

FEDERAL REGISTER

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Pages 4651-4724

PART I

(Part II begins on page 4717)

Agencies in this issue—

Business and Defense Services
Administration
Civil Aeronautics Board
Coast Guard
Consumer and Marketing Service
Customs Bureau
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Food and Drug Administration
Health, Education, and Welfare
Department
Interagency Textile Administrative
Committee
Interior Department
Interstate Commerce Commission
Mines Bureau
Monetary Offices
National Park Service
Packers and Stockyards
Administration
Post Office Department
Securities and Exchange Commission
Selective Service System
State Department

Detailed list of Contents appears inside.



Just Released

CODE OF FEDERAL REGULATIONS

(As of January 1, 1968)

Title 4—Accounts (Revised) -----	\$0. 30
Title 21—Food and Drugs (Parts 1-119) (Revised) -----	1. 00
Title 26—Internal Revenue (Parts 500-599) (Revised) -----	1. 00

[A cumulative checklist of CFR issuances for 1968 appears in the first issue of the Federal Register each month under Title 1]

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Contents

AGRICULTURE DEPARTMENT

See Consumer and Marketing Service; Packers and Stockyards Administration.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Notices

Applications and decisions on applications for duty-free entry of scientific articles:

Department of Agriculture et al.	4698
St. Louis University	4699
Singer, William H., Memorial Research Institute	4700
University of Arkansas	4700
University of Chicago	4700

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:

International Air Transport Association (2 documents)	4702
Pan American World Airways, Inc.	4702

COAST GUARD

Rules and Regulations

Drawbridge operation; Cypress Creek, Va.

COMMERCE DEPARTMENT

See Business and Defense Services Administration.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Lemons grown in California and Arizona; handling limitation

Proposed Rule Making

Milk in Northwestern Ohio marketing area; decision

CUSTOMS BUREAU

Proposed Rule Making

Shore leave of passengers on foreign cruise vessels at domestic ports

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rule Making

Standard broadcast service; calculation of radiation; extension of time

Notices

Hearings, etc.:

Berwick Broadcasting Corp. and P.A.L. Broadcasters, Inc.	4702
Clear Vision TV Company of Bessemer et al.	4704
Flewelling, Dale W.	4705
Graphic Printing Co., Inc., et al.	4705
Grayson Television Co., Inc., and Hercules Broadcasting Co.	4705

Kaysbier, Fred, and Sierra Blanca Broadcasting Co. (KRRR)

KFPW Broadcasting Co. and Broadcasters Unlimited

Risner Broadcasting, Inc., and Lee Mace

WRIS, Inc., and Roanoke-Vinton Radio, Inc. (2 documents)

WSTE-TV, Inc. (WSTE)

Notices

Food additive and pesticide petitions:

Coca-Cola Co. Foods Division	4701
Monsanto Co.; withdrawal	4701
Uniroyal, Inc.	4701
West Virginia Pulp and Paper Co.	4701

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration.

Notices

Authority delegation; Deputy General Counsel et al.	4701
Interstate air pollution in Kansas City, Kans.-Kansas City, Mo., metropolitan area; conference of control agencies	4701

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

Notices

Cotton textiles and products produced or manufactured in Mexico; entry and withdrawal from warehouse for consumption	4711
--	------

INTERIOR DEPARTMENT

See also Mines Bureau; National Park Service.

Notices

Office of Geography; change of organization	4696
---	------

INTERSTATE COMMERCE COMMISSION

Notices

Motor carriers:	
Temporary authority applications	4712
Transfer proceedings	4714

MINES BUREAU

Rules and Regulations

Electric motor-driven mine equipment and accessories and fire-resistant conveyor belts	4660
--	------

MONETARY OFFICES

Rules and Regulations

Gold; import by persons holding Treasury licenses and export of newly mined domestic gold	4677
---	------

NATIONAL PARK SERVICE

Proposed Rule Making

Glacier National Park, Mont.; domestic water supplies and sanitary disposal of sewage on privately owned lands	4679
--	------

(Continued on next page)

CONTENTS

NATIONAL PARK SERVICE**Continued****Notices**

Authority delegation; Administrative Officer and General Supply Assistant, Virgin Islands National Park.....

Concession contract; Wind Cave National Park, S. Dak.....

PACKERS AND STOCKYARDS ADMINISTRATION**Proposed Rule Making**

Livestock, carcasses, and live poultry; weighing, testing scales, specifications, and tolerances.....

Notices

Rates and charges; tariffs:

Lufkin Livestock Exchange, Inc.....

Paris Livestock Commission Co.....

Prosser Livestock Market, Inc.....

POST OFFICE DEPARTMENT**Rules and Regulations**

Bonds and insurance..... 4676

SECURITIES AND EXCHANGE COMMISSION**Notices***Hearings, etc.:*

Borg-Warner Corp. (Delaware)..... 4711

Cameo-Parkway Records, Inc..... 4711

Indiana & Michigan Electric Co..... 4712

Wyoming Nuclear Corp..... 4712

STATE DEPARTMENT**Rules and Regulations**

Procurement by negotiation; types of contracts..... 4674

Notices

International Monorail Corp.; application for Presidential permit..... 4695

Restrictions on travel of U.S. Citizens:

Cuba..... 4695

Mainland China..... 4695

North Korea..... 4695

North Viet-Nam..... 4695

TRANSPORTATION DEPARTMENT

See Coast Guard.

TREASURY DEPARTMENT

See Customs Bureau; Monetary Offices.

List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1968, and specifies how they are affected.

7 CFR

910.....

PROPOSED RULES:

1041.....

9 CFR**PROPOSED RULES:**

201.....

16 CFR

13.....

500.....

503.....

18 CFR

159.....

19 CFR**PROPOSED RULES:**

4.....

4680.....

21 CFR

14.....

120.....

4682.....

121 (2 documents).....

30 CFR

4655.....

4718.....

4723.....

18.....

34.....

4660.....

4656.....

4658.....

4659.....

4660.....

4660.....

4679.....

31 CFR

4655.....

54.....

4677.....

32 CFR

1606.....

33 CFR

117.....

36 CFR**PROPOSED RULES:**

7.....

41 CFR

6-3.....

39-10.....

4674.....

4676.....

4679.....

47 CFR**PROPOSED RULES:**

73.....

4694.....

Rules and Regulations

Title 7—AGRICULTURE

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

[Lemon Reg. 311, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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 amendment 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 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 restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 910.611 (Lemon Reg. 311, 33 F.R. 4365) are hereby amended to read as follows:

§ 910.611 Lemon Regulation 311.

- * * * * *
- (b) **Order.** (1) * * *
- (ii) District 2: 227,850 cartons.
- * * * * *

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

Dated: March 14, 1968.

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

[F.R. Doc. 68-3282; Filed, Mar. 18, 1968; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 7688]

PART 13—PROHIBITED TRADE PRACTICES

Brown & Williamson Tobacco Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.20 Comparative data or merits; § 13.85 Government approval, action, connection or standards: 13.85-35 Government indorsement; § 13.205 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, Brown & Williamson Tobacco Corp. et al., Louisville, Ky., Docket 7688, Feb. 26, 1968]

In the Matter of Brown & Williamson Tobacco Corp., a Corporation, et al.

Order modifying a consent order dated Feb. 24, 1960, 25 F.R. 2663, permitting a Louisville, Ky., tobacco company and its New York City advertising agency to compare the tar and nicotine content of its filter cigarettes, based on government findings, with such content of other filter cigarettes.

The modified order to cease and desist, is as follows:

It is ordered. That paragraph 3 of the order to cease and desist heretofore entered in this proceeding be, and it hereby is, modified to read as follows:

3. Representing, directly or by implication, that the U.S. Government, or any agency thereof, has found that the smoke of Life cigarettes or any other filter cigarette, is lower in tar or nicotine content when compared with the smoke of other filter cigarettes, unless such Government or agency thereof in fact has so found.

Issued: February 26, 1968.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-3267; Filed, Mar. 18, 1968; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-339; Order 361]

PART 159—FEES FOR CERTAIN APPLICATIONS FILED PURSUANT TO THE NATURAL GAS ACT

Exemption of Certain Required Additional Fees From Payment

MARCH 13, 1968.

Section 159.2 of the Commission's regulations under the Natural Gas Act, which provides for the payment of fees in connection with applications for certificates of public convenience and necessity based upon the estimated cost of construction of new natural gas facilities or of facilities to be acquired, requires in paragraph (d) of that section that a fee of fifteen one-hundredths of 1 percent (0.0015) be paid on the excess, if any, of the actual cost of construction of such new or acquired facilities over the authorized estimated cost.

Where the required additional payment is nominal the related administrative and bookkeeping cost to the Commission and the company may exceed the amount of such additional payment. To avoid this situation we are amending our regulations to provide that no payment will be required if such additional fee would amount to less than ten (\$10) dollars.

The Commission finds:

(1) In view of the nature of this amendment, compliance with the notice, public procedure and effective date provisions of 5 U.S.C. 553 is unnecessary.

(2) The amendment here prescribed is necessary and appropriate for the administration of the Natural Gas Act.

The Commission, acting pursuant to section 16 of the Natural Gas Act (52 Stat. 830; 15 U.S.C. 717o) and Title V of the Independent Offices Appropriation Act, 1951 (65 Stat. 290; 31 U.S.C. 483a) orders:

(A) Effective upon the issuance of this order, Part 159, Subchapter E, Chapter I of Title 18 of the Code of Federal Regulations is amended by adding a sentence at the end of § 159.2(d). As amended the paragraph reads as follows:

§ 159.2 Applications involving construction or acquisition of facilities.

* * * * *

(d) If the actual cost of construction of new facilities or of facilities to be acquired exceeds the estimated cost

RULES AND REGULATIONS

thereof, the statement of actual cost, required to be submitted by § 157.20 (e) (4) and (d) (3) of this chapter, shall be accompanied by an amount equal to fifteen one-hundredths of 1 percent (0.0015) of the excess of actual cost (plus estimated cost of facilities for which actual cost is not then recorded on the books of applicant) above estimated cost. No payment under this paragraph is required, however, if such additional fee would amount to less than ten (\$10) dollars.

* * * * *

(Sec. 16, 52 Stat. 830; 15 U.S.C. 717o; sec. 501, 65 Stat. 290; 31 U.S.C. 483a)

(B) In the "Authority" paragraph preceding § 159.1, the citation "5 U.S.C. 140" is changed to "23 U.S.C. 483a" to conform it to the recodification of the section in Supplement II to the 1964 Edition of the United States Code.

(C) The Secretary shall cause prompt publication of this order to be made in the *FEDERAL REGISTER*.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-3264; Filed, Mar. 18, 1968;
8:45 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 14—CACAO PRODUCTS

Sweet and Milk Chocolate, Identity Standards; Sorbitan Monostearate and Polysorbate 60 as Optional Ingredients

In the matter of amending the standards of identity for sweet chocolate (§ 14.6) and milk chocolate (§ 14.7) by listing sorbitan monostearate and polysorbate 60 as optional emulsifiers in these foods:

A notice of proposed rulemaking in the above-identified matter was published in the *FEDERAL REGISTER* of July 7, 1967 (32 F.R. 9979), based on a petition submitted by Atlas Chemical Industries, Inc., Wilmington, Del. 19899.

The only comment received in response to the proposal was from an association representing the American chocolate manufacturing industry. This comment suggested certain labeling requirements which have been adopted in part. Accordingly, the following order prescribes label declaration of the emulsifiers used either by the statement "Emulsifier added" or "With added emulsifier" or, alternatively, by the statement "_____ added as (an) emulsifier(s)," the blank to be filled in with the name or names of emulsifiers used.

Due to cross-references, the amendments herein upon becoming effective will make sorbitan monostearate and

polysorbate 60 permitted ingredients in skim milk chocolate (§ 14.8), buttermilk chocolate (§ 14.9), mixed dairy product chocolates (§ 14.10), and sweet cocoa and vegetable fat (other than cacao fat) coating (§ 14.12). The order provides that sorbitan monostearate and polysorbate 60 are not permitted as optional ingredients in sweet chocolate and vegetable fat (other than cacao fat) coating (§ 14.11).

A standard (§ 14.13) for milk chocolate and vegetable fat (other than cacao fat) coating was promulgated in the *FEDERAL REGISTER* of June 21, 1967 (32 F.R. 8814). This product, similarly to that defined by § 14.11, is intended for the coating of frozen dessert novelties. Use of the emulsifiers sorbitan monostearate and polysorbate 60 in such products for low-temperature application would serve no useful function beyond that which can be accomplished by the use of presently permitted emulsifiers. It is, therefore, consistent to amend § 14.13, as well as § 14.11, to provide that sorbitan monostearate and polysorbate 60 shall not be used in the product defined.

To facilitate effecting the subject amendments, §§ 14.6 and 14.7 are also editorially revised as set forth below. The definition for "corn sirup" is made consistent with that appearing in other food standards by specifying that the reducing sugar content is calculated on an anhydrous dextrose basis.

