$8,064	$8,266	$8,468	$8,670	$8,872	$9,074	$9,276	$9,478
PFS–7	7,557	7,772	7,987	8,202	8,417	8,632	8,847	9,062	9,277	9,492	9,707	9,922

[1] Corresponding statutory rates: PFS–5—Seventh; PFS–6—Sixth.

GS–610 Nurse Series, GS–4 only

Geographic coverage: New York, N.Y.; Suffolk County (including Boston); USPHS Clinic, Framingham, Mass.; Fort Devens, Mass.

Effective date: First day of the first pay period beginning on or after Jan. 1, 1968.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS–4	$6,323	$6,489	$6,655	$6,821	$6,987	$7,153	$7,319	$7,485	$7,651	$7,817

[1] Corresponding statutory rate: GS–4—Ninth.

GS–610 Nurse Series, GS–4 Only

Geographic coverage: Baltimore, Md., Standard Metropolitan Statistical Area; Galveston, Tex.

Effective date: First day of the first pay period beginning on or after Jan. 1, 1968.

PER ANNUM RATES

Grade	1[1]	2	3	4	5	6	7	8	9	10
GS–4	$6,157	$6,323	$6,489	$6,655	$6,821	$6,987	$7,153	$7,319	$7,485	$7,651

[1] Corresponding statutory rate: GS–4—Eighth.

GS–610 Nurse Series, GS–4 and 5 Only

Geographic coverage: State of Nevada; State of California (excluding San Diego County and Division of Indian Health Nurses).

Effective date: First day of the first pay period beginning on or after Jan. 1, 1968.

PER ANNUM RATES

Grade		2	3	4	5	6	7	8	9	10
GS–4	$6,489	$6,655	$6,821	$6,987	$7,153	$7,319	$7,485	$7,651	$7,817	$7,983
GS–5	6,867	7,053	7,239	7,425	7,611	7,797	7,983	8,169	8,355	8,541

[1] Corresponding statutory rates: GS–4—Tenth; GS–5—Eighth.

All new employees in the specified occupational levels will be hired at the new minimum rate.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory or prior special rate range shall receive basic compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335 or 39 U.S.C. 3552.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–742; Filed, Jan. 19, 1968; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI68-361, etc.]

JOHN FRANKS ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 12, 1968.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before March 1, 1968.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-361	John Franks *et al.*, Post Office Box 1200, Shreveport, La. 71102.	3	1	Texas Gas Transmission Corp. (Calhoun Field, Lincoln Parish, La.) (North Louisiana).	(2)	12-14-67	[3] 1-14-68	6-14-68	[6 7] 18.75	[4 5 6 7] 20.25	
RI68-362	Kingwood Oil Co., 100 Park Avenue Bldg., Oklahoma City, Okla. 73102.	18	2	Northern Natural Gas Co. (North Ivanhoe Field, Beaver County, Okla.) (Panhandle Area).	$120	12-13-67	[3] 1-13-68	6-13-68	[7] 17.0	[4 7 8] 18.0	
	do	19	1	Northern Natural Gas Co. (Catesby Area, Ellis County, Okla.) (Panhandle Area).	415	12-18-67	[3] 1-18-68	6-18-68	[10] 18.24	[4 9 10] 19.31	
RI68-363	Crystal Oil Land Co., 600 Beck Bldg., Shreveport, La. 71101.	9	10	United Gas Pipe Line Co. (Simsboro Field, Lincoln Parish, La.) (North Louisiana).	21,900	[10] 12-13-67	[3] 1-13-68	6-13-68	[6] 18.75	[6 11] 21.75	
RI68-364	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	7	10	Northern Natural Gas Co. (North Hutchinson Field, Hutchinson County, Tex.) (RR. District No. 10).	10,064	[12] 12-18-67	[3] 1-18-68	6-18-68	[7] 14.0896	[4 7 8] 15.0960	RI66-329.
	do	159	4	Northern Natural Gas Co. (Daniel Field, Ochiltree County, Tex.) (RR. District No. 10).	2,500	12-18-67	[3] 1-18-68	6-18-68	[7] 16.5	[4 7 8] 17.5	RI67-44.
	do	185	4	El Paso Natural Gas Co. (East and West Panhandle Fields, Wheeler, Collingsworth and Gray Counties, Tex.) (RR. District No. 10).	3,700	12-18-67	[3] 1-18-68	6-18-68	13.0	[4 8] 14.0	RI66-329.
RI68-365	Thomas N. Berry & Co., Post Office Box 111, Stillwater, Tex. 74074.	8	1	Northern Natural Gas Co. (Catesby Field, Ellis County, Okla.) (Panhandle Area).	3,227	12-20-67	[17] 1-20-68	6-20-68	[10] 18.598	[4 9 13 10] 19.707	
RI68-366	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	399	3	Michigan Wisconsin Pipe Line Co. (Woodward Area, Dewey County, Okla.) (Oklahoma "Other" Area).	1,980	12-22-67	[3] 1-22-68	6-22-68	[15] 15.0	[8 14 15] 17.0	
	do	425	2	Panhandle Eastern Pipe Line Co. (Seiling Field, Dewey County, Okla.) (Oklahoma "Other" Area).	720	12-22-67	[3] 1-22-68	6-22-68	[15] 15.0	[8 15 16] 17.0	
RI68-367	Humble Oil & Refining Co. (Operator) et al.	430	4	Michigan Wisconsin Pipe Line Co. (Woodward Area, Dewey County, Okla.) (Oklahoma "Other" Area).	1,080	12-22-67	[3] 1-22-68	6-22-68	[15] 15.0	[8 14 15] 17.0	
RI68-368	Wheless Drilling Co. (Operator) et al., Post Office Box 1746, Shreveport, La. 71102.	5	8	Texas Gas Transmission Corp. (Minden Field, Webster Parish, La.) (North Louisiana).	1,080	12-21-67	[3] 1-21-68	6-21-68	[6 7] 18.25	[4 9 6 7] 19.75	
	do	4	2	do	20	12-21-67	[3] 1-21-68	6-21-68	[6 7] 18.25	[4 5 6 7] 19.75	
RI68-369	Union Texas Petroleum, a division of Allied Chemical Corp., Post Office Box 2120, Houston, Tex. 77001.	92	2	Panhandle Eastern Pipe Line Co. (Avard Field, Wood County, Okla.) (Oklahoma "Other" Area).	7,200	12-19-67	[3] 1-19-68	6-19-68	[15] 15.0	[8 15 16] 17.0	
RI68-370	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001. Attn: John E. Watson, Esq.	91	14	Texas Eastern Transmission Corp. (Meyersville Field, De Witt County, Tex.) (R.R. District No. 2).	992	12-18-67	[17] 2-5-68	7-5-68	14.3733	[4 8] 14.8733	RI66-189.

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI68-371...	Tenneco Oil Co. (Operator), et al.	103	9	Texas Eastern Transmission Corp. (North Meyersville Field, De Witt County, Tex.) (RR. District No. 2).	$3,516	12-18-67	[17] 2- 5-68	7- 5-68	14.3733	[4] [5] 14.8733	RI66-190.