On the basis of the information submitted by the petitioner, the comment received, and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the proposed amendments with the additions described above. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That Part 14 be amended by revising §§ 14.6, 14.7, 14.11, and 14.13 to read as follows:

§ 14.6 Sweet chocolate, sweet chocolate coating; identity; label statement of optional ingredients.

(a) Sweet chocolate, sweet chocolate coating is the solid or semiplastic food the ingredients of which are intimately mixed and ground, prepared from chocolate liquor (with or without the addition of cacao fat) sweetened with one of the optional saccharine ingredients specified in paragraph (b) of this section. It may be spiced, flavored, or otherwise seasoned with one or more of the optional ingredients specified in paragraph (c) of this section, other than any such ingredient or combination of ingredients which imparts a flavor that imitates the flavor of chocolate, milk, or butter. One of the optional emulsifying ingredients or combinations of ingredients specified in paragraph (d) of this section may be used, subject to the conditions therein prescribed. One or more of the optional dairy

ingredients specified in paragraph (e) of this section may be used in such quantity that the finished sweet chocolate contains less than 12 percent by weight of milk constituent solids. If chocolate liquor with any option ingredient specified in § 14.2(a) is used, such ingredient shall be considered to be an optional ingredient used with sweet chocolate. The finished sweet chocolate contains not less than 15 percent by weight of chocolate liquor, calculated by subtracting from the weight of chocolate liquor used the weight of cacao fat therein and the weights therein of alkali and seasoning ingredients, if any, multiplying the remainder by 2.2, dividing the result by the weight of the finished sweet chocolate, and multiplying the quotient by 100. Bittersweet chocolate is sweet chocolate which contains not less than 35 percent by weight of chocolate liquor, calculated in the same manner.

(b) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar, or partly refined cane sugar, or both.

(2) Any mixture of dextrose and sugar or partly refined cane sugar or both in which the weight of the solids of the dextrose used is not more than one-third of the total weight of the solids of all the saccharine ingredients used.

(3) Any mixture of dried corn sirup or dried glucose sirup and sugar or partly refined cane sugar or both in which the weight of the solids of the dried corn sirup or dried glucose sirup used is not more than one-fourth of the total weight of the solids of all the saccharine ingredients used.

(4) Any mixture of dextrose and dried corn sirup or dried glucose sirup and sugar or partly refined cane sugar or both in which three times the weight of the solids of the dextrose used plus four times the weight of the solids of the dried corn sirup or of the solids of the dried glucose sirup used is not more than the total weight of the solids of all the saccharine ingredients used.

(c) The optional ingredients for spicing, flavoring, or otherwise seasoning referred to in paragraph (a) of this section are:

(1) Ground spice.

(2) Ground vanilla beans; any natural food flavoring oil or oleoresin or extract.

(3) Ground coffee.

(4) Ground nut meats.

(5) Honey, molasses, brown sugar, maple sugar.

(6) Dried malted cereal extract.

(7) Salt.

(8) Vanillin, ethyl vanillin, or other artificial food flavoring.

(d) The optional emulsifying ingredient or combination of ingredients referred to in paragraph (a) of this section is:

(1) Lecithin, with or without related natural phosphatides, in an amount not to exceed 0.5 percent by weight of the finished food (with or without a vegetable food fat carrier in an amount not to exceed two-thirds of the weight of the emulsifying ingredient used); or

(2) Monoglycerides and diglycerides of fat-forming fatty acids in combination with monosodium phosphate derivatives thereof, in an amount not to exceed 0.5 percent of the weight of the finished food (with or without a vegetable food fat carrier in an amount not to exceed two-thirds of the weight of the emulsifying ingredient used); or

(3) Sorbitan monostearate, complying with the requirements of § 121.1029 of this chapter, in an amount not to exceed 1 percent of the weight of the finished food; or

(4) Polysorbate 60, complying with the requirements of § 121.1030 of this chapter, in an amount not to exceed 0.5 percent of the weight of the finished food; or

(5) Any combination of two or more of the foregoing each within the limits prescribed in subparagraphs (1), (2), (3), and (4) of this paragraph provided that the total quantity of any two or all three of the emulsifiers specified in subparagraphs (2), (3), and (4) of this paragraph does not exceed 1 percent by weight of the finished food and the total quantity of the emulsifiers specified in subparagraphs (1) and (2) of this paragraph does not exceed 0.5 percent of the weight of the finished food.

(e) The optional dairy ingredients referred to in paragraph (a) of this section are:

(1) Cream, milk fat, butter.

(2) Milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk.

(3) Skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, nonfat dry milk.

(4) Concentrated buttermilk, dried buttermilk.

(5) Malted milk.

(f) For the purpose of this section:

(1) The term "dextrose" means the anhydrous refined monosaccharide obtained from hydrolyzed starch.

(2) The term "dried corn syrup" means the product obtained by drying incompletely hydrolyzed cornstarch; its solids contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose.

(3) The term "dried glucose syrup" means the product obtained by drying "glucose syrup." "Glucose syrup" is a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose syrup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose.

(g) "Semisweet chocolate," "bittersweet chocolate," "semisweet chocolate coating," and "bittersweet chocolate coating" are alternate names for sweet chocolate which contains not less than the minimum quantity of chocolate liquor prescribed for bittersweet chocolate by paragraph (a) of this section.

(h) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements prescribed in this paragraph showing the optional ingredients used shall imme-

diately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter:

(1) When the food is flavored with an optional ingredient specified in paragraph (c) (8) of this section, the label shall bear the statement "Artificially flavored," "Artificial flavoring added," "With artificial flavoring," "Artificially flavored with _____," or "With _____ an artificial flavoring," the blank being filled in with the specific common name of the artificial flavoring used.

(2) When an optional emulsifying ingredient or combination of ingredients specified in paragraph (d) of this section is used, the label shall bear the statement "Emulsifier added," "With added emulsifier," or "_____ added as (an) emulsifier(s)," the blank being filled in with the common name(s) of the emulsifier(s) used.

(3) When any optional alkali ingredient specified in § 14.1(a) is used, the label shall bear the statement "Processed with alkali," but in lieu of the word "alkali" in such statement the specific common name of the optional alkali ingredient may be used.

In cases where two or more of the statements set forth in this paragraph are required, such statements may be combined in a manner which is appropriate and not misleading.

§ 14.7 Milk chocolate, sweet milk chocolate, milk chocolate coating, sweet milk chocolate coating; identity; label statement of optional ingredients.

(a) Milk chocolate, sweet milk chocolate, milk chocolate coating, sweet milk chocolate coating is the solid or semi-plastic food the ingredients of which are intimately mixed and ground, prepared from chocolate liquor (with or without the addition of cacao fat) and one or more of the optional dairy ingredients specified in paragraph (b) of this section, sweetened with one of the optional saccharine ingredients specified in § 14.6 (b) and (f). It may be spiced, flavored, or otherwise seasoned with one or more of the optional ingredients specified in paragraph (c) of this section, other than any such ingredient or combination of ingredients which imparts a flavor that imitates the flavor of chocolate, milk, or butter. One of the optional emulsifying ingredients or combinations of ingredients specified in paragraph (d) of this section may be used, subject to the conditions therein prescribed. If chocolate liquor with any optional ingredient specified in § 14.2(a) is used, such ingredient shall be considered to be an optional ingredient used with the milk chocolate. The finished milk chocolate contains not less than 3.66 percent by weight of milk fat, not less than 12 percent by weight of milk solids, and not less than 10 percent by weight of chocolate liquor as calculated by subtracting from the weight of chocolate liquor used the weight of cacao fat therein and the weights therein of alkali and seasoning ingredients, if any, multiplying the remainder by 2.2, dividing the result by the

weight of the finished milk chocolate, and multiplying the quotient by 100.

(b) The optional dairy ingredients referred to in paragraph (a) of this section are milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, butter, milk fat, cream, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, and nonfat dry milk; but in any such ingredient or combination of two or more of such ingredients used, the weight of nonfat milk solids is not more than 2.43 times and not less than 1.20 times the weight of milk fat therein.

(c) The optional ingredients for spicing, flavoring, or otherwise seasoning referred to in paragraph (a) of this section are:

- (1) Ground spice.
- (2) Ground vanilla beans; any natural food flavoring oil or oleoresin or extract.
- (3) Ground coffee.
- (4) Ground nut meats.
- (5) Honey, molasses, brown sugar, maple sugar.
- (6) Dried malted cereal extract.
- (7) Salt.
- (8) Vanillin, ethyl vanillin, or other artificial food flavoring.

(d) The optional emulsifying ingredient or combination of ingredients referred to in paragraph (a) of this section is:

(1) Lecithin, with or without related natural phosphatides, in an amount not to exceed 0.5 percent by weight of the finished food (with or without a vegetable food fat carrier in an amount not to exceed two-thirds of the weight of the emulsifying ingredient used); or

(2) Monoglycerides and diglycerides of fat-forming fatty acids in combination with monosodium phosphate derivatives thereof, in an amount not to exceed 0.5 percent of the weight of the finished food (with or without a vegetable food fat carrier in an amount not to exceed two-thirds of the weight of the emulsifying ingredient used); or

(3) Sorbitan monostearate, complying with the requirements of § 121.1029 of this chapter, in an amount not to exceed 1 percent of the weight of the finished food; or

(4) Polysorbate 60, complying with the requirements of § 121.1030 of this chapter, in an amount not to exceed 0.5 percent of the weight of the finished food; or

(5) Any combination of two or more of the foregoing each within the limits prescribed in subparagraphs (1), (2), (3), and (4) of this paragraph provided that the total quantity of any two or all three of the emulsifiers specified in subparagraphs (2), (3), and (4) of this paragraph does not exceed 1 percent by weight of the finished food and the total quantity of the emulsifiers specified in subparagraphs (1) and (2) of this paragraph does not exceed 0.5 percent of the weight of the finished food.

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements prescribed in this paragraph showing the optional ingredients used shall immedi-

RULES AND REGULATIONS

ately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter:

(1) When the food is flavored with an optional ingredient specified in paragraph (c)(8) of this section, the label shall bear the statement "Artificially flavored," "Artificial flavoring added," "With artificial flavoring," "Artificially flavored with _____" or "With _____, an artificial flavoring," the blank being filled in with the specific common name of the artificial flavoring used.

(2) When an optional emulsifying ingredient or combination of ingredients specified in paragraph (d) of this section is used, the label shall bear the statement "Emulsifier added," "With added emulsifier," or "_____ added as (an) emulsifier(s)," the blank being filled in with the common name(s) of the emulsifier(s) used.

(3) When any optional alkali ingredient specified in § 14.1(a) is used, the label shall bear the statement "Processed with alkali," but in lieu of the word "alkali" in such statement the specific common name of the optional alkali ingredient may be used.

In cases where two or more of the statements set forth in this paragraph are required, such statements may be combined in a manner which is appropriate and not misleading.

§ 14.11 Sweet chocolate and vegetable fat (other than cacao fat) coating; identity; label statement of optional ingredients.

(a) Sweet chocolate and vegetable fat (other than cacao fat) coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for sweet chocolate by § 14.6, except that:

(1) In its preparation there is added one or any combination of two or more vegetable food oils or vegetable food fats, other than cacao fat, which oil, fat, or combination may be hydrogenated and which has a melting point lower than that of cacao fat.

(2) Of the emulsifying ingredients and combinations of ingredients listed in § 14.6(d), only the ingredients specified in § 14.6(d) (1) and (2), alone or in combination, may be used subject to the limitation that the total quantity of these ingredients does not exceed 0.5 percent by weight of the finished food.

(b) The provisions of this section shall not be construed as applicable to any article by reason of the addition thereto of a vegetable food fat other than cacao fat as a carrier of emulsifying ingredients, as authorized and within the limits prescribed by § 14.6(d) (1) and (2).

§ 14.13 Milk chocolate and vegetable fat (other than cacao fat) coating, sweet milk chocolate and vegetable fat (other than cacao fat) coating; identity; label statement of optional ingredients.

(a) Milk chocolate and vegetable fat (other than cacao fat) coating, sweet milk chocolate and vegetable fat (other

than cacao fat) coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for milk chocolate by § 14.7, except that:

(1) In its preparation there is added one or any combination of two or more vegetable food oils or vegetable food fats, other than cacao fat, which oil, fat, or combination may be hydrogenated and which has a melting point lower than that of cacao fat.

(2) Of the emulsifying ingredients and combinations of ingredients listed in § 14.7(d), only the ingredients specified in § 14.7(d) (1) and (2), alone or in combination, may be used subject to the limitation that the total quantity of these ingredients does not exceed 0.5 percent by weight of the finished food.

(b) The provisions of this section shall not be construed as applicable to any article by reason of the addition thereto of a vegetable food fat other than cacao fat as a carrier of emulsifying ingredients, as authorized and within the limits prescribed by § 14.7(d) (1) and (2).

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. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the *FEDERAL REGISTER*, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the *FEDERAL REGISTER*.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: March 7, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-3289; Filed, Mar. 18, 1968;
8:46 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Trifluralin

A petition (PP 8F0664) was filed with the Food and Drug Administration by

the Elanco Products Co., a division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing the establishment of tolerances for negligible residues of the herbicide trifluralin in or on the raw agricultural commodities cottonseed, forage legumes, fruiting vegetables, leafy vegetables, peanuts, safflower seed, and seed and pod vegetables at 0.05 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), § 120.207 is amended to establish the subject tolerances by revising the paragraph "0.05 part per million" to read as follows:

§ 120.207 Trifluralin; tolerances for residues.

0.05 part per million (negligible residue) in or on alfalfa (fresh), cantaloups, cottonseed, cucumbers, forage legumes, fruiting vegetables, leafy vegetables, peanuts, potatoes, safflower seed, seed and pod vegetables, sugar beets.

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. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 8, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-3291; Filed, Mar. 18, 1968;
8:46 a.m.]

PART 121—FOOD ADDITIVES**Subpart D—Food Additives Permitted in Food for Human Consumption**

SORBITAN MONOSTEARATE; POLYSORBATE 60 (POLOXYETHYLENE (20) SORBITAN MONOSTEARATE)

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6J2029) filed by Atlas Chemical Industries, Inc., Wilmington, Del. 19899, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of sorbitan monostearate and polysorbate 60 (poloxyethylene (20) sorbitan monostearate) as emulsifiers in standardized cacao products, when permitted by the applicable standards of identity. 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 revising §§ 121.1029(c)(3) and 121.1030(c)(3) to read as follows:

§ 121.1029 Sorbitan monostearate.

(c) * * *

(3) As an emulsifier, alone or in combination with poloxyethylene (20) sorbitan monostearate, in nonstandardized confectionery coatings and standardized cacao products specified in §§ 14.6, 14.7, 14.8, 14.9, 14.10, and 14.12 of this chapter, as follows:

(i) It is used alone in an amount not to exceed 1 percent of the weight of the finished nonstandardized confectionery coating or standardized cacao product.

(ii) It is used with poloxyethylene (20) sorbitan monostearate in any combination of up to 1 percent sorbitan monostearate and up to 0.5 percent poloxyethylene (20) sorbitan monostearate, provided that the total combination does not exceed 1 percent of the weight of the finished nonstandardized confectionery coating or standardized cacao product.

§ 121.1030 Polysorbate 60 (poloxyethylene (20) sorbitan monostearate).

(c) * * *

(3) As an emulsifier, alone or in combination with sorbitan monostearate, in nonstandardized confectionery coatings and standardized cacao products specified in §§ 14.6, 14.7, 14.8, 14.9, 14.10, and 14.12 of this chapter, as follows:

(i) It is used alone in an amount not to exceed 0.5 percent of the weight of the finished nonstandardized confectionery coating or standardized cacao product.

(ii) It is used with sorbitan monostearate in any combination of up to 0.5 percent of poloxyethylene (20) sorbitan monostearate and up to 1 percent of sorbitan monostearate; *Provided*, That the total combination does not exceed 1 percent of the weight of the fin-

ished nonstandardized confectionery coating or standardized cacao product.

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: March 7, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-3290; Filed, Mar. 18, 1968;
8:46 a.m.]

PART 121—FOOD ADDITIVES**Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food****PACKAGING MATERIALS FOR USE DURING THE IRRADIATION OF PREPACKAGED FOODS**

The Commissioner of Food and Drugs, having evaluated the data submitted in food additive petitions (FAP 5M1674, 6M1820) filed by the U.S. Atomic Energy Commission, Washington, D.C. 20545, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of additional substances as packaging materials that may be subjected to radiation in the radiation preservation of prepackaged foods. 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), § 121.2543 (b) is amended by revising subparagraph (4) and by adding new subparagraphs (6) and (10), as follows:

§ 121.2543 Packaging materials for use during the irradiation of prepackaged foods.

(b) * * *

(4) Polyolefin film prepared from one or more of the basic olefin polymers com-

plying with § 121.2501. The finished film may contain:

(i) Adjuvant substances used in compliance with §§ 121.2001 and 121.2511, sodium citrate, sodium lauryl sulfate, polyvinyl chloride, and materials as listed in paragraph (c)(2)(i) of this section.

(ii) Coatings comprising a vinylidene chloride copolymer containing a minimum of 85 percent vinylidene chloride with one or more of the following comonomers: Acrylic acid, acrylonitrile, itaconic acid, methyl acrylate, and methyl methacrylate.

(6) Polyethylene terephthalate film prepared from the basic polymer as described in § 121.2524(d)(4)(i). The finished film may contain:

(i) Adjuvant substances used in compliance with §§ 121.2001 and 121.2511, sodium citrate, sodium lauryl sulfate, polyvinyl chloride, and materials as listed in paragraph (c)(2)(i) of this section.

(ii) Coatings comprising a vinylidene chloride copolymer containing a minimum of 85 percent vinylidene chloride with one or more of the following comonomers: Acrylic acid, acrylonitrile, itaconic acid, methyl acrylate, and methyl methacrylate.

(iii) Coatings consisting of polyethylene conforming to § 121.2501.

(10) Nylon 11 conforming to § 121.2502.

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: March 8, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-3292; Filed, Mar. 18, 1968;
8:47 a.m.]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

[Bureau of Mines Schedule 2G]

PART 18—ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT AND ACCESSORIES

PART 34—FIRE RESISTANT CONVEYOR BELTS

Requirements for Investigation, Testing, Approval, Certification, and Acceptance

On December 19, 1967, a notice was published in the *FEDERAL REGISTER* (32 F.R. 18098) of the proposed revision of Part 18 of Chapter I, Title 30, Code of Federal Regulations, and interested persons were afforded an opportunity to submit written comments, suggestions, or objections to the proposed revision.

Comments and suggestions have been received and considered and minor changes have been made in proposed §§ 18.13, 18.20, and 18.62, together with editorial changes not of a substantive nature.

Part 18 of Chapter I, Title 30, Code of Federal Regulations, is revised as follows and shall be effective upon publication in the *FEDERAL REGISTER*.

Part 34 of Chapter I, Title 30, Code of Federal Regulations, is revoked.

WALTER R. HIBBARD, JR.,
Director, Bureau of Mines.

Part 18 of Chapter I, Title 30, Code of Federal Regulations, is revised to read as follows:

Subpart A—General Provisions

Sec.	18.1	Purpose.
	18.2	Definitions.
	18.3	Consultation.
	18.4	Equipment for which approval will be issued.
	18.5	Equipment for which certification will be issued.
	18.6	Applications.
	18.7	Fees.
	18.8	Date for conducting investigation and tests.
	18.9	Conduct of investigations and tests.
	18.10	Notice of approval or disapproval.
	18.11	Approval plate.
	18.12	Letter of certification.
	18.13	Certification plate.
	18.14	Identification of tested noncertified explosion-proof enclosures.
	18.15	Changes after approval or certification.
	18.16	Withdrawal of approval, certification, or acceptance.

Subpart B—Construction and Design Requirements	
18.20	Quality of material, workmanship, and design.
18.21	Machines equipped with powered dust collectors.
18.22	Boring-type machines equipped for auxiliary face ventilation.
18.23	Limitation of external surface temperatures.
18.24	Electrical clearances.
18.25	Combustible gases from insulating material.
18.26	Static electricity.
18.27	Gaskets.

Sec.	18.28	Devices for pressure relief, ventilation, or drainage.
	18.29	Access openings and covers, including unused lead-entrance holes.
	18.30	Windows and lenses.
	18.31	Enclosures—joints and fastenings.
	18.32	Fastenings—additional requirements.
	18.33	Finish of surface joints.
	18.34	Motors.
	18.35	Portable (trailing) cables and cords.
	18.36	Cables between machine components.
	18.37	Lead entrances.
	18.38	Leads through common walls.
	18.39	Hose conduit.
	18.40	Cable clamps and grips.
	18.41	Plug and receptacle-type connectors.
	18.42	Explosion-proof distribution boxes.
	18.43	Explosion-proof splice boxes.
	18.44	Battery boxes and batteries (exceeding 12 volts).
	18.45	Cable reels.
	18.46	Headlights.
	18.47	Voltage limitation.
	18.48	Circuit-interrupting devices.
	18.49	Connection boxes on machines.
	18.50	Protection against external arcs and sparks.
	18.51	Electrical protection of circuits and equipment.
	18.52	Renewal of fuses.

Subpart C—Inspections and Tests

18.60	Detailed inspection of components.
18.61	Final inspection of complete machine.
18.62	Tests to determine explosion-proof characteristics.
18.63	Tests of battery boxes.
18.64	Tests for flame resistance of cables.
18.65	Flame test of conveyor belting and hose.
18.66	Tests of windows and lenses.
18.67	Static-pressure tests.
18.68	Tests for intrinsic safety.
18.69	Adequacy tests.

Subpart D—Machines Assembled With Certified or Explosion-Proof Components, Field Modifications of Approved Machines, and Permits To Use Experimental Equipment

18.80	Approval of machines assembled with certified or explosion-proof components.
18.81	Field modification of approved (permissible) equipment; application for approval of modification; approval of plans for modification before modification.
18.82	Permit to use experimental electric face equipment in a gassy mine or tunnel.

AUTHORITY: The provisions of this Part 18 issued under sec. 5, 36 Stat. 370 (30 U.S.C. 7) as amended, and sec. 212(a), 66 Stat. 709 (30 U.S.C. 482(a)). Interpret or apply secs. 2, 3, 36 Stat. 370 (30 U.S.C. 3, 5) as amended, and secs. 201, 209, 66 Stat. 692, 703 (30 U.S.C. 471, 479).

Subpart A—General Provisions

§ 18.1 Purpose.

The regulations in this part set forth the requirements to obtain Bureau of Mines: (a) Approval of electrically operated machines and accessories intended for use in gassy mines or tunnels, (b) certification of components intended for use on or with approved machines, (c) permission to modify the design of an approved machine or certified component, (d) acceptance of flame-resistant cables, hoses, and conveyor belts, (e) sanction for use of experimental machines and accessories in gassy mines or tunnels; also, procedures for applying

for such approval, certification, acceptance for listing; and fees.

§ 18.2 Definitions.

As used in this part—

“Acceptance” means written notification by the Bureau that a cable, hose, or conveyor belt has met the applicable requirements of this part and will be listed by the Bureau as acceptable flame-resistant auxiliary equipment.

“Acceptance marking” means an identifying marking indicating that the cable, hose, or conveyor belt has been accepted by the Bureau for listing as flame resistant.

“Accessory” means associated electrical equipment, such as a distribution or splice box, that is not an integral part of an approved (permissible) machine.

“Afterburning” means the combustion of a flammable mixture that is drawn into a machine compartment after an internal explosion in the compartment.

“Applicant” means an individual, partnership, company, corporation, organization, or association that designs, manufactures, assembles, or controls the assembly of an electrical machine or accessory and seeks approval, certification, or permit, or Bureau acceptance for listing of flame-resistant cable, hose, or conveyor belt.

“Approval” means a formal document issued by the Bureau which states that a completely assembled electrical machine or accessory has met the applicable requirements of this part and which authorizes the attachment of an approval plate so indicating.

“Approval plate” means a metal plate, the design of which meets the Bureau's requirements, for attachment to an approved machine or accessory, identifying it as permissible for use in gassy mines or tunnels.

“Branch circuit” means an electrical circuit connected to the main circuit, the conductors of which are of smaller size than the main circuit.

“Bureau” means the U.S. Bureau of Mines.

“Certification” means a formal written notification, issued by the Bureau, which states that an electrical component complies with the applicable requirements of this part and, therefore, is suitable for incorporation in approved (permissible) equipment.

“Certification label” means a plate, label, or marking, the design of which meets the Bureau's requirements, for attachment to a certified component identifying the component as having met the Bureau's requirements for incorporation in a machine to be submitted for approval.

“Component” means an integral part of an electrical machine or accessory that is essential to the functioning of the machine or accessory.

“Connection box” (also known as conduit or terminal box) means an enclosure mounted on an electrical machine or accessory to facilitate wiring, without the use of external splices. (Such boxes may have a joint common with an explosion-proof enclosure provided the ad-

joining surfaces conform to the requirements of Subpart B of this part.)

"Cylindrical joint" means a joint comprised of two contiguous, concentric, cylindrical surfaces.

"Distribution box" means an enclosure through which one or more portable cables may be connected to a source of electrical energy, and which contains a short-circuit protective device for each outgoing cable.

"Experimental equipment" means any electrical machine or accessory that an applicant or the Bureau may desire to operate experimentally for a limited time in a gassy mine or tunnel. (For example, this might include a machine constructed at a mine, an imported machine, or a machine or device designed and developed by the Bureau.)

"Explosion-proof enclosure" means an enclosure that complies with the applicable design requirements in Subpart B of this part and is so constructed that it will withstand internal explosions of methane-air mixtures: (1) Without damage to or excessive distortion of its walls or cover(s), and (2) without ignition of surrounding methane-air mixtures or discharge of flame from inside to outside the enclosure.

"Fire-resistant" as applied to conveyor belts means belting that will pass the flame tests hereafter specified.