[2] Respondent states that no gas is presently being produced as it is being used in a recycling operation.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] Periodic rate increase.
[5] Pressure base is 15.025 p.s.i.a.
[6] Includes 1.75-cents tax reimbursement.
[7] Subject to a downward B.t.u. adjustment.
[8] Pressure base is 14.65 p.s.i.a.
[9] Footnote 9 not used.
[10] Filing completed Dec. 20, 1967, by corrective notice of change dated Dec. 18, 1967.
[11] Respondent filing from initial certificated rate in Docket No. G-19810 to first periodic increase under contract.
[12] Filing completed Dec. 26, 1967, by corrective notice of change dated Dec. 22, 1967.
[13] Includes 0.015-cent tax reimbursement.
[14] Seller is filing from conditioned certificated rate and fracturing initial contract rate of 19.5-cents and only filing for 17 cents.
[15] Subject to upward and downward B.t.u. adjustment (filing does not show actual B.t.u. content of gas).
[16] Respondent is filing from conditioned certificated rate to initial contract rate.
[17] The stated effective date is the effective date requested by Respondent.
[18] Respondent is filing from conditioned certificated rate to initial contract rate.
[19] Includes base rate of 17 cents plus upward B.t.u. adjustment before increase and base rate of 18 cents plus upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.

John Franks et al., Texaco, Inc., and Wheless Drilling Co. (Operator) et al., request that their proposed rate increases be permitted to become effective as of January 1, 1968. Kingwood Oil Co. requests that Supplement No. 2 to its FPC Gas Rate Schedule No. 18 be permitted to become effective "immediately" or as soon thereafter as may be permitted. Kingwood Oil Co. also request an effective date of January 1, 1968, or as soon thereafter as permitted by the Commission, for Supplement No. 1 to its FPC Gas Rate Schedule No. 19. Crystal Oil and Land Co. requests an effective date of February 9, 1965, the contractual effective date, or the earliest possible effective date, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Humble Oil & Refining Co. and Humble Oil & Refining Co. (Operator) et al. (both referred to herein as Humble), request that their proposed rate increases be permitted to become effective as of December 22, 1967. Humble also requests that should the Commission suspend its rate filings that the suspension period be a maximum of 1 day only. Good cause has not been shown for granting Humble's request for an earlier effective date or for limiting to 1 day the suspension period with respect to such rate filings and Humble's request is denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 68-731; Filed, Jan. 19, 1968; 8:45 a.m.]

[Docket No. RI68-372 etc.]

MARATHON OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JANUARY 12, 1968.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 1, 1968.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-372	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	78	2	Northern Natural Gas Co. (Carbin Area, Beaver County, Okla.) (Panhandle Area).	$29	12-15-67	[2] 1-15-68	[3] 1-16-68	[6] 18.0	[4 5 6 7] 18.015	RI67-446.
	do	84	4	Michigan Wisconsin Pipe Line Co. (Woodward Area, Dewey County, Okla.) (Oklahoma "Other" Area).	21	12-15-67	[2] 1-15-68	[3] 1-16-68	[8] 15.160	[4 5 7 8] 15.175	
	do	98	2	Panhandle Eastern Pipe Line Co. (Seiling Area, Woodward County, Okla.) (Panhandle Area) and (Dewey County, Okla.) (Oklahoma "Other" Area).	8 6	12-15-67	[2] 1-15-68	[3] 1-16-68	[9 10] 17.0 [9 11] 15.0	[4 5 7 9 10] 17.015 [4 5 7 9 11] 15.015	
RI68-373	The R. W. Rine Drilling Co. (Operator and Agent) et al., R. H. Garvey Bldg., Suite 600, 300 West Douglas, Wichita, Kans. 67202.	[12] 3	7	Panhandle Eastern Pipe Line Co. (Iuka-Carmi Council Grove Field, Pratt County, Kans.).	260	12-26-67	[2] 1-26-68	[3] 1-27-68	[6 14] 15.0	[5 6 13 14] 16.0	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] The suspension period is limited to 1 day.
[4] Tax reimbursement increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.
[7] Includes 0.015-cent tax reimbursement.
[8] Includes 0.16-cent upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.
[9] Subject to upward and downward B.t.u. adjustment with respect to base rate.
[10] Woodward County, Okla. (Panhandle), production.
[11] Dewey County, Okla. (Oklahoma "Other" Area), production.
[12] Basic contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1, and proposed rate does not exceed the 16-cent area initial rate ceiling.
[13] Periodic rate increase.
[14] Net rates are 13.6 cents before increase and 14.5 cents after increase due to low B.t.u. content of 907 B.t.u.'s per cu. ft.

Marathon Oil Co. (Marathon) requests an effective date of July 1, 1967, the date that the increased Oklahoma excise tax became effective, for its proposed rate increases. The T. W. Rhine Drilling Co. (Operator and Agent) et al. (Rhine), request an effective date of January 1, 1968, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Marathon and Rhine's rate filings and such requests are denied.

Marathon's proposed increased rates reflect tax reimbursement for the recently enacted increase in Oklahoma excise tax from 0.02 cent and 0.04 cent per Mcf which became effective on July 1, 1967. The proposed rates exceed the applicable 11 cents per Mcf area increased rate ceiling for the Panhandle and Oklahoma "Other" Areas as announced in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56). Since the proposed increases relate to tax reimbursement resulting from the increase in Oklahoma excise tax, it is appropriate to suspend them for 1 day from January 15, 1968, the expiration date of the statutory notice.

The contract related to the rate filing of Rhine was executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed increased rate of 16 cents per Mcf exceeds the area increased rate ceiling of 11 cents for the Kansas Area but does not exceed the initial service ceiling of 16 cents established for the area involved. We believe, in this situation, Rhine's proposed rate filing should be suspended for 1 day from January 26, 1968, the expiration date of the statutory notice.

[F.R. Doc. 68-732; Filed, Jan. 19, 1968; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST AT ORLANDO CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

JANUARY 1, 1968.

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by First at Orlando Corp., which is a bank holding company located in Orlando, Fla., for the prior approval of the Board of the acquisition by Applicant of at least 80 percent of the voting shares of The First National Bank of Leesburg, Leesburg, Fla.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Public access to the application may be had at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 16th day of January 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-776; Filed, Jan. 19, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2188]

PEOPLES INVESTMENT ANNUITY SEPARATE ACCOUNT A AND PEOPLES PROTECTIVE LIFE INSURANCE CO.

Notice of Application for Exemption

JANUARY 16, 1968.

Notice is hereby given that Peoples Protective Life Insurance Co. ("Insurance Company") 1029 Campbell Street, Jackson, Tenn. 38301, and Peoples Investment Annuity Separate Account A ("Separate Account A") (herein collectively called "Applicants") have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq. ("Act") for an order exempting Applicants from the provisions of sections 14(a), 15(a), 16(a), 17(f), 22(d), 22(e), 27(a)(4), 27(c)(1), 27(c)(2), and 32(a)(2) of the Act and Rule 17f-2 thereunder. Separate Account A is an open-end diversified management investment company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Insurance Company established Separate Account A in order to hold contributions or stipulated payments received by Insurance Company in respect

to group or individual variable annuity contracts which initially qualify as tax-deferred annuities under section 403(b) of the Internal Revenue Code of 1954, as amended ("Code") or issued with respect to plans initially qualifying under section 401 of the Code or initially qualified annuity plans under section 403(a) of the Code.