"Flame-arresting path" means two or more adjoining or adjacent surfaces between which the escape of flame is prevented.

"Flame resistant" as applied to cable, hose, and insulating materials means material that will burn when held in a flame but will cease burning when the flame is removed.

"Flammable mixture" means a mixture of methane or natural gas and air that when ignited will propagate flame. Natural gas containing a high percentage of methane is a satisfactory substitute for pure methane in most tests.

"Gassy mine" means a coal mine classed as "gassy" by the Bureau or by the State in which the mine is situated.

"Incendive arc or spark" means an arc or spark releasing enough electrical or thermal energy to ignite a flammable mixture of the most easily ignitable composition.

"Intrinsically safe" means incapable of releasing enough electrical or thermal energy under normal or abnormal conditions to cause ignition of a flammable mixture of methane or natural gas and air of the most easily ignitable composition.

"Mobile equipment" means equipment that is self-propelled.

"Normal operation" means the regular performance of those functions for which a machine or accessory was designed.

"Permissible equipment" means a completely assembled electrical machine or accessory for which a formal approval has been issued, as authorized by the Director of the Bureau of Mines under section 212(a) of the Federal Coal Mine Safety Act, as amended (66 Stat. 709; 30 U.S.C. sec. 482(a)).

"Permit" means a formal document, signed by the Director of the Bureau of Mines, authorizing the operation of specific experimental equipment in a gassy mine or tunnel under prescribed conditions.

"Plane joint" means two adjoining surfaces in parallel planes.

"Portable cable", or "trailing cable" means a flame-resistant, flexible cable or cord through which electrical energy is transmitted to a permissible machine or accessory. (A portable cable is that portion of the power-supply system between the last short-circuit protective device, acceptable to the Bureau, in the system and the machine or accessory to which it transmits electrical energy.)

"Portable equipment" means equipment that may be moved frequently and is constructed or mounted to facilitate such movement.

"Potted component" means a component that is entirely embedded in a solidified insulating material within an enclosure.

"Pressure piling" means the development of abnormal pressure as a result of accelerated rate of burning of a gas-air mixture. (Frequently caused by restricted configurations within enclosures.)

"Qualified representative" means a person authorized by the Bureau to determine whether the applicable requirements of this part have been complied with in the original manufacture, rebuilding, or repairing of equipment for which approval, certification, or a permit is sought.

"Splice box" means a portable enclosure in which electrical conductors may be joined.

"Step (rabbet) joint" means a joint comprised of two adjoining surfaces with a change(s) in direction between its inner and outer edges. (A step joint may be composed of a cylindrical portion and a plane portion or of two or more plane portions.)

"Threaded joint" means a joint consisting of a male- and a female-threaded member, both of which are of the same type and gage.

§ 18.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau's Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, to discuss a proposed design to be submitted for approval, certification, or acceptance for listing. No charge is made for such consultation and no written report thereof will be made to the applicant.

§ 18.4 Equipment for which approval will be issued.

An approval will be issued only for a complete electrical machine or accessory. Assemblies that include one or more nonexplosion-proof components will not be considered for approval unless such component(s) contains intrinsically safe circuits or is constructed in accordance with paragraph (b), § 18.31.

§ 18.5 Equipment for which certification will be issued.

Certification will be issued for a component or subassembly suitable to incorporate in an approved machine. Certification may be issued for such components as explosion-proof enclosures, battery trays, and connectors.

§ 18.6 Applications.

(a) Investigation leading to approval, certification, extension thereof, or acceptance of cables, hose, or conveyor belt, will be undertaken by the Bureau only pursuant to a written application, in duplicate, accompanied by a check, bank draft, or money order, payable to the U.S. Bureau of Mines, to cover the fees. The application shall be accompanied by all necessary drawings, specifications, descriptions, and related materials, as hereinafter provided. The application, all related matters, and all correspondence concerning it shall be addressed to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

(b) Applications for acceptance of cable and cord as flame resistant shall include the following information: Number and gage of conductors, type of material and identifying compound numbers for conductor insulation, fillers, and jackets. The applicant shall provide other description or specifications as may be subsequently required.

(c) Applications for acceptance of a conveyor belt as fire resistant shall include the following information: Trade name of the conveyor belt, thickness of covers, friction and skim coats, number of plies, type and weight of ply material, and designation of breaker strip or floated ply. The applicant shall provide other description or specifications as may be subsequently required.

(d) Applications for acceptance of hose as flame resistant shall include the following information: Trade name of hose, identification of materials used, including compound numbers, thickness of cover, thickness of tube, and number and weight of plies. The applicant shall provide other description or specifications as may be subsequently required.

(e) Drawings, drawing lists, specifications, wiring diagram, and descriptions shall be adequate in number and detail to identify fully the complete assembly, component parts, and subassemblies. Drawings shall be titled, numbered, dated and shall show the latest revision. Each drawing shall include a warning statement that changes in design must be authorized by the Bureau before they are applied to approved equipment. When intrinsically safe circuits are incorporated in a machine or accessory, the wiring diagram shall include a warning statement that any change(s) in the intrinsically safe circuitry or components may result in an unsafe condition. The specifications shall include an assembly drawing(s) (see Figure 1 in Appendix II) showing the overall dimensions of the machine and the identity of each component part.

RULES AND REGULATIONS

which may be listed thereon or separately, as in a bill of material (see Figure 2 in Appendix II). The Bureau may accept photographs (minimum size 8" x 10 1/2") in lieu of assembly drawing(s). Purchased parts shall be identified by the manufacturer's name, catalog number(s), and rating(s). In the case of standard hardware and miscellaneous parts, such as insulating pieces, size and kind of material shall be specified. All drawings of component parts submitted to the Bureau shall be identical to those used in the manufacture of the parts. Dimensions of parts designed to prevent the passage of flame shall specify allowable tolerances. A notation "Do Not Drill Through" or equivalent should appear on drawings with the specifications for all "blind" holes.

(f) The Bureau reserves the right to require the applicant to furnish supplementary drawings showing sections through complex flame-arresting paths, such as labyrinths used in conjunction with ball or roller bearings, and also drawings containing dimensions not indicated on other drawings submitted to the Bureau.

(g) The applicant may ship his equipment to the Bureau for investigation at the time of filing his application and payment of the required fees. Shipping charges shall be prepaid by the applicant.

(h) For a complete investigation leading to approval or certification the applicant shall furnish the Bureau with the components necessary for inspection and testing. Expendable components shall be supplied by the applicant to permit continuous operation of the equipment while being tested. If special tools are necessary to assemble or disassemble any component for inspection or test, the applicant shall furnish them with the equipment to be tested.

(i) For investigation of a cable, hose, or conveyor belt, the applicant shall furnish samples as follows:

Cable—a sample having a minimum length of 12 feet;

Hose—a sample having a minimum length of 2 feet;

Conveyor belt—a sample of each type 8 inches long cut across the entire width of the belt.

(j) The applicant shall submit a sample caution statement (see figure 3 in appendix II) specifying the conditions for maintaining permissibility of the equipment.

(k) The applicant shall submit a factory-inspection form (see figure 4 in appendix II) used to maintain quality control at the place of manufacture or assembly to insure that component parts are made and assembled in strict accordance with the drawings and specifications covering a design submitted to the Bureau for approval or certification.

(l) The Bureau will accept an application for an approval, a letter of certification, or an acceptance for listing of a product that is manufactured in a country other than the United States provided: (1) All correspondence,

specifications, lettering on drawings (metric-system dimensions acceptable), instructions, and related information are in English; and (2) all other requirements of this part are met the same as for a domestic applicant.

§ 18.7 Fees.

(a) Detailed inspection of each explosion-proof enclosure	\$105
NOTE: When 20 or less explosion tests are required, the inspection fee shall be \$60.	
(b) Explosion tests of each explosion-proof enclosure	70
NOTE: When 20 or less explosion tests are required, the fee shall be \$35.	
(c) Each field inspection of a completely assembled machine or accessory	80
(d) Adequacy tests of potting material	50
(e) Test to determine adequacy of ventilation (battery enclosure)	50
(f) Intrinsic-safety investigation and test	105
(g) High-potential test	50
(h) Surface-temperature test	50
(i) 1. Flame test of cable	50
2. Development flame tests shall be charged at the rate of \$10 per specimen. The minimum charge is \$25.	
(j) 1. Flame test of conveyor belt or hose conduit	25
2. Development flame tests shall be charged at the rate of \$5 per specimen. The minimum charge is \$15.	
(k) Impact test each window or lens	25
(l) Thermal shock test each window or lens	25
(m) No charge will be made for inspection or tests made solely for the Bureau's information.	
(n) Examining and recording drawings and specifications preparatory to issuing:	
1. Approval	110
2. Certification	55
3. Extension of approval	70
4. Extension of certification	40

NOTE: When investigation, inspection, or testing is required to be performed at locations other than the Bureau's premises, the applicant shall reimburse the Bureau for traveling, subsistence and incidental expenses of its representative(s) in accordance with Standardized Government Travel Regulations. Such reimbursement shall be in addition to the fee charged for investigation, inspection, or testing.

Any funds deposited with the Bureau that exceed the fees required in accordance with the above charges will be refunded at the completion of the work or applied to future work, as directed by the applicant.

§ 18.8 Date for conducting investigation and tests.

The date of receipt of an application will determine the order of precedence for investigation and testing. If an electrical machine component or accessory fails to meet any of the requirements, it shall lose its order of precedence. If an application is submitted to resume investigation and testing after correction of the cause of failure, it will be treated as a new application and the order of precedence for investigation and testing will be so determined.

§ 18.9 Conduct of investigations and tests.

(a) Prior to the issuance of an approval, certification, or acceptance of a cable, hose, or conveyor belt, only Bureau personnel, representative(s) of the applicant, and such other person(s) as may be mutually agreed upon may observe any part of the investigation or tests. The Bureau will hold as confidential and will not disclose principles or patentable features; nor will it disclose to persons other than the applicant the results or any details of the applicant's drawings, specifications, instructions, and related material.

(b) Unless notified to the contrary by the Bureau, the applicant shall provide assistance in disassembling parts for inspection, preparing parts for testing, and preparing equipment for return shipment. Explosion-proof enclosures shall be drilled and tapped for pipe connections in accordance with instructions supplied by the Bureau.

(c) The Bureau reserves the right to inspect a complete machine, component part, or accessory at a place other than the Bureau's premises, such as the assembly plant or other location acceptable to the Bureau, at the applicant's expense.

(d) Applicants shall be responsible for their representatives present during tests and for observers admitted at their request and shall save the Government harmless in the event of damage to applicant's property or injury to applicant's representatives or to observers admitted at their request.

§ 18.10 Notice of approval or disapproval.

(a) Upon completing investigation of a complete assembly of an electrical machine or accessory, the Bureau will issue to the applicant either a written notice of approval or a written notice of disapproval, as the case may require. No informal notification of approval will be issued. If a notice of disapproval is issued, it will be accompanied by details of the defects, with recommendations for possible correction. The Bureau will not disclose, except to the applicant, any information upon which a notice of disapproval has been issued.

(b) A formal notice of approval will be accompanied by a list of drawings, specifications, and related material, covering the details of design and construction of the equipment upon which the approval is based. Applicants shall keep exact duplicates of the drawings, specifications, and descriptions that relate to equipment for which an approval has been issued, and the drawings and specifications shall be adhered to exactly in production of the approved equipment.

(c) An applicant shall not advertise or otherwise represent his equipment as approved (permissible) until he has received the Bureau's formal notice of approval.

§ 18.11 Approval plate.

(a) (1) The notice of approval will be accompanied by a photograph of an

approval plate, bearing the seal of the Bureau of Mines, the name of the complete assembly, the name of the applicant, and spaces for the approval number, serial number, and the type or model of machine.

(2) An extension of approval will not affect the original approval number except that the extension number shall be added to the original approval number on the approval plate. (Example: Original approval No. 2G-3000; seventh extension No. 2G-3000-7.)

(b) The applicant shall reproduce the design on a separate plate, which shall be attached in a suitable place, on each complete assembly to which it relates. The size, type, location, and method of attaching an approval plate are subject to the Bureau's concurrence. The method for affixing the approval plate shall not impair any explosion-proof feature of the equipment.

(c) The approval plate identifies as permissible the machine or accessory to which it is attached, and use of the approval plate obligates the applicant to whom the approval was issued to maintain in his plant the quality of each complete assembly and guarantees that the equipment is manufactured and assembled according to the drawings, specifications, and descriptions upon which the approval and subsequent extension(s) of approval were based.

(d) A completely assembled approved machine with an integral dust collector shall bear an approval plate indicating that the requirements of Part 33 of this chapter (Bureau of Mines Schedule 25B), have been complied with. Approval numbers will be assigned under each part of such joint approvals.

§ 18.12 Letter of certification.

(a) A letter of certification may be issued by the Bureau for a component intended for incorporation in a complete machine or accessory for which an approval may be subsequently issued. A letter of certification will be issued to an applicant when a component has met all the applicable requirements of this part. Included in the letter of certification will be an assigned Bureau of Mines certification number that will identify the certified component.