Section 14(a)(1) provides, in pertinent part, that no registered investment company shall make a public offering of securities of which such company is the issuer, unless such company has a net worth of at least $100,000.

Applicants state that Separate Account A will be limited to assets set aside with respect to contracts initially meeting the requirements of section 403(b) of the Code or issued with respect to (1) plans initially qualifying under section 401 of the Code or (2) initially qualified annuity plans under section 403(a) of the Code. Applicants declare that since Separate Account A will only hold assets of tax deferred contracts, it is not feasible to raise the minimum capital requirement through a nonpublic offering because, among other reasons, the limitations under the Code on tax deferred contributions on behalf of a single participant make it unlikely that $100,000 could be raised from, in any instance, fewer than 70 persons which would involve several hundred offers.

Applicants further state that it is not feasible to raise the minimum capital requirement through the sale of nontax deferred contracts since to combine in a single separate account assets pertaining to tax deferred contracts and assets pertaining to nontax deferred contracts could result in the imposition of tax liabilities which might not otherwise be incurred or in the misallocation of tax benefits.

Finally, Applicants state that under Tennessee insurance law Separate Account A is an integral part of Insurance Company and under said law Separate Account A may not be abandoned by Insurance Company but must be continued until the obligations under the contracts are discharged.

Sections 15(a), 16(a), and 32(a)(2), in substance require shareholder approval of the investment advisory agreement, the election of directors by shareholders, and shareholder ratification of the selection of an independent public accountant, respectively. Since there will be no contract owners, hence no holders of voting securities, until after the registration statement under the Securities Act of 1933 becomes effective, the requirements of the aforesaid sections cannot be complied with. While Applicants represent that the first annual meeting of shareholders is scheduled for the second Monday of January 1969, they request a temporary exemption from the requirements of sections 15(a), 16(a) and 32(a)(2) to allow Separate Account A to operate until a special meeting of contract owners is called, at which time the requirements of those sections can be met.

Section 17(f)(3) permits a registered management investment company to maintain its securities and investments in its own custody in accordance with the rules, regulations, and orders adopted by the Commission in the interest of investors. Rule 17f–2 requires in pertinent part, that such assets be placed in a bank subject to the other requirements of the rule, one of which limits the persons who shall have access to such assets to only certain specified individuals. Applicants request an exemption to permit access to the securities of the Fund which will be held pursuant to a safekeeping agreement with The First National Bank of Jackson, Tenn., by duly authorized representatives of the Department of Insurance of the State of Tennessee.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security of which it is the issuer except at a current public offering price described in the prospectus. The contracts which will be issued by Applicants provide for a single deduction for sales and administrative expenses and the guaranteed minimum death benefit prior to retirement, exclusive of any applicable premium taxes. The combined deduction is appropriate because of the impossibility of determining in advance of the sale of the contract the proportion of the total deduction which will be incurred by the Insurance Company for each type of expense. Such proportion will vary from case to case depending on the amount of assistance provided by the employer-purchaser of the contract in connection with the sale and administration of such contract. Since on the basis of actual experience the proportions of sales expenses and accordingly the current public offering price will vary from contract to contract for the reasons referred to above, Applicants request an exemption from the requirements of section 22(d).

Applicants request a further exemption to permit experience rating for the group variable annuity contract. The combined sales and administrative expenses applicable to each contract will be determined annually. If the actual expenses exceed the amount previously deducted for such expenses, no additional deduction will be made. On the other hand, if the actual expenses are less than the amount deducted, Insurance Company, in its discretion, may allocate all, a portion, or none of such excess as an experience credit to the participants in Separate Account A. Any excess so allocated will be applied in one of two ways: (a) By a reduction in the amount deducted from subsequent contributions for sales and administrative expenses or (b) by the crediting to participants under the group policy of a number of additional accumulation units or annuity units, as applicable, equal in value to the amount of the credit due less applicable premium taxes.

Sections 22(e) and 27(c)(1) provide, in pertinent part, respectively that (1) a registered investment company may not suspend the right of redemption or postpone the date of payment upon redemption of any redeemable security in accordance with its terms for more than 7 days after the tender of such security for redemption and (2) a registered investment company issuing periodic payment plan certificates may not sell such certificates unless such certificates are redeemable securities. Applicants state that prior to their maturity dates the contracts are redeemable and satisfy the redemption provisions of the Act. However, on their respective maturity dates, the then value of the contracts is determined and applied to provide for lifetime annuity payments of either fixed or variable amounts. Applicants state that because the amount of annuity payments under the variable option are calculated actuarially, based upon the life expectancies of the purchasers of the contracts, if a purchaser were permitted to redeem his contract after the maturity date, it would upset the actuarial computations made with respect to the remaining purchasers. Applicants request exemption from sections 22(e) and 27(c)(1) to the extent that once a purchaser begins to receive annuity payments he cannot redeem the value credited to his contract. Such prohibitions shall only apply after annuity payments to the purchaser commence.

Section 27(a)(4) provides, in pertinent part, that the first payment on a periodic payment plan certificate be not less than $20. In order to minimize the administrative and accounting burdens involved, Applicants request an exemption to permit the first payment to be in an amount of not less than $10 in the case of its qualified contracts.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture, or agreement containing, in substance, the provisions required by sections 26(a)(2) and (3) for a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust and places certain restrictions on charges which may be made against the trust income and corpus and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

Applicants state that Insurance Company functions as a regulated insurance company and is subject to extensive and detailed supervision and inspection by the Tennessee Insurance Commissioner in all of its dealings with the contract purchasers. Insurance Company states that such control provides ample assur-

ance against misfeasance. Accordingly, Applicants state that such control affords the essential protection which the trusteeship or custodianship under section 26(a)(2) is designed to provide. Moreover, in addition to the supervision and inspection by the Tennessee Insurance Commissioner, under Tennessee law the contractual obligations of Insurance Company to the participants cannot be abandoned until such obligations have been discharged. Under no condition can it legally abrogate such undertakings. Such supervision, inspection and undertakings will effectively prevent orphanage of Separate Account A by Insurance Company which the trusteeship under section 27(c)(2) is designed to protect against.

Applicants have consented to the requested exemption being subject to the condition that the charges under the contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and that the Commission shall reserve jurisdiction for such purpose.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 5, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally, or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–779; Filed, Jan. 19, 1968; 8:46 a.m.]

[812–2189]

PEOPLES INVESTMENT ANNUITY SEPARATE ACCOUNT B AND PEOPLES PROTECTIVE LIFE INSURANCE CO.

Notice of Application for Exemption

JANUARY 16, 1968.

Notice is hereby given that Peoples Protective Life Insurance Co. ("Insurance Company"), 1029 Campbell Street, Jackson, Tenn. 38301, and Peoples Investment Annuity Separate Account B ("Separate Account B") (herein collectively called "Applicants") have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. section 80a–1 et seq. ("Act") for an order exempting Applicants from the provisions of sections 17(f), 22(e), 27(a)(4), 27(c)(1), and 27(c)(2) of the Act, and Rule 17f–2 thereunder. Separate Account B is an open-end diversified management investment company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Insurance Company established Separate Account B in order to hold assets set aside by Insurance Company in relation to contributions or stipulated payments received by Insurance Company in respect to group or individual variable annuity contracts not qualifying for Federal tax benefits under sections 401 or 403 of the Internal Revenue Code of 1954, as amended.