(b) A letter of certification will be accompanied by a list of drawings, specifications, and related material covering the details of design and construction of a component upon which the letter of certification is based. Applicants shall keep exact duplicates of the drawings, specifications, and descriptions that relate to the component for which a letter of certification has been issued; and the drawings and specifications shall be adhered to exactly in production of the certified component.

(c) A component shall not be represented as certified until the applicant has received the Bureau's letter of certification for the component. Certified components are not to be represented as "approved" or "permissible" because such

terms apply only to completely assembled machines or accessories.

§ 18.13 Certification plate.

Each certified component shall be identified by a certification plate attached to the component in a manner acceptable to the Bureau. The method of attachment shall not impair any explosion-proof characteristics of the component. The plate shall be of serviceable material, acceptable to the Bureau, and shall contain the following:

Certified as complying with the applicable requirements of Bureau of Mines Schedule _____
Certification No. _____

The blank spaces shall be filled with appropriate designations. Inclusion of the information on a company name plate will be permitted provided the plate is made of material acceptable to the Bureau.

§ 18.14 Identification of tested noncertified explosion-proof enclosures.

An enclosure that meets all applicable requirements of this part, but has not been certified by the Bureau, shall be identified by a permanent marking on it in a conspicuous location. The design of such marking shall consist of capital letters USBM not less than $\frac{1}{4}$ inch in height, enclosed in a circle not less than 1 inch in diameter.

§ 18.15 Changes after approval or certification.

If an applicant desires to change any feature of approved equipment or a certified component, he shall first obtain the Bureau's concurrence pursuant to the following procedure:

(a) Application shall be made as for an original approval or letter of certification requesting that the existing approval or certification be extended to cover the proposed change(s) and shall be accompanied by drawings, specifications, and related information, showing the change(s) in detail.

(b) The application will be examined by the Bureau to determine whether inspection or testing will be required. Testing will be required if there is a possibility that the change(s) may adversely affect safety.

(c) If the change(s) meets the requirements of this part, a formal extension of approval or certification will be issued, accompanied by a list of new or revised drawings, specifications, and related information to be added to those already on file for the original approval or certification.

(d) Revisions in drawings or specifications that do not involve actual change in the explosion-proof features of equipment may be handled informally, without fee.

§ 18.16 Withdrawal of approval, certification, or acceptance.

The Bureau reserves the right to rescind, for cause, any approval, certification, acceptance, or extension thereof, issued under this part.

Subpart B—Construction and Design Requirements

§ 18.20 Quality of material, workmanship, and design.

(a) Electrically operated equipment intended for use in coal mines shall be rugged in construction and shall be designed to facilitate inspection and maintenance.

(b) The Bureau will test only electrical equipment that in the opinion of its qualified representatives is constructed of suitable materials, is of good quality workmanship, based on sound engineering principles, and is safe for its intended use. Since all possible designs, circuits, arrangements, or combinations of components and materials cannot be foreseen, the Bureau reserves the right to modify design, construction, and test requirements to obtain the same degree of protection as provided by the tests described in Subpart C of this part.

(c) Moving parts, such as rotating saws, gears, and chain drives, shall be guarded to prevent personal injury.

(d) Flange joints and lead entrances shall be accessible for field inspection, where practicable.

(e) An audible warning device shall be provided on each mobile machine that travels at a speed greater than 2.5 miles per hour.

(f) Brakes shall be provided for each wheel-mounted machine, unless design of the driving mechanism will preclude accidental movement of the machine when parked.

(g) A headlight and red light-reflecting material shall be provided on both front and rear of each mobile transportation unit that travels at a speed greater than 2.5 miles per hour. Red light-reflecting material should be provided on each end of other mobile machines.

§ 18.21 Machines equipped with powered dust collectors.

Powered dust collectors on machines submitted for approval shall meet the applicable requirements of Part 33 of this chapter (Bureau of Mines Schedule 25B), and shall bear the approval number assigned by the Bureau.

§ 18.22 Boring-type machines equipped for auxiliary face ventilation.

Each boring-type continuous-mining machine that is submitted for approval shall be constructed with an unobstructed continuous space(s) of not less than 200 square inches total cross-sectional area on or within the machine to which flexible tubing may be attached to facilitate auxiliary face ventilation.

§ 18.23 Limitation of external surface temperatures.

The temperature of the external surfaces of mechanical or electrical components shall not exceed 150° C. (302° F.) under normal operating conditions.

§ 18.24 Electrical clearances.

The clearance between live parts and casings shall be sufficient to minimize the

RULES AND REGULATIONS

possibility of arcs striking the casings. Where space is limited, the casing shall be lined with adequate insulation.

§ 18.25 Combustible gases from insulating material.

(a) Insulating materials that give off flammable or explosive gases when decomposed electrically shall not be used within enclosures where the materials are subjected to destructive electrical action.

(b) Parts coated or impregnated with insulating materials shall be heat-treated to remove any combustible solvent(s) before assembly in an explosion-proof enclosure. Air-drying insulating materials are excepted.

§ 18.26 Static electricity.

Nonmetallic rotating parts, such as belts and fans, shall be provided with a means to prevent an accumulation of static electricity.

§ 18.27 Gaskets.

A gasket(s) shall not be used between any two surfaces forming a flame-arresting path except as follows:

(a) A gasket of lead, elastomer, or equivalent will be acceptable provided the gasket does not interfere with an acceptable metal-to-metal joint.

(b) A lead gasket(s) or equivalent will be acceptable between glass and a hard metal to form all or a part of a flame-arresting path.

§ 18.28 Devices for pressure relief, ventilation, or drainage.

(a) Devices for installation on explosion-proof enclosures to relieve pressure, ventilate, or drain will be acceptable provided the length of the flame-arresting path and the clearances or size of holes in perforated metal will prevent discharge of flame in explosion tests.

(b) Devices for pressure relief, ventilation, or drainage shall be constructed of materials that resist corrosion and distortion, and be so designed that they can be cleaned readily. Provision shall be made for secure attachment of such devices.

(c) Devices for pressure relief, ventilation, or drainage will be acceptable for application only on enclosures with which they are explosion tested.

§ 18.29 Access openings and covers, including unused lead-entrance holes.

(a) Access openings in explosion-proof enclosures will be permitted only where necessary for maintenance of internal parts such as motor brushes and fuses.

(b) Covers for access openings shall meet the same requirements as any other part of an enclosure except that threaded covers shall be secured against loosening, preferably with screws having heads requiring a special tool. (See figure 1 in Appendix II.)

(c) Holes in enclosures that are provided for lead entrances but which are not in use shall be closed with metal plugs secured by spot welding, brazing,

or equivalent. (See Figure 10 in Appendix II.)

§ 18.30 Windows and lenses.

(a) The Bureau may waive testing of materials for windows or lenses except headlight lenses. When tested, material for windows or lenses shall meet the test requirements prescribed in § 18.66 and shall be sealed in place or provided with flange joints in accordance with § 18.31.

(b) Windows or lenses shall be protected from mechanical damage by structural design, location, or guarding. Windows or lenses, other than headlight lenses, having an exposed area greater than 8 square inches, shall be provided with guarding or equivalent.

§ 18.31 Enclosures—joints and fastenings.

(a) Explosion-proof enclosures:

(1) Cast or welded enclosures shall be designed to withstand a minimum internal pressure of 150 pounds per square inch (gage). Castings shall be free from blowholes.

(2) Welded joints forming an enclosure shall have continuous gas-tight welds. All welds shall be made in accordance with American Welding Society standards.

(3) External rotating parts shall not be constructed of aluminum alloys containing more than 0.5 percent magnesium.

(4) The Bureau reserves the right to require the applicant to conduct static-pressure tests on each enclosure when the Bureau determines that the particular design will not permit complete visual inspection or when the joint(s) forming an enclosure is welded on one side only (see § 18.67).

(5) Threaded covers shall be designed with Class 1 (coarse, loose fitting) threads. The flame-arresting path of threaded joints shall conform to the requirements of subparagraph (6) of this paragraph.

(6) Enclosures shall meet the following requirements based on the internal volumes of the empty enclosure.

	Volume of empty enclosure—		
	Less than 45 cu. in.	45 to 124 cu. in., inclusive	More than 124 cu. in.
Minimum thickness of material for walls.....	1/8"	3/16"	1/4"
Minimum thickness of material for flanges.....	1/8"	3/16"	1/4"
Minimum thickness of material for cover.....	1/8"	3/16"	1/4"
Minimum width of joint—all in one plane.....	1/2"	3/4"	1"
Maximum clearance—joint all in one plane.....	0.002"	0.003"	0.004"
Minimum width of joint, portions of which are in different planes—cylinders or equivalent.....	5/8"	5/8"	3/4"
Maximum clearances—joint in two or more planes, cylinders or equivalent:			
(a) Portion perpendicular to plane.....	0.008"	0.008"	0.008"
(b) Plane portion.....	0.006"	0.006"	0.006"
Maximum bolt spacing—joints all in one plane.....	6" with minimum of 4 bolts.	6" with minimum of 4 bolts.	6"
Maximum bolt spacing—joints, portions of which are in different planes.....	(*)	(*)	(*)
Minimum diameter of bolt (without regard to type of joint).....	1/4"	1/4"	5/16"
Minimum thread engagement ⁷	1/4"	1/4"	5/16"
Maximum diametrical clearance between bolt body and unthreaded holes through which it passes ⁸	3/64"	3/64"	1/16"
Minimum distance from interior of enclosure to the edge of a bolt hole:			
Joint—minimum width 1"	1/8"	3/16"	1/4"
Joint—less than 1" wide.....	1/8"	3/16"	1/4"

CYLINDRICAL JOINTS

Shafts centered by ball or roller bearings:			
Minimum length of flame-arresting path	1 1/2"	3/4"	1"
Maximum radial clearance	0.010"	0.0125"	0.015"
Shafts through journal bearings: ¹⁰			
Minimum length of flame-arresting path	3/4"	3/4"	1"
Maximum radial clearance	0.003"	0.004"	0.005"
Other than shafts:			
Minimum length of flame-arresting path	1/2"	3/4"	1"
Maximum radial clearance	0.0015"	0.002"	0.003"

¹ 1 1/2-inch less is allowable for machining rolled plate.

² 1/16-inch less is allowable for machining rolled plate.

³ If only two planes are involved, neither portion of a joint shall be less than 1/8-inch wide, unless the wider portion conforms to the same requirements as those for a joint that is all in one plane. If more than two planes are involved (as in labyrinth or tongue-and-groove joints) the combined lengths of those portions having prescribed clearances will be considered.

⁴ The allowable diametrical clearance is 0.008 inch when the portion perpendicular to the plane portion is 1/4 inch or greater in length. If the perpendicular portion is more than 1/8 inch but less than 1/4 inch wide, the diametrical clearance shall not exceed 0.006 inch.

⁵ Where the term "bolt" is used, it refers to a machine bolt or a cap screw, and for either of these studs may be substituted provided the studs bottom in blind holes are completely welded in place, or the bottom of the hole is closed with a secured plug. Bolts shall be provided at all corners.

⁶ Adequacy of bolt spacing will be judged on basis of size and configuration of the enclosure, strength of materials, and explosion test results.

⁷ In general, minimum thread engagement shall be equal to or greater than the diameter of the bolt specified.

⁸ Threaded holes for fastening bolts shall be machined to remove burrs or projections that affect planarity of a surface forming a flame-arresting path.

⁹ Less than 1/16-inch (3/4-inch minimum) will be acceptable provided the diametrical clearance for fastening bolts does not exceed 1/16 inch.

¹⁰ Shafts or operating rods through journal bearings shall be not less than 1/4-inch in diameter. The length of fit shall not be reduced when a pushbutton is depressed. Operating rods shall have a shoulder or head on the portion inside the enclosure. Essential parts riveted or bolted to the inside portion will be acceptable in lieu of a head or shoulder, but cotter pins and similar devices will not be acceptable.

(b) Enclosures for potted components: Enclosures shall be rugged and constructed with materials having 75 percent, or greater, of the thickness and flange width specified in paragraph (a) of this section. These enclosures shall be provided with means for attaching hose conduit, unless energy carried by the cable is intrinsically safe.

(c) No assembly will be approved that requires the opening of an explosion-proof enclosure to operate a switch, rheostat, or other device during normal operation of a machine.

§ 18.32 Fastenings—additional requirements.

(a) Bolts, screws, or studs shall be used for fastening adjoining parts to prevent the escape of flame from an enclosure. Hinge pins or clamps will be acceptable for this purpose provided the Bureau determines them to be equally effective.

(b) Lockwashers shall be provided for all bolts, screws, and studs that secure parts of explosion-proof enclosures. Special fastenings designed to prevent loosening will be acceptable in lieu of lockwashers, provided the Bureau determines them to be equally effective.

(c) Fastenings shall be as uniform in size as practicable to preclude improper assembly.

(d) Holes for fastenings shall not penetrate to the interior of an explosion-proof enclosure, except as provided in paragraph (a) (9) of § 18.34, and shall be threaded to insure that a specified bolt or screw will not bottom even if its lock-washer is omitted.

(e) A minimum of $\frac{1}{8}$ inch of stock shall be left at the center of the bottom of each hole drilled for fastenings.

(f) Fastenings used for joints on explosion-proof enclosures shall not be used for attaching nonessential parts or for making electrical connections.

(g) The acceptable sizes for and spacings of fastenings shall be determined by the size of the enclosure, as indicated in § 18.31.

(h) The Bureau reserves the right to conduct explosion tests with standard bolts, nuts, cap screws, or studs substituted for any special high-tensile strength fastening(s) specified by the applicant.

§ 18.33 Finish of surface joints.

Flat surfaces between bolt holes that form any part of a flame-arresting path shall be plane to within a maximum deviation of one-half the maximum clearance specified in § 18.31(a) (6). All metal surfaces shall be finished in manufacture to not more than 250 microinches. A thin film of nonhardening preparation to inhibit rusting may be applied to finished steel surfaces.

§ 18.34 Motors.

(a) *General.* (1) Motors shall have explosion-proof enclosures.

(2) Motors submitted to the Bureau for test shall be equipped with unshielded bearings regardless of whether that type of bearing is specified.

(3) The Bureau reserves the right to test motors with the maximum clearance specified between the shaft and the mating part which forms the required flame-arresting path. Also reserved is the right to remachine these parts, at the applicant's expense, to specified dimensions to provide the maximum clearance.

NOTE: For example, a shaft with a diameter greater than 2 inches at the flame-arresting portion might require such machining.

(4) Ball and roller bearings and oil seals will not be acceptable as flame-arresting paths; therefore, a separate path shall be provided between the shaft and another part, preferably inby the bearing. The length and clearances of such flame-arresting path shall conform to the requirements of § 18.31.

(5) Labyrinths or other arrangements that provide change(s) in direction of escaping gases will be acceptable but the use of small detachable pieces shall not be permitted unless structurally unavoidable. The lengths of flame-arresting path(s) and clearance(s) shall conform to the requirements of § 18.31.

(6) The widths of oil grooves and grooves for holding oil seals will be deducted in measuring the widths of flame-arresting paths.

NOTE: Oil seals will be removed from motors prior to explosion tests and therefore may be omitted from motors submitted for investigation.

(7) Openings for filling and draining bearing lubricants shall be so located as to prevent escape of flame through them.

(8) An outer bearing cap will not be considered as forming any part of a flame-arresting path unless the cap is used as a bearing cartridge.

NOTE: The outer bearing cap will be omitted during explosion tests unless it houses the bearing.

(9) If unavoidable, holes may be made through motor casings for bolts, studs, or screws to hold essential parts such as pole pieces, brush rigging, and bearing cartridges. Such parts shall be attached to the casing by at least two fastenings. The threaded holes in these parts shall be blind, unless the fastenings are inserted from the inside, in which case the fastenings shall not be accessible with the armature of the motor in place.

(b) *Direct-current motors.* For direct-current motors with narrow interpoles, the distance from the edge of the pole piece to any bolt hole in the frame shall be not less than $\frac{1}{8}$ inch. If the distance is $\frac{1}{8}$ to $\frac{1}{4}$ inch, the diametrical clearance for the pole bolt shall not exceed $\frac{1}{64}$ inch for not less than $\frac{1}{2}$ inch through the frame. Furthermore, the pole piece shall have the same radius as the inner surface of the frame. Pole pieces may be shimmed as necessary.

(c) *Alternating-current motors.* Stator laminations that form a part of an explosion-proof enclosure will be acceptable provided: (1) The laminations and their end rings are fastened together under pressure; (2) the joint between the end rings and the laminations is not less than $\frac{1}{4}$ inch, but preferably as close to 1 inch

as possible; and (3) it shall be impossible to insert a 0.0015-inch thickness gage to a depth exceeding $\frac{1}{8}$ inch between adjacent laminations or between end rings and laminations.

(d) *Small motors (alternating- and direct-current).* Motors having internal free volume not exceeding 350 cubic inches and joints not exceeding 32 inches in outer circumference will be acceptable for investigation if provided with rabbet joints between the stator frame and the end bracket having the following dimensions:

DIMENSIONS OF RABBET JOINTS—INCHES

Minimum total width	Minimum width of clamped radial portion	Maximum clearance of radial portion	Maximum diametrical clearance at axial portion
$\frac{1}{2}$	$\frac{3}{64}$	0.0015	0.003
$\frac{3}{4}$	$\frac{3}{64}$.002	.003
$\frac{1}{2}$	$\frac{3}{64}$.002	.004

§ 18.35 Portable (trailing) cables and cords.

(a) Portable cables and cords used to conduct electrical energy to face equipment shall conform to the following:

(1) Have each conductor of a current-carrying capacity consistent with the Insulated Power Cable Engineers Association (IPCEA) standards. (See Tables 1 and 2 in Appendix I.)

(2) Have current-carrying conductors not smaller than No. 14 (AWG). Cords with sizes 14 to 10 (AWG) conductors shall be constructed with extra heavy jackets, the diameters of which are given in Table 6 in Appendix I.

(3) Have flame-resistant properties. (See § 18.64.)

(4) Have short-circuit protection at the outby (circuit-connecting) end of ungrounded conductors. (See Table 8 in Appendix I.) The fuse rating or trip setting shall be included in the assembler's specifications.

(5) Ordinarily the length of a portable (trailing) cable shall not exceed 500 feet. Where the method of mining requires the length of a portable (trailing) cable to be more than 500 feet, such length of cable shall be permitted only under the following prescribed conditions:

(i) The lengths of portable (trailing) cables shall not exceed those specified in Table 9, Appendix I, titled "Specifications for Portable Cables Longer Than 500 Feet."

(ii) Short-circuit protection shall be provided by a protective device with an instantaneous trip setting as near as practicable to the maximum starting-current-inrush value, but the setting shall not exceed the trip value specified in the Bureau of Mines approval for the equipment for which the portable (trailing) cable furnishes electric power.

(6) Have nominal outside dimensions consistent with IPCEA standards. (See Tables 4, 5, 6, and 7 in Appendix I.)

(7) Have conductors of No. 4 (AWG) minimum for direct-current mobile haulage units or No. 6 (AWG) minimum for alternating-current mobile haulage units.

RULES AND REGULATIONS

(8) Have not more than five well-made temporary splices in a single length of portable cable.

(b) Sectionalized portable cables will be acceptable provided the connectors used inby the last open crosscut in a gassy mine meet the requirements of § 18.41.

(c) A portable cable having conductors smaller than No. 6 (AWG), when used with a trolley tap and a rail clamp, shall have well insulated single conductors not smaller than No. 6 (AWG) spliced to the outby end of each conductor. All splices shall be made in a workmanlike manner to insure good electrical conductivity, insulation, and mechanical strength.

(d) Suitable provisions shall be made to facilitate disconnection of portable cable quickly and conveniently for replacement.

§ 18.36 Cables between machine components.

(a) Cables between machine components shall have: (1) Adequate current-carrying capacity for the loads involved, (2) short-circuit protection, (3) insulation compatible with the impressed voltage, and (4) flame-resistant properties unless totally enclosed within a flame-resistant hose conduit or other flame-resistant material.

(b) Cables between machine components shall be: (1) Clamped in place to prevent undue movement, (2) protected from mechanical damage by position, flame-resistant hose conduit, metal tubing, or troughs (flexible or threaded rigid metal conduit will not be acceptable), (3) isolated from hydraulic lines, and (4) protected from abrasion by removing all sharp edges which they might contact.

(c) Cables (cords) for remote-control circuits extending from permissible equipment will be exempted from the requirements of conduit enclosure provided the total electrical energy carried is intrinsically safe or that the cables are constructed with heavy jackets, the sizes of which are stated in Table 6 of Appendix I. Cables (cords) provided with hose-conduit protection shall have a tensile strength not less than No. 16 (AWG) three-conductor, type SO cord. (Reference: 7.7.7 IPCEA Pub. No. S-19-81, Fourth Edition.) Cables (cords) constructed with heavy jackets shall consist of conductors not smaller than No. 14 (AWG) regardless of the number of conductors.

§ 18.37 Lead entrances.

(a) Insulated cable(s), which must extend through an outside wall of an explosion-proof enclosure, shall pass through a stuffing-box lead entrance. All sharp edges that might damage insulation shall be removed from stuffing boxes and packing nuts.

(b) Stuffing boxes shall be so designed, and the amount of packing used shall be such, that with the packing properly compressed, the gland nut still has a clearance distance of $\frac{1}{8}$ inch or more to travel without meeting interference by

parts other than packing. (See Figures 8, 9, and 10 in Appendix II.)

(c) Packing nuts and stuffing boxes shall be secured against loosening.

(d) Compressed packing material shall be in contact with the cable jacket for a length of not less than $\frac{1}{2}$ inch.

(e) Special requirements for glands in which asbestos-packing material is specified are:

(1) Asbestos-packing material shall be untreated, not less than $\frac{3}{16}$ -inch diameter if round, or not less than $\frac{3}{16}$ by $\frac{3}{16}$ inch if square. The width of the space for packing material shall not exceed by more than 50 percent the diameter or width of the uncompressed packing material.

(2) The allowable diametrical clearance between the cable and the holes in the stuffing box and packing nut shall not exceed 75 percent of the nominal diameter or width of the packing material.

(f) Special requirements for glands in which a compressible material (example—synthetic elastomers) other than asbestos is specified, are:

(1) The packing material shall be flame resistant.

(2) The radial clearance between the cable jacket and the nominal inside diameter of the packing material shall not exceed $\frac{1}{32}$ inch, based on the nominal specified diameter of the cable.

(3) The radial clearance between the nominal outside diameter of the packing material and the inside wall of the stuffing box (that portion into which the packing material fits) shall not exceed $\frac{1}{32}$ inch.

§ 18.38 Leads through common walls.

(a) Insulated studs will be acceptable for use in a common wall between two explosion-proof enclosures.

(b) When insulated wires or cables are extended through a common wall between two explosion-proof enclosures in insulating bushings, such bushings shall be not less than 1-inch long and the diametrical clearance between the wire or cable insulation and the holes in the bushings shall not exceed $\frac{1}{16}$ inch (based on the nominal specified diameter of the cable). The insulating bushings shall be secured in the metal wall.

(c) Insulated wires or cables conducted from one explosion-proof enclosure to another through conduit, tubing, piping, or other solid-wall passageways will be acceptable provided one end of the passageway is plugged, thus isolating one enclosure from the other. Glands or secured bushings with close-fitting holes through which the wires or cables are conducted will be acceptable for plugging. The tubing or duct specified for the passageway shall be brazed or welded into the walls of both explosion-proof enclosures with continuous gas-tight welds.

(d) If wires and cables are taken through openings closed with sealing compounds, the design of the opening and characteristics of the compounds shall be such as to hold the sealing material in place without tendency of the

material to crack or flow out of its place. The material also must withstand explosion tests without cracking or loosening.

(e) Openings through common walls between explosion-proof enclosures not provided with bushings or sealing compound, shall be large enough to prevent pressure piling.

§ 18.39 Hose conduit.

Hose conduit shall be provided for mechanical protection of all machine cables that are exposed to damage. Hose conduit shall be flame resistant and have a minimum wall thickness of $\frac{3}{16}$ inch. The flame resistance of hose conduit will be determined in accordance with the requirements of § 18.65.

§ 18.40 Cable clamps and grips.

Insulated clamps shall be provided for all portable (trailing) cables to prevent strain on the cable terminals of a machine. Also insulated clamps shall be provided to prevent strain on both ends of each cable or cord leading from a machine to a detached or separately mounted component. Cable grips anchored to the cable may be used in lieu of insulated strain clamps. Supporting clamps for cables used for wiring around machines shall be provided in a manner acceptable to the Bureau.

§ 18.41 Plug and receptacle-type connectors.

(a) Plug and receptacle-type connectors for use inby the last open crosscut in a gassy mine shall be so designed that insertion or withdrawal of a plug cannot cause incendive arcing or sparking. Also, connectors shall be so designed that no live terminals, except as hereinafter provided, are exposed upon withdrawal of a plug. The following types will be acceptable:

(1) Connectors in which the mating or separation of the male and female electrodes is accomplished within an explosion-proof enclosure.

(2) Connectors that are mechanically or electrically interlocked with an automatic circuit-interrupting device.

(i) *Mechanically interlocked connectors.* If a mechanical interlock is provided the design shall be such that the plug cannot be withdrawn before the circuit has been interrupted and the circuit cannot be established with the plug partially withdrawn.

(ii) *Electrically interlocked connectors.* If an electrical interlock is provided, the total load shall be removed before the plug can be withdrawn and the electrical energy in the interlocking pilot circuit shall be intrinsically safe, unless the pilot circuit is opened within an explosion-proof enclosure.

(3) Single-pole connectors for individual conductors of a circuit used at terminal points shall be so designed that all plugs must be completely inserted before the control circuit of the machine can be energized.