Section 17(f) provides, in pertinent part, that a registered investment company may maintain its securities and other investments in its own custody in accordance with such rules, regulations, and orders as may be adopted by the Commission in the interest of investors. Rule 17f–2 requires, in pertinent part, that such assets be placed in a bank subject to the other requirements of the rule, one of which limits the persons who shall have access to only certain specified individuals. Applicants request an exemption to permit access to the securities of the Fund which will be held pursuant to a safekeeping agreement with the First National Bank of Jackson, Tenn., by duly authorized representatives of the Department of Insurance of the State of Tennessee.

Sections 22(e) and 27(c)(1) provide, in pertinent part, respectively that (1) a registered investment company may not suspend the right of redemption or postpone the date of payment upon redemption of any redeemable security in accordance with its terms for more than 7 days after the tender of such security for redemption and (2) a registered investment company issuing periodic payment plan certificates may not sell such certificates unless such certificates are redeemable securities. Applicants state that prior to their maturity dates the contracts are redeemable and satisfy the redemption provisions of the Act. However, on their respective maturity dates, the then value of the contracts are determined and applied to provide for lifetime annuity payments of either fixed or variable amounts. Applicants state that because the amount of annuity payments under the variable option are calculated actuarially, based upon the life expectancies of the purchasers of the contracts, if a purchaser were permitted to redeem his contract after the maturity date, it would upset the actuarial computations made with respect to the remaining purchasers. Applicants request exemption from sections 22(e) and 27(c)(1) to the extent that once a purchaser begins to receive annuity payments he cannot redeem the value credited to his contract. Such prohibitions shall only apply after annuity payments to the purchaser commence.

Section 27(a)(4) as here pertinent prohibits the sale of any periodic payment plan certificate issued by a registered investment company if the first payment on such certificate is less than $20. Applicants represent that the individual contracts provide for the deduction of a fixed percentage of each payment as a sales charge with no "front-end load," that the amount of any stipulated payment computed on an annualized basis is limited to 200 percent of the initial payment and that should the contract owner increase monthly payments in excess of the 200 percent maximum, and the annuity rates or expense guarantees then in effect were different from those in effect when the first contract was issued, a new contract would be issued with respect to the excess. Although this excess may be less than the $20 required by the section for an initial payment, the total contribution would exceed the required minimum. Therefore, Applicants request an exemption from the initial minimum payment provision of section 27(a)(4) to the extent required to permit such excess, although less than $20, to be used as an initial payment.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture, or agreement containing, in substance, the provisions required by sections 26(a)(2) and (3) for a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust and places certain restrictions on charges which may be made against the trust income and corpus and excludes from expenses which the trustee or custodian may charge against

the trust any payments to the depositor or principal underwriter, other than a fee not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

Applicants state that Insurance Company functions as a regulated insurance company and is subject to extensive and detailed supervision and inspection by the Tennessee Insurance Commissioner in all of its dealings with the contract purchasers. Insurance Company states that such control provides ample assurance against misfeasance and adequately protects the interest of the contract purchasers. Accordingly, Applicants state that such authority and jurisdiction affords the essential protection which the trusteeship or custodianship under section 26(a)(2) is designed to provide. Moreover, in addition to the supervision and inspection by the Insurance Commissioner, Insurance Company states that it will undertake binding commitments to contract owners which it may not legally abrogate. Such supervision, inspection and undertakings will effectively prevent orphanage of Separate Account B by Insurance Company which the trusteeship under section 27(c)(2) is designed to protect against.

Applicants have consented to the requested exemption being subject to the condition that the charges under the contracts for administrative services shall not exceed such reasonable amount as the Commission shall prescribe, and that the Commission shall reserve jurisdiction for such purpose.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 5, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally, or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-780; Filed, Jan. 19, 1968; 8:46 a.m.]

[File No. 1-5215]

ROTO AMERICAN CORP.

Order Suspending Trading

JANUARY 16, 1968.

The common stock, $1 par value, of Roto American Corp., being listed and registered on the National Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 7 percent cumulative preferred, $10 par value, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the National Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 17, 1968, through January 26, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-781; Filed, Jan. 19, 1968; 8:46 a.m.]

[70-4576]

WESTERN MASSACHUSETTS ELECTRIC CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

JANUARY 16, 1968.

Notice is hereby given that Western Massachusetts Electric Co. ("WMECO"), 174 Brush Hill Avenue, West Springfield, Mass., an electric utility subsidiary company of Northeast Utilities, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

WMECO proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $10 million principal amount of first mortgage bonds, Series G, _____ percent, due March 1, 1998. The interest rate of the bonds (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to WMECO (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the first mortgage indenture dated as of August 1, 1954, between WMECO and Old Colony Trust Co., trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated as of March 1, 1968.

The filing states that WMECO intends to use the proceeds from the sale of the Series G bonds for the reduction of notes payable to banks, estimated to be outstanding in the aggregate amount of $12,700,000. The funds received from its bank borrowings have been applied by WMECO for construction expenditures. WMECO contemplates gross construction expenditures of approximately $24 million during 1968 and additional investments of approximately $885,000 in nuclear generating companies during said period.

The application states that the issue and sale of the Series G bonds are subject to the jurisdiction of the Department of Public Utilities of the Commonwealth of Massachusetts and the Public Utilities Commission of the State of Connecticut and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of fees and expenses incident to the issue and sale of the bonds is to be filed by amendment.

Notice is further given that any interested person may, not later than February 9, 1968, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules

and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-782; Filed, June 19, 1968; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 7 (Rev. 1), Amdt. 1]

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Delegation of Administrative Activities

Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; Title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, as amended; Delegation of Authority No. 7, Revision 1, 32 F.R. 179 is hereby amended by adding paragraph 5 to Item IB. Paragraph 5 hereby added to Item IB reads as follows:

I. * * *

B. *Administrative Services.* * * *

5. To rent temporarily, within the District of Columbia or elsewhere, such hotel or other accommodations as are needed to facilitate the conduct of meetings of SBA advisory councils.

Effective date: January 15, 1968.

ROBERT C. MOOT, *Administrator.*

[F.R. Doc. 68-783; Filed, Jan. 19, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 528]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 16, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Sub-No. 2285 TA), filed January 4, 1968. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: Robert C. Boozer, 80 Broad Street, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* moving in express service; (a) Between Tucson and Flagstaff, Ariz., from Tucson over Interstate Highway 10 to Casa Grande, thence over Arizona Highways 87 and 93 to Chandler, thence over Interstate Highway 10 and Williams Air Force Road to Phoenix, thence over Interstate Highway 17 and Arizona Highways 69 and 79 to Flagstaff and return over the same route; serving express offices located at the intermediate points of Casa Grande, Chandler, and Phoenix. (b) Between Phoenix and junction Interstate Highway 17 and Arizona Highway 69, from Phoenix over U.S. Highway 89 to Prescott, thence over Arizona Highway 67 to junction Interstate Highway 17 and return over the same route, serving express offices located at the intermediate points of Prescott, Wickenburg, and Peoria, Ariz. Restrictions: (1) The service to be performed by the applicant shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. (2) Shipments transported by applicant shall be limited to those on through bills of lading or express receipts. (3) Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to a service which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. NOTE: Applicant requests that the authority for the proposed operation, if granted, be construed as an extension, to be joined and combined with REA's existing authority in MC 66562 and subs thereunder thereby negating the restrictions against tacking or connections customarily placed upon temporary authorities, for 150 days. Supporting shipper: Applicant's own statement. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10017.