(b) Plug and receptacle-type connectors used for sectionalizing the cables outby the last open crosscut in a gassy mine need not be explosion-proof or electrically interlocked provided such con-

nectors are designed and constructed to prevent accidental separation.

(c) Conductors shall be securely attached to the electrodes in a plug or receptacle and the connections shall be totally enclosed.

(d) Molded-elastomer connectors will be acceptable provided:

(1) Any free space within the plug or receptacle is isolated from the exterior of the plug.

(2) Joints between the elastomer and metal parts are not less than 1 inch wide and the elastomer is either bonded to or fits tightly with metal parts.

(e) The contacts of all line-side connectors shall be shielded or recessed adequately.

(f) For a mobile battery-powered machine, a plug padlocked to the receptacle will be acceptable in lieu of an interlock provided the plug is held in place by a threaded ring or equivalent mechanical fastening in addition to the padlock. A connector within a padlocked enclosure will be acceptable.

§ 18.42 Explosion-proof distribution boxes.

(a) A cable passing through an outside wall(s) of a distribution box shall be conducted either through a packing gland or an interlocked plug and receptacle.

(b) Short-circuit protection shall be provided for each branch circuit connected to a distribution box. The current-carrying capacity of the specified connector shall be compatible with the automatic circuit-interrupting device.

(c) Each branch receptacle shall be plainly and permanently marked to indicate its current-carrying capacity and each receptacle shall be such that it will accommodate only an appropriate plug.

(d) Provision shall be made to relieve mechanical strain on all connectors to distribution boxes.

§ 18.43 Explosion-proof splice boxes.

Internal connections shall be rigidly held and adequately insulated. Strain clamps shall be provided for all cables entering a splice box.

§ 18.44 Battery boxes and batteries (exceeding 12 volts).

(a) A battery box (tray), including the cover, shall be made of steel the thickness of which is to be based on the total weight of the battery and tray, as follows:

Weight	Thickness
2,000 lb. maximum	$\frac{3}{16}$ "
2,001-4,500 lb.	$\frac{1}{4}$ "
Over 4,500 lb.	$\frac{5}{16}$ "

Materials other than steel that provide equivalent strength will be considered.

(b) Battery-box covers shall be lined with a flame-resistant insulating material, preferably bonded to the inside of the cover, unless equivalent protection is provided.

(c) Battery-box covers shall be provided with a means for securing them in closed position.

(d) Battery boxes shall be adequately ventilated. The size and locations of

openings for ventilation shall prevent access to cell terminals.

(e) Battery cells shall be insulated from the battery-box walls and supported on insulating material. Insulating materials that may be subject to chemical reaction with electrolyte shall be treated to resist such action.

(f) Drainage holes shall be provided in the bottom of each battery box.

(g) Cell terminals shall be "burned" on. Bolted connectors (two-bolt type) may be accepted on end terminals.

(h) Battery connections shall be so designed that battery potential will be minimized between adjacent cells, and total battery potential shall not be available between adjacent cells.

(i) Cables within a battery box shall be protected against abrasion of the insulation.

(j) Each wire or cable leaving a battery box on storage-battery-operated equipment shall have short-circuit protection in an explosion-proof enclosure as close as practicable to the battery terminals. A protective device installed within a nearby explosion-proof enclosure will be acceptable provided the exposed portion of the cable from the battery box to the enclosure does not exceed approximately 36 inches in length; in addition, special care shall be taken to protect each wire or cable from damage.

(k) A diagram showing the battery connections between cells and between trays shall be submitted. The number, type, rating, and manufacturer of the battery cells shall be included in specifications.

§ 18.45 Cable reels.

(a) A self-propelled machine, that receives electrical energy through a portable cable and is designed to travel at speeds exceeding 2.5 miles per hour, shall have a mechanically, hydraulically, or electrically driven reel upon which to wind the portable cable.

(b) The enclosure for moving contacts or slip rings of a cable reel shall be explosion-proof.

(c) Cable-reel bearings shall not constitute an integral part of a circuit for transmitting electrical energy.

(d) Cable reels for shuttle cars and locomotives shall maintain positive tension on the portable cable during reeling and unreeling. Such tension shall only be high enough to prevent a machine from running over its own cable(s).

(e) Cable reels and spooling devices shall be insulated with flame-resistant material.

(f) The maximum speed of travel of a machine when receiving power through a portable (trailing) cable shall not exceed 6 miles per hour.

(g) Diameters of cable reel drums and sheaves should be large enough to prevent undue bending strain on cables.

§ 18.46 Headlights.

(a) Headlights shall be constructed as explosion-proof enclosures.

(b) Headlights shall be mounted to provide illumination where it will be most

effective. They shall be protected from damage by guarding or location.

(c) Lenses for headlights shall be glass or other suitable material with physical characteristics equivalent to $\frac{1}{2}$ -inch thick tempered glass, such as "Pyrex." Lenses shall meet the requirements of the tests prescribed in § 18.66.

(d) Lenses permanently fixed in a ring with lead, epoxy, or equivalent will be acceptable provided only lens assemblies meeting the original manufacturer's specifications are used as replacements.

(e) If a single lead gasket is used, the contact surface of the opposite side of the lens shall be plane within a maximum deviation of 0.002 inch.

§ 18.47 Voltage limitation.

(a) A tool or switch held in the operator's hand or supported against his body will not be approved with a nameplate rating exceeding 300 volts direct current or alternating current.

(b) A battery-powered machine shall not have a nameplate rating exceeding 240 volts, nominal (120 lead-acid cells or equivalent).

(c) Other direct-current machines shall not have a nameplate rating exceeding 550 volts.

(d) An alternating-current machine shall not have a nameplate rating exceeding 660 volts, except that a machine may have a nameplate rating greater than 660 volts but not exceeding 4,160 volts when the following conditions are complied with:

(1) Adequate clearances and insulation for the particular voltage(s) are provided in the design and construction of the equipment, its wiring, and accessories.

(2) A continuously monitored, fail-safe grounding system is provided that will maintain the frame of the equipment and the frames of all accessory equipment at ground potential. Also, the equipment, including its controls and portable (trailing) cable, will be deenergized automatically upon the occurrence of an incipient ground fault. The ground-fault-tripping current shall be limited by grounding resistor(s) to that necessary for dependable relaying. The maximum ground-fault-tripping current shall not exceed 25 amperes.

(3) All high voltage switch gear and control for equipment having a nameplate rating exceeding 1,000 volts are located remotely and operated by remote control at the main equipment. Potential for remote control shall not exceed 120 volts.

(4) Portable (trailing) cable for equipment with nameplate ratings from 661 volts through 1,000 volts shall include grounding conductors, a ground check conductor, and grounded metallic shields around each power conductor or a grounded metallic shield over the assembly; except that on machines employing cable reels, cables without shields may be used if the insulation is rated 2,000 volts or more.

(5) Portable (trailing) cable for equipment with nameplate ratings from 1,001 volts through 4,160 volts shall include grounding conductors, a ground

RULES AND REGULATIONS

check conductor, and grounded metallic shields around each power conductor.

(6) The Bureau reserves the right to require additional safeguards for high-voltage equipment, or modify the requirements to recognize improved technology.

§ 18.43 Circuit-interrupting devices.

(a) Each machine shall be equipped with a circuit-interrupting device by means of which all power conductors can be deenergized at the machine. A manually operated controller will not be acceptable as a service switch.

(b) When impracticable to mount the main-circuit-interrupting device on a machine, a remote enclosure will be acceptable. When contacts are used as a main-circuit-interrupting device, a means for opening the circuit shall be provided at the machine and at the remote contactors.

(c) Separate two-pole switches shall be provided to deenergize power conductors for headlights or floodlights.

(d) Each handheld tool shall be provided with a two-pole switch of the "dead-man-control" type that must be held closed by hand and will open when hand pressure is released.

(e) A machine designed to operate from both trolley wire and portable cable shall be provided with a transfer switch, or equivalent, which prevents energizing one from the other. Such a switch shall be designed to prevent electrical connection to the machine frame when the cable is energized.

(f) Belt conveyors shall be equipped with control switches to automatically stop the driving motor in the event the belt is stopped, or abnormally slowed down.

NOTE: Short transfer-type conveyors will be exempted from this requirement when attended.

§ 18.49 Connection boxes on machines.

Connection boxes used to facilitate replacement of cables or machine components shall be explosion-proof. Portable-cable terminals on cable reels need not be in explosion-proof enclosures provided that connections are well made, adequately insulated, protected from damage by location, and securely clamped to prevent mechanical strain on the connections.

§ 18.50 Protection against external arcs and sparks.

Provision shall be made for maintaining the frames of all off-track machines and the enclosures of related detached components at safe voltages by using one or a combination of the following:

(a) A separate conductor(s) in the portable cable in addition to the power conductors by which the machine frame can be connected to an acceptable grounding medium, and a separate conductor in all cables connecting related components not on a common chassis. The cross-sectional area of the additional conductor(s) shall not be less than 50 percent of that of one power conductor unless a ground-fault tripping relay is

used, in which case the minimum size may be No. 8 (AWG). Cables smaller than No. 8 (AWG) shall have an additional conductor(s) of the same size as one power conductor.

(b) A means of actuating a circuit-interrupting device, preferably at the outby end of the portable cable.

NOTE: The frame to ground potential shall not exceed 40 volts.

(c) A device(s) such as a diode(s) of adequate peak inverse voltage rating and current-carrying capacity to conduct possible fault current through the grounded power conductor. Diode installations shall include: (1) An overcurrent device in series with the diode, the contacts of which are in the machine's control circuit; and (2) a blocking diode in the control circuit to prevent operation of the machine with the polarity reversed.

§ 18.51 Electrical protection of circuits and equipment.

(a) An automatic circuit-interrupting device(s) shall be used to protect each ungrounded conductor of a branch circuit at the junction with the main circuit when the branch-circuit conductor(s) has a current carrying capacity less than 50 percent of the main circuit conductor(s), unless the protective device(s) in the main circuit will also provide adequate protection for the branch circuit. The setting of each device shall be specified. For headlight and control circuits, each conductor shall be protected by a fuse or equivalent. Any circuit that is entirely contained in an explosion-proof enclosure shall be exempt from these requirements.

(b) Each motor shall be protected by an automatic overcurrent device. One protective device will be acceptable when two motors of the same rating operate simultaneously and perform virtually the same duty.

(1) If the overcurrent-protective device in a direct-current circuit does not open both lines, particular attention shall be given to marking the polarity at the terminals or otherwise preventing the possibility of reversing connections which would result in changing the circuit interrupter to the grounded line.

(2) Three-phase alternating-current motors shall have an overcurrent-protective device in at least two phases such that actuation of a device in one phase will cause the opening of all three phases.

(c) Circuit-interrupting devices shall be so designed that they can be reset without opening the compartment in which they are enclosed.

(d) All magnetic circuit-interrupting devices shall be mounted in a manner to preclude the possibility of their closing by gravity.

§ 18.52 Renewal of fuses.

Enclosure covers that provide access to fuses, other than headlight, control-circuit, and handheld-tool fuses, shall be interlocked with a circuit-interrupting device. Fuses shall be inserted on the load side of the circuit interrupter.

Subpart C—Inspections and Tests

§ 18.60 Detailed inspection of components.

An inspection of each electrical component shall include the following:

(a) A detailed check of parts against the drawings submitted by the applicant to determine that: (1) The parts and drawings coincide; and (2) the minimum requirements stated in this part have been met with respect to materials, dimensions, configuration, workmanship, and adequacy of drawings and specifications.

(b) Exact measurement of joints, journal bearings, and other flame-arresting paths.

(c) Examination for unnecessary through holes.

(d) Examination for adequacy of lead-entrance design and construction.

(e) Examination for adequacy of electrical insulation and clearances between live parts and between live parts and the enclosure.

(f) Examination for weaknesses in welds and flaws in castings.

(g) Examination for distortion of enclosures before tests.

(h) Examination for adequacy of fastenings, including size, spacing, security, and possibility of bottoming.

§ 18.61 Final inspection of complete machine.

(a) A completely assembled new machine or a substantially modified design of a previously approved one shall be inspected by a qualified representative(s) of the Bureau. When such inspection discloses any unsafe condition or any feature not in strict conformance with the requirements of this part it shall be corrected before an approval of the machine will be issued. A final inspection will be conducted at the site of manufacture, rebuilding, or other locations at the option of the Bureau.

(b) Complete machines shall be inspected for:

(1) Compliance with the requirements of this part with respect to joints, lead entrances, and other pertinent features.

(2) Wiring between components, adequacy of mechanical protection for cables, adequacy of clamping of cables, positioning of cables, particularly with respect to proximity to hydraulic components.

(3) Adequacy of protection against damage to headlights, push buttons, and any other vulnerable component.

(4) Settings of overload- and short-circuit protective devices.

(5) Adequacy of means for connecting and protecting portable cable.

§ 18.62 Tests to determine explosion-proof characteristics.