No. MC 80609 (Sub-No. 3 TA), filed January 9, 1968. Applicant: H. S. FOREMAN, INC., 25 Foreman Road, Elizabethtown, Pa. 17022. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixed fertilizers, ammonium phosphate fertilizers, urea fertilizer, ammonium nitrate fertilizer*, in bags and bulk, and *liquid and dry pesticides* in bags, drums, and pails, from Lebanon, Pa., to points in Maryland; Kent and Sussex Counties, Del.; Gloucester, Hunterdon and Mercer Counties, N.J.; Accomack, Northampton, and Culpeper Counties, Va.; and Suffolk, Orange, Rockland, Westchester, Dutchess, Putnam, Ulster, and Columbia Counties, N.Y., for 180 days. Supporting shipper: Olin Mathieson Chemical Corp., Post Office Box 991, Little Rock, Ark. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

No. MC 102567 (Sub-No. 123 TA), filed January 10, 1968. Applicant: EARL GIBBON TRANSPORT, INC., 235 Benton Road, Post Office Drawer 5357, Bossier City, La. 71010. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane, butane and propane/butane mixes*, from the plantsite of Tenneco Oil Co., Chalmetts, La., to points in Alabama and Mississippi, for 180 days. Supporting shipper: Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 106398 (Sub-No. 357 TA), filed January 11, 1968. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings*, mounted on wheeled undercarriages with hitchball connector, in initial movements, from Virginia Beach, Va., to points in New York, Maryland, North Carolina, Ohio, Kentucky, and Tennessee; return of undercarriages used in outbound movements, for 180 days. Supporting shipper: J. K. Parker, Inc., 120 Parker Lane, Virginia Beach, Va. 23454. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 108207 (Sub-No. 235 TA), filed January 8, 1968. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, 75207, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and articles dealt in by restaurant chains*, (1) be-

tween Loring, Kans., and Chicago, Ill., and points in Winnebago, Ogle, Lee, Bureau, Putnam, Marshall, Livingston, Ford, Iroquois, Kankakee, Grundy, La Salle, Kendall, De Kalb, Kane, Boone, McHenry, Lake, Du Page, Will, and Cook Counties, Ill.; (2) between Loring, Kans., and Dallas, Tex., and points in Montague, Cooke, Grayson, Fannin, Lamar, Delta, Hopkins, Collin, Hunt, Denton, Jack, Wise, Palo Pinto, Parker, Tarrant, Hill, Dallas, Rockwall, Franklin, Rains, Wood, Kaufman, Van Zandt, Smith, Henderson, Anderson, Freestone, Limestone, Navarro, Ellis, Johnson, Hood, Erath, Somervell, Bosque, McLennan, Hamilton, and Falls Counties, Tex.; (3) between Loring, Kans., and San Francisco, Calif., and points in Mendocino, Lake, Sonoma, Napa, Marin, Solano, Yolo, Sutter, Sacramento, Contra Costa, San Joaquin, Stanislaus, San Mateo, Santa Cruz, Santa Clara, Merced, Alameda, San Benito, Monterey, and San Francisco Counties, Calif.; (4) between Loring, Kans., and Los Angeles, Calif. and points in Santa Barbara, Ventura, San Luis Obispo, Kern, Los Angeles, Orange, Riverside, San Diego, and San Bernardino Counties, Calif., for 180 days. Supporting shipper: Marriott-Hot Shoppes, Inc., Post Office Box 5556–A Friendship Station, Washington, D.C. 20016. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 109584 (Sub-No. 139 TA), filed January 10, 1968. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton, 3201 Ringsby Court, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Oakland, Calif., to Brighton, Colo., for 150 days. Supporting shipper: Standard Brands Inc., Fleischmann Manufacturing Division, 921 98th Avenue, Oakland, Calif. 94603. Send protests to: District Supervisor C. W. Buckner, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 109689 (Sub-No. 188 TA), filed January 11, 1968. Applicant: W. S. HATCH CO., 643 South 800 West Street, Woods Cross, Utah 84087, Post Office Box 1825, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Louviers, Colo., to points in Oklahoma, for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 111401 (Sub-No. 242 TA), filed January 11, 1968. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Holland, Tex., to Pleasant Hill, Curry County, N. Mex., Ferriday, Concordia Parish, Belcher, Caddo Parish, Lucas, Caddo Parish and Shreveport, Caddo Parish, La., for 180 days. Supporting shipper: Tuloma Gas Products Co., Pan American Building, Post Office Box 566, Tulsa, Okla. 74102. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 115331 (Sub-No. 238 TA), filed January 10, 1968. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, dry, in bulk and in bags, from the plantsite of Arkla Chemical Corp., Jonesboro, Ark., to points in Missouri, Illinois, and Tennessee, for 180 days. Supporting shipper: Arkla Chemical Corp., Arkla Plaza, 400 East Capitol, Little Rock, Ark. 72202. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3248–B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 116077 (Sub-No. 228 TA), filed January 10, 1968. Applicant: ROBERTSON TANK LINES, INC., Post Office Box 1505, 5700 Polk Avenue, Houston, Tex. 77001. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dichlorobutane waste*, in bulk, in tank vehicles, from E. I. du Pont de Nemours & Co. Pontchartrain Plant, La Place, La., to E. I. du Pont de Nemours & Co., Victoria, Tex., for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co. (Mr. J. C. Jessen, A.T.M. Motor Carrier Section), Wilmington, Del. 19898. Send protests to: District Supervisor, John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 116720 (Sub-No. 7 TA), filed January 10, 1968. Applicant: DONALD E. MILLER, 15 Third Street West, Lemmon, S. Dak. 57638. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *supplies, signs, and material* used in the sale thereof, from Milwaukee, Wis., to Aberdeen, S. Dak., for 180 days. Supporting shipper: Torrigan Produce Co., Leo Torrigan, Southwest Sixth Avenue, Aberdeen, S. Dak. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 119778 (Sub-No. 112 TA), filed January 10, 1968. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Wilson Road, Birmingham, Ala. 35221. Applicant's representative: David E. Wells, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, from Athens, Ala., to St. Joseph, Tenn., for 180 days. Supporting shipper: Continental Oil Co., Ponca City, Okla. 74601. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 823, 2121 Building, 2121 Eight Avenue North, Birmingham, Ala. 35203.

No. MC 124951 (Sub-No. 24 TA), filed January 10, 1968. Applicant: WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky. 42420. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated iron and steel articles*, from Henderson, Ky., to points in Missouri, for 180 days. Supporting shipper: Globe Industrial Contractors, Post Office Box 517, Henderson, Ky. 42420. Send protest to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 125194 (Sub-No. 8 TA), filed January 10, 1968. Applicant: STATE LINE DAIRY, INC., 1015 State Line Road, Niles, Mich. 49120. Applicant's representative: Maurice A. Nelson, 311 East Main Street, Van Riper Building, Suite 6–8, Niles, Mich. 49120. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and diet dairy products*, from Whitewater and Milwaukee, Wis., to South Bend, Ind., and points in Berrien, Cass, Van Buren, Kalamazoo, Kent, St. Joseph, Branch, Allegan, and Calhoun Counties, Mich., for 180 days. Supporting shipper: Hawthorn-Mellody Farms Dairy, Inc., 921 South Louise Street, South Bend, Ind. 46615. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 221 Federal Building, Lansing, Mich. 48933.

No. MC 126867 (Sub-No. 6 TA), filed January 8, 1968. Applicant: CONTRACT TRANSPORTATION, INC., 4008 Schuster Drive, Post Office Box 115, West Bend, Wis. 53095. Applicant's representative: Frank M. Coyne, Bank of Madison Building, 1 West Main Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fermented malt beverages*, from Chicago, Ill., to Tomah, Waupaca, Wisconsin Rapids, Milwaukee, Cedarburg, and Winneconne, Wis., under a continuing contract with Meister Brau, Inc., of Chicago, Ill., for 180 days. Supporting shipper: Meister Brau, Inc., 1000 North Avenue, Chicago, Ill. Send protests to: Lyle D. Helfer, District Supervisor, Bureau of Operations, Interstate Com-

merce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 127334 (Sub-No. 1 TA), filed January 10, 1968. Applicant: CURTIS GOFORTH, doing business as GOFORTH TRUCKING, 210 South Sixth Street, Mount Vernon, Ill. 62864. Applicant's representative: Delmar O. Koebel, 107 West St. Louis Street, Lebanon, Ill. 62254. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from St. Louis, Mo., to Taylorville, Decatur, Springfield, Jacksonville, Quincy, and Carlinville, Ill., and Hannibal, Bowling Green, De Sota, Rolla, Cape Girardeau, Salem, Sikeston, and Poplar Bluff, Mo., for 180 days, under contract with Continental Baking Co. Supporting shipper: Continental Baking Co., 2917 Hebert Street, St. Louis, Mo. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 127943 (Sub-No. 3 TA), filed January 10, 1968. Applicant: FRED J. ROGERS, doing business as FRED ROGERS LUMBER CO., Route 2, Box 249A, Everett, Wash. 98201. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Washington west of the summit of the Cascade Mountain Range and points in Oregon west of the summit of the Cascade Mountain Range and points in Wasco and Hood River Counties, Oreg., for 180 days. NOTE: Applicant intends to tack or interline at ports of entry between the United States and Canada located at Blaine and Sumas, Wash., on foreign commerce originating or destined to British Columbia, Canada. No duplicating authority sought. Supporting shippers: Simpson Building Supply Co., 3326 Paine Avenue, Everett, Wash. 98201; Pacific Lumber & Shipping Co., 620 Washington Building, Seattle, Wash. 98101; Wesco Lumber Distributors, Ltd., 230 Brunette Street, New Westminster, British Columbia. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Comission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 129552 (Sub-No. 1 TA), filed January 10, 1968. Applicant: JOAN H. FROST AND WILFRED E. LEBERT, a partnership, doing business as EXPRESS SIXTY SEVEN, 241 Church Street, Toronto, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, business records, and data processing materials*, in passenger motor vehicles, between Rochester, N.Y., on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada located on the Niagara River in New York for 180 days, for the account of Xerox Corp. Supporting shipper: Xerox Corp., Post Office Box 1540, Rochester, N.Y. 14603. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 121 Ellicott Street, Room 518, Buffalo, N.Y. 14203.

No. MC 129601 (Sub-No. 1 TA), filed January 10, 1968. Applicant: THE WESER CAB COMPANY, a corporation, 1108 Mary Street, Parkersburg, W. Va. 26101. Applicant's representative: George P. Sovick, Jr., 809 Kanawha Valley Building, Charleston, W. Va. 25301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), having an immediate prior or subsequent movement by aircraft, as a common carrier by motor vehicle in interstate or foreign commerce between: (1) The airport serving Parkersburg, W. Va., on the one hand, and, on the other hand, points in Athens, Meigs, Monroe, and Washington Counties, Ohio, Calhoun, Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt, and Wood Counties, W. Va.; and (2) Athens, Meigs, Monroe, and Washington Counties, Ohio, and Calhoun, Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt, and Wood Counties, W. Va., on the one hand, and, on the other hand, the Greater Pittsburgh Airport, in Moon Township, Allegheny County, Pa., Washington National Airport, in Arlington County, Va., Dulles International Airport, in Fairfax and Loudoun Counties, Va., Friendship International Airport, in Anne Arundel County, Md., Cincinnati Municipal Airport, Lunken Field, in Hamilton County, Ohio, Greater Cincinnati Airport, in Boone County, Ky., Columbus Municipal Airport, in Franklin County, Ohio, and Kanawha County Airport, Charleston, W. Va., but restricted to shipments that, because of size or weight, cannot be handled by air carriers serving the Parkersburg, W. Va. airport, for 180 days. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3202 Federal Office Building, Charleston, W. Va. 25301.

No. MC 129623 (Sub-No. 1 TA), filed January 10, 1968. Applicant: FRANK E. HUGHES, doing business as HUGHES MOVING & STORAGE COMPANY, 6457 Stringfield Road NW., Huntsville, Ala. 35810. Applicant's representative: Bishop and Carlton, 325–29 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between Huntsville, Ala., and Redstone Arsenal, Ala., on the one hand, and, on the other, all points within a 150-mile radius of Huntsville, Ala., restricted to shipments having prior or subsequent movement beyond said point in containers, and further restricted to pick up and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, under contract between applicant and Redstone Arsenal, Ala., for 180 days. Supporting shipper: While there is not contained a supporting shipper's letter as such, there is attached to the application a letter from H. T. Salyer, Chief, Traffic Branch, Post Transportation Division, Headquarters, U.S. Army Missile Command, Redstone Arsenal, Ala., there are no supporting shippers. NOTE: Applicant proposes to interline with other common carriers at Huntsville, Ala. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 823, 2121 Building, 2121 Eighth Avenue North, Birmingham, Ala. 35203.

No. MC 129632 TA, filed January 9, 1968. Applicant: JESS HATFIELD AND GARY HATFIELD, a partnership, doing business as HATFIELD BROS., Post Office Box 6, Darwin, Minn. 55324. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, from Litchfield, Minn., to points in Wisconsin, for 180 days. Supporting shipper: Pro-Vid-All Mills, Inc., Litchfield, Minn. 55355. Send protests to: C. H. Berquist, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-807; Filed, Jan. 19, 1968; 8:48 a.m.]

[Notice 529]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 17, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative if any, and the protests must certify that such service has been

made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 21170 (Sub-No. 260 TA), filed January 12, 1968. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50158. Applicant's representative: Gene R. Prokuski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commoditites in bulk), from La Porte, Ind., to points in Iowa, Minnesota, Missouri, and Wisconsin, for 180 days. Supporting shipper: American Home Foods, 685 Third Avenue, New York, N.Y. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commision, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 32882 (Sub-No. 40 TA), filed January 12, 1968. Applicant: MITCHELL BROS. TRUCK LINES, 2300 Northwest 30th Avenue, Portland, Oreg. 97210. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum wax frost protection units*, from Portland, Oreg., to points in Idaho and Washington, for 180 days. Supporting shipper: Chevron Chemical Co., 200 Bush Street, San Francisco, Calif. Send protests to: S. F. Martin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 120 Southwest Fourth Street, Portland, Oreg. 97204.

No. MC 35396 (Sub-No. 34 TA), filed January 11, 1968. Applicant: ARNOLD LIGON TRUCK LINE, INC., Post Office Box 666, Lebanon, Ky. 40033. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Benton, Ky., and Paducah, Ky., serving no intermediate points, from Benton over U.S. Highway 641 to its junction with U.S. Highway 68; thence over U.S. Highway 68 to Paducah and return over the same route. Restriction: Restricted against rendition of any service between Benton, Ky., and points in its commercial zones on the one hand, and, on the other, Paducah, Ky., and points in its commercial zones. NOTE: Applicant presently holds above-described authority and also authority between Nashville, Tenn., and Benton, Ky. However, by recently filed applications assigned Docket No. MC-F-10007, applicant proposes to transfer a portion of its authority (including that above-described), to Harper Truck Service, Inc., of Paducah, Ky. Parties to such proposed transaction have agreed that this applicant is to retain authority to operate between Nashville, Tenn., and Paducah, Ky., over Benton, Ky., and this application seeks authority whereby applicant may continue such operation, pursuant to proposed transfer, through the tacking of instantly sought authority, at Benton, Ky., with that presently held by applicant, and being retained, between Nashville, Tenn., and Benton, Ky., for 180 days. Supporting shipper: Applicant's own statement. Send protest to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 59367 (Sub-No. 55 TA), filed January 12, 1968. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Highway 20 East, Fort Dodge, Iowa 50501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Clyman and Watertown, Wis., to points in Nebraska, North Dakota, and South Dakota, for 180 days. Supporting shipper: Aunt Nellie's Foods, Inc., Clyman, Wis. 53016. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 103654 (Sub-No. 131 TA), filed January 12, 1968. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul, Minn. 55116. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from plantsite of Dewey Portland Cement Co., Davenport, Iowa, to points in Iowa, Illinois, Minnesota, Missouri, and Wisconsin, for 180 days. Supporting shipper: Martin Marietta, Cement and Lime Division, 277 Park Avenue, New York, N.Y. 10017. Send protests to: District Supervisor, A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 108676 (Sub-No. 22 TA), filed January 11, 1968. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sign, sign parts and accessories*, from the plantsite of Universal Unlimited, Inc., Glen Cove, Long Island, N.Y., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Universal Unlimited, Inc., Pratt Oval-Glen Cove, Long Island, N.Y. 11542. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 109584 (Sub-No. 140 TA), filed January 12, 1968. Applicant: ARIZONA-PACIFIC TANK LINES, 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed supplements*, in bulk, in tank vehicles, from the plantsite of Fults Chemical, Inc., at Tulare, Calif., to Phoenix and Tucson, Ariz., for 150 days. Supporting shipper: Fults Chemical, Inc., Post Office Box 239, 560 South M Street, Tulare, Calif. 93274. Send protests to: District Supervisor C. W. Buckner, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 109708 (Sub-No. 45 TA), filed January 12, 1968. Applicant: ERVIN J. KRAMER, doing business as MARYLAND TANK TRANSPORTATION CO., 1559 Levering Avenue, Elkridge, Md. 21227. Applicant's representative: Charles E. Creager, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh citrus juices*, in bulk, from Highland City, Fla., to Frederick, Md., for 180 days. Supporting shipper: Capitol Milk Producers Cooperative, Inc., Frederick, Md. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 119164 (Sub-No. 25 TA) (Correction), filed October 30, 1967, published FEDERAL REGISTER, issue of November 7, 1967, and republished corrected this issue. Applicant: J-E-M TRANSPORTATION CO., INC., 509 Liberty Street, 13204, Syracuse, N.Y. 13201, Post Office Box 1315. Applicant's representative: Helen S. Morley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins*, dry, in bulk, in pneumatic tank vehicles, in a coordinated rail-motor service, from the Flexi-Flo rail motor exchange terminal facilities on the lines of the New York Central Railroad Co. located at Rochester, N.Y., exclusive of team tracks or other public facilities, to Avon, N.Y., restricted to shipments having a prior movement inbound via rail service; for 150 days. Supporting shipper: Allied Chemical Corp., Traffic Department, 40 Rector Street, New York, N.Y. 10006. NOTE: The purpose of this republication is to correctly set forth the destination as Avon, N.Y., inadvertently omitted from previous publication. Send protests to: Morris H. Gross, District

Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 127693 (Sub-No. 3 TA), filed January 10, 1968. Applicant: TRI-STATE TRUCK LINE, INC., 200 South Kansas, Liberal, Kans. 67901. Applicant's representative: Edward C. Hastings, Gold Suites, 666 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Elkhart, Kans., and Vilas, Colo., from Elkhart over Kansas Highway 27 to junction Kansas Highway 51, thence over Kansas Highway 51 to the Kansas-Colorado State line, thence over Baca County, Colo., Highway 16 to junction Baca County Highway 21, thence over Baca County Highway 21 to Stonington, Colo., thence over Baca County Highway 17 to Walsh, Colo., and thence over U.S. Highway 160 to Vilas, and return over the same route, serving all intermediate points, except that service to and from Walsh, Colo., is for purposes of joinder only, and serving the off-route points of Alamo Chemical Co., and Colorado Interstate Gas Co. plants located 2 miles north of Kansas Highway 51 and 6 miles west of junction Kansas Highways 27 and 51. NOTE: Applicant states it proposes to tack with its presently held authority in MC 127693 and to interline with other carrier's at Elkhart and Vilas, for 180 days. Supporting shippers: Southwestern Public Service, Elkhart, Kans.; Walsh Lumber Co., Walsh, Colo.; Colorado Interstate Gas Co., Richfield, Kans.; Chamber of Commerce, Walsh, Colo.; and two motor carriers and 11 other shippers. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 128916 (Sub-No. 1 TA), filed January 11, 1968. Applicant: WILMA F. GEHRON, doing business as FROSTY'S DELIVERY SERVICE, 114 West Leona Street, Celina, Ohio 45822. Applicant's representative: Earl J. Thomas, Post Office Drawer 70, Thomas Building, Worthington, Ohio 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1 (a) *Farm tractors; farm tractor parts; agricultural implements other than hand, and agricultural implement parts other than hand*, from Coldwater, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New York, Pennsylvania, Tennessee, Wisconsin, and Ohio; (b) *materials, equipment and supplies including tools, utensils, containers, farm tractor parts; agricultural implement parts, other than hand; machinery or parts used in the manufacture, sale or distribution of commodities* shown in (a) above from points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New York, Pennsylvania, Tennessee, Wisconsin, and Ohio to Coldwater, Ohio; 2 *machine parts and materials used or useful in the manufacture or repair of construction equipment*, between Lima, Ohio, on the one hand, and, on the other, points in Indiana, Ohio, Illinois, Kentucky, Pennsylvania, West Virginia, New York, Wisconsin, Missouri, and Galveston, Tex.; 3 (a) *bicycles, lawnmowers and parts thereof*, from Celina and Dayton, Ohio, to points in Ohio, Michigan, Kentucky, Pennsylvania, Indiana, and Illinois; (b) *parts and materials used or useful in the manufacture of bicycles and lawnmowers*, between Celina and Dayton, Ohio, on the one hand, and, on the other, points in Ohio, Michigan, Kentucky, Pennsylvania, Indiana, and Illinois; 4 *parts and materials used in the manufacture or repair of air presses, hydraulic presses and riveting equipment*, between St. Marys, Ohio, on the one hand, and, on the other, points in Ohio, Indiana, Illinois, Michigan, Kentucky, and Pennsylvania; 5 *conveyor equipment and parts and materials used in the manufacture or repair thereof; feed systems for poultry houses and component parts thereof, and materials or supplies used in the manufacture or repair thereof*, between Celina, Ohio, on the one hand, and, on the other, points in Ohio, Indiana, Chicago, Ill., and Detroit, Mich., restricted to the transportation of shipments having a prior or subsequent movement by aircraft; 6 *parts or materials used or useful in the manufacture or repair or maintenance of construction equipment* between Celina, Ohio, on the one hand, and, on the other, points in Ohio, Michigan, Kentucky, Indiana, Illinois, and Pennsylvania. Restriction: (a) To apply only when the total weight tendered for shipment to one consignee is not more than 8,000 pounds, (b) to movements in express service, for 180 days. Supporting shippers: (1) Avco New Idea Farm Equipment, Coldwater, Ohio 45828; (2) Baldwin-Lima-Hamilton Corp., Lima, Ohio 45802; (3) Huffman Manufacturing Co., Post Office Box 300, Celina, Ohio 45822; (4) Hannifin Press Co., 501 South Wolf Road, Des Plaines, Ill. 60016; (5) Econo Manufacturing Co., 302 South Ash Street, Celina, Ohio; (6) Speicher's Tandem Traction Trencher, Celina, Ohio 45822. Send protests to: Deith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 129538 (Sub-No. 1 TA), filed January 12, 1968. Applicant: WALT EWING, doing business as WALT EWING CONSTRUCTION, Post Office Box 95, Belfry, Mont. 59008. Applicant's representative: J. F. Meglen, 207 Behner Building, 2822 Third Avenue North, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Hot Springs County, Wyo., to Bear Creek, Mont., and points within 10 miles thereof, for 180 days. Supporting shipper: Montana Coal & Iron Co., Post Office Box 968, Red Lodge, Mont. 59068. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 129558 (Sub-No. 1 TA), filed January 12, 1968. Applicant: ROY ROSS, doing business as ROY ROSS TRUCKING COMPANY, Spruce Street Extension, Post Office Box 405, Gallipolis, Ohio 45631. Applicant's representative: Elmer F. Streib, 35 East Seventh Street, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh bananas and other fresh fruits and vegetables*, from Cincinnati, Ohio, to Ashland, Ky., Belpre, Cambridge, Chesapeake, Chillicothe, and Gallipolis, Ohio; Charleston, Huntington, South Charleston, Kanawha City, Oak Hill, Parkersburg, Points Pleasant, Ravenswood, St. Albans, Smithers, and West Huntington, W. Va., for 180 days. Supporting shipper: The Crosset Co., Inc., 205 Central Avenue, Cincinnati, Ohio 45202. Send protests to: Arthur M. Culver, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 236 New Post Office Building, Columbus, Ohio 43215.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-808; Filed, Jan. 19, 1968; 8:48 a.m.]

[Notice 75]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 17, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), 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-70137. By order of January 11, 1968, the Transfer Board approved the transfer to J C-Duggan, Inc., Brooklyn, N.Y., of the operating rights set forth in certificate No. MC-19565 issued December 4, 1962, to Jerry Cereghino, Inc., Brooklyn, N.Y., authorizing the transportation of paper boxes and advertising matter, from New York, N.Y., to points in Bergen, Hudson, Essex, Union, and Middlesex Counties, N.J.; paper boxes, from New York, N.Y., to Fairfield County, Conn., and paper box machinery, requiring special handling, equipment, or rigging, because of size or weight, between New York, N.Y., on the one hand, and, on the other, Phila-

delphia, Pa., points in New Jersey and Massachusetts, those in Bucks and Montgomery Counties, Pa., and those in that part of Connecticut on the west of U.S. Highway 5. Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432, attorney for applicants.

No. MC–FC–70138. By order of January 11, 1968, the Transfer Board approved the transfer to J C-Duggan, Inc., Brooklyn, N.Y., of the operating rights set forth in certificate No. MC–55809 issued April 12, 1966, to William Duggan Machinery Movers, Inc., Brooklyn, N.Y., authorizing the transportation of machinery, between Newark, N.J., New York, N.Y., and points in New Jersey within 10 miles of Newark, N.J., on the one hand, and, on the other, Albany and Binghamton, N.Y., and points in that part of New Jersey, New York, Pennsylvania, and Connecticut within 125 miles of Newark, N.J. Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432, attorney for applicants.

No. MC–FC–70144. By order of January 11, 1968, the Transfer Board approved the transfer to Leo E. Fowler, Cincinnati, Iowa, of the operating rights in certificate No. MC–126592 (Sub-No. 1) issued to Gerald Wayne Campbell, Route No. 1, Centerville, Iowa, authorizing the transportation of coal, from points in Putnam County, Mo., to Centerville, Iowa.

No. MC–FC–70145. By order of January 11, 1968, the Transfer Board approved the transfer to C & C Express, Inc., Upton, Mass., of the certificate of registration in No. MC–57767 (Sub-No. 1) issued June 1, 1966, to Catherine F. Caples, doing business as Caples Trucking, Cambridge, Mass., evidencing the right to engage in transportation in interstate or foreign commerce solely within the State of Massachusetts, corresponding to irregular route common carrier certificate No. 1114, reissued July 6, 1965, by the Massachusetts Department of Public Utilities. Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108, attorney for applicants.

No. MC–FC–70150. By order of January 11, 1968, the Transfer Board approved the transfer to Kennith L. Outland, doing business as Ken's Delivery Service, 1244 Odell Street, Thermopolis, Wyo., of the certificate of registration in No. MC–120219 (Sub-No. 1) issued December 15, 1965, to Harley R. Cook, doing business as Cook's Transfer & Storage, Post Office Box 391, Thermopolis, Wyo., evidencing the right to engage in transportation in interstate or foreign commerce solely within the State of Wyoming, corresponding to certificate of public convenience and necessity No. 188 issued prior to October 15, 1962, and currently renewed, by the Public Service Commission of the State of Wyoming.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–809; Filed, Jan. 19, 1968; 8:48 a.m.]

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