(a) In testing for explosion-proof characteristics of an enclosure, it shall be filled and surrounded with various explosive mixtures of natural gas and air. The explosive mixture within the enclosure will be ignited electrically and the explosion pressure developed therefrom recorded. The point of ignition

within the enclosure will be varied. Motor armatures and/or rotors will be stationary in some tests and revolving in others. Coal dust, produced by grinding coal from the Pittsburgh coal bed to a fineness of minus 200 mesh, will be added to the explosive gas-air mixtures in some tests. At the Bureau's discretion dummies may be substituted for internal electrical components during some of the tests. Not less than 16 explosion tests shall be conducted; however, the nature of the enclosure and the results obtained during the tests will determine whether additional tests shall be made.

(b) Explosion tests of an enclosure shall not result in:

- (1) Discharge of flame.
- (2) Ignition of an explosive mixture surrounding the enclosure.
- (3) Development of afterburning.
- (4) Rupture of any part of the enclosure or any panel or divider within the enclosure.

(5) Permanent distortion of the enclosure exceeding 0.040 inch per linear foot.

(c) When a pressure exceeding 125 pounds per square inch (gage) is developed during explosion tests, the Bureau reserves the right to reject an enclosure(s) unless (1) constructional changes are made that result in a reduction of pressure to 125 pounds per square inch (gage) or less, or (2) the enclosure withstands a dynamic pressure of twice the highest value recorded in the initial test.

§ 18.63 Tests of battery boxes.

Battery boxes will be tested at the Bureau's discretion to determine the adequacy of ventilation, electrical clearances insulation, and suitability for the intended service. Such tests will be conducted at the site of manufacture or assembly, or on the Bureau's premises.

§ 18.64 Tests for flame resistance of cables.

(a) *Size of test specimen.* Three specimens each 3 feet long with 5 inches of cable jacket and 2½ inches of conductor insulation removed from each conductor at both ends of each specimen.

(b) *Flame-test apparatus.* The principal parts of the apparatus within and/or appended to the 17-inch deep x 14½-inch high x 39-inch wide rectangular test gallery are:

(1) A source of electric current (either a.c. or d.c.) for loading the cable specimens with means for close regulation.

(2) A suitable ammeter to measure the electric current imposed on the cable specimen conductors.

(3) A suitable temperature measuring device to determine the conductor temperature.

(4) A rack for supporting the cable specimen. It shall have three (3) metal rods installed on the same level with spaces of 16 and 8 inches between rods from left to right. The rods shall be wrapped with asbestos tape to reduce the cooling effect. The height of the rack shall be sufficient to permit the tip of the inner cone of a Tirrell burner flame to

touch the jacket of the cable specimen when the flame has been adjusted to proper height.

(5) An electric timer or stopwatch to measure the duration of the tests.

(6) A standard ¾-inch Tirrell burner for igniting the cable specimen.

(7) A ventilated hood or canopy that is substantially free from external air currents on the specimen.

(c) *Mounting of test specimen.* The test specimen shall be placed on the rack and connected to the electric current source. It shall be centered on the two outside supporting rods with approximately one inch of jacket extending beyond each rod. The thermocouple of the temperature measuring device shall be held in intimate contact with the conductor under a flap of jacket and insulation 26 inches from the left end of the specimen. The flap shall be held tightly, after insertion of the thermocouple, by tying with wire.

(d) *Procedure for flame tests of cables.*

(1) The specimen will be heated electrically until the conductor reaches a temperature of 400° F., using a current that is five times the conductor rating given in Tables 1, 2, and 3 in Appendix I.

(2) When the conductor has reached a temperature of 400° F., the flame of a Tirrell gas burner, adjusted to give an overall free flame height of 5 inches and a 3-inch inner cone with natural gas, will be applied directly beneath the specimen at a point 14 inches from its left end.

(3) After subjecting the specimen to external flame for 1 minute, the heating current and gas flame will be cut off simultaneously.

(e) *Test requirements.* The specimen will be considered as having failed the test if the length of the burned area exceeds 6 inches or if burning continues longer than 4 minutes after the gas flame has been cut off. Three specimens of cable will be subjected to the flame-resistance test. If two of the three specimens meet the test requirements, the cable will be accepted for listing by the Bureau as "flame resistant".

(f) *Acceptance marking.* Accepted cables shall be suitably marked with an identifying number assigned by the Bureau. Portable and remote-control cables shall have the marking impressed in the jacket or as raised letters and figures on an impressed background at intervals not exceeding 12 feet. Other accepted cables shall be marked at intervals not exceeding 3 feet in the same manner or have durable marking printed on the surface of the jacket.

§ 18.65 Flame test of conveyor belting and hose.

(a) *Size of test specimen.* (1) Conveyor belting—four specimens each 6 inches long by ½-inch wide by belt thickness, two cut parallel to the warp and two parallel to the weft.

(2) Hose—four specimens each 6 inches long by ½-inch wide by thickness of the hose.

(b) *Flame-test apparatus.* The principal parts of the apparatus within and/or

appended to a 21-inch cubical test gallery are:

(1) A support stand with a ring clamp and wire gauze.

(2) A Pittsburgh-Universal Bunsen-type burner (inside diameter of burner tube 11 mm.), or equivalent, mounted in a burner placement guide in such a manner that the burner may be placed beneath the test specimen, or pulled away from it by an external knob on the front panel of the test gallery.

(3) A variable-speed electric fan and an ASME flow nozzle (16-8½ inches reduction) to attain constant air velocities at any speed between 50-500 feet a minute.

(4) An electric timer or stopwatch to measure the duration of the tests.

(5) A mirror mounted inside the test gallery to permit a rear view of the test specimen through the viewing door.

(c) *Mounting of test specimen.* The specimen shall be clamped in a support with its free end centered 1 inch above the burner top. The longitudinal axis shall be horizontal and the transverse axis inclined at 45° to the horizontal. Under the test specimen shall be clamped a piece of 20-mesh iron-wire gauze, 5 inches square, in a horizontal position ¼ inch below the pulley cover edge of the specimen and with about ½ inch of the specimen extending beyond the edge of the gauze.

(d) *Procedure for flame tests.* (1) The Bunsen burner, retracted from the test position, shall be adjusted to give a blue flame 3 inches in height with natural gas.

(2) The observation door of the gallery shall be closed for the entire test.

(3) The burner flame shall be applied to the free end of the specimen for 1 minute in still air.

(4) At the end of 1 minute the burner flame shall be removed, the ventilating fan turned on to give an air current having a velocity of 300 feet per minute, and the duration of flame measured.

(5) After the test specimen ceases to flame, it shall remain in the air current for at least 3 minutes to determine the presence and duration of afterglow. If a glowing specimen exhibits flame within 3 minutes the duration of flame shall be added to the duration of flame obtained according to subparagraph (4) of this paragraph.

(e) *Test requirements.* The tests of the four specimens cut from any sample shall not result in either duration of flame exceeding an average of 1 minute after removal of the applied flame or afterglow exceeding an average of 3 minutes duration.

(f) *Acceptance markings.* (1) Conveyor belting—conveyor belts accepted by the Bureau of Mines as flame-resistant (fire-resistant) shall be marked as follows: Metal stencils furnished by the manufacturer shall be used during the vulcanizing process to produce letters depressed into the conveyor belt with the words "Fire-Resistant, U.S.B.M. No. _____. This number will be assigned to the manufacturer after the sample has passed the tests. The letters and numbers shall be at least ½ inch high. The

RULES AND REGULATIONS

acceptance markings shall be placed approximately 1 inch from the edge of the carrying (top) cover of the conveyor belt and spaced at intervals not exceeding 30 feet for the entire length of the conveyor belt. The markings shall be so placed that they are alternately at opposite edges of the belt. Where cover thickness does not permit markings in accordance with the foregoing, other permanent markings may be accepted.

(2) Hose—hose conduit accepted by the Bureau of Mines as flame-resistant shall be marked as follows: Impressed letters, raised letters on depressed background, or printed letters with the words "Flame-Resistant, U.S.B.M. No. _____" at intervals not exceeding 3 feet. This number will be assigned to the manufacturer after the sample has passed the tests. The letters and numbers shall be at least $\frac{1}{4}$ -inch high.

§ 18.66 Tests of windows and lenses.

(a) *Impact tests.* A 4-pound cylindrical weight with a 1-inch-diameter hemispherical striking surface shall be dropped (free fall) to strike the window or lens in its mounting, or the equivalent thereof, at or near the center. Three of four samples shall withstand without breakage the impact according to the following table:

Lens diameter, (D), inches	Height of fall, inches
D < 4	6
4 ≤ D < 5	9
5 ≤ D < 6	15
6 ≤ D	24

Windows or lenses of smaller diameter than 1 inch may be tested by alternate methods at the discretion of the Bureau.

(b) *Thermal-shock tests.* Four samples of the window or lens will be heated in an oven for 15 minutes to a temperature of 150° C. (302° F.) and immediately upon withdrawal of the samples from the oven they will be immersed in water having a temperature between 15° C. (59° F.) and 20° C. (68° F.). Three of the four samples shall show no defect or breakage from this thermal-shock test.

§ 18.67 Static-pressure tests.

Static-pressure tests shall be conducted by the applicant on each enclosure of a specific design when the Bureau determines that visual inspection will not reveal defects in castings or in single-seam welds. Such test procedure shall be submitted to the Bureau for approval and the specifications on file with the Bureau shall include a statement assuring that such tests will be conducted. The static pressure to be applied shall be 150 pounds per square inch (gage) or one and one-half times the maximum pressure recorded in the Bureau's explosion tests, whichever is greater.

§ 18.68 Tests for intrinsic safety.

(a) General:

(1) Tests for intrinsic safety will be conducted under the general concepts of "intrinsically safe" as defined in Subpart A of this part. Further tests or requirements may be added at any time if features of construction or use or both

indicate them to be necessary. Some tests included in these requirements may be omitted on the basis of previous experience.

(2) Intrinsically safe circuits and/or components will be subjected to tests consisting of making and breaking the intrinsically safe circuit under conditions judged to simulate the most hazardous probable faults or malfunctions. Tests will be made in the most easily ignitable mixture of methane or natural gas and air. The method of making and breaking the circuit may be varied to meet a particular condition.

(3) Those components which affect intrinsic safety must meet the following requirements:

(i) Current limiting components shall consist of two equivalent devices each of which singly will provide intrinsic safety. They shall not be operated at more than 50 percent of their ratings.

(ii) Components of reliable construction shall be used and they shall be so mounted as to provide protection against shock and vibration in normal use.

(iii) Semiconductors shall be amply sized. Rectifiers and transistors shall be operated at not more than two-thirds of their rated current and permissible peak inverse voltage. Zener diodes shall be operated at not more than one-half of their rated current and shall short under abnormal conditions.

(iv) Electrolytic capacitors shall be operated at not more than two-thirds of their rated voltage. They shall be designed to withstand a test voltage of 1,500 volts.

(4) Intrinsically safe circuits shall be so designed that after failure of a single component, and subsequent failures resulting from this first failure, the circuit will remain intrinsically safe.

(5) The circuit will be considered as intrinsically safe if in the course of testing no ignitions occur.

(b) Complete intrinsically safe equipment powered by low energy batteries:

(1) Short-circuit tests shall be conducted on batteries at normal operating temperature. Tests may be made on batteries at elevated temperature if such tests are deemed necessary.

(2) Resistance devices for limiting short-circuit current shall be an integral part of the battery, or installed as close to the battery terminal as practicable.

(3) Transistors of battery-operated equipment may be subjected to thermal "run-away" tests to determine that they will not ignite an explosive atmosphere.

(4) A minimum of 1,000 make-break sparks will be produced in each test for direct current circuits with consideration given to reversed polarity.

(5) Tests on batteries shall include series and/or parallel combinations of twice the normal battery complement, and the effect of capacitance and inductance, added to that normally present in the circuit.

(6) No ignition shall occur when approximately $\frac{1}{2}$ inch of a single wire strand representative of the wire used in the equipment or device is shorted across the intrinsically safe circuit.

(7) Consideration shall be given to insure against accidental reversal of polarity.

(c) Line-powered equipment and devices:

(1) Line-powered equipment shall meet all applicable provisions specified for battery-powered equipment.

(2) Nonintrinsically safe components supplying power for intrinsically safe circuits shall be housed in explosion-proof enclosures and be provided with energy limiting components in the enclosure.

(3) Wiring for nonintrinsically safe circuits shall not be intermingled with wiring for intrinsically safe circuits.

(4) Transformers that supply power for intrinsically safe circuits shall have the primary and secondary windings physically separated. They shall be designed to withstand a test voltage of 1,500 volts when rated 125 volts or less and 2,500 volts when rated more than 125 volts.

(5) The line voltage shall be increased to 120 percent of nominal rated voltage to cover power line voltage variations.

(6) In investigations of alternating current circuits a minimum of 5,000 make-break sparks will be produced in each test.

(d) The design of intrinsically safe circuits shall preclude extraneous voltages caused by insufficient isolation or inductive coupling. The investigation shall determine the effect of ground faults where applicable.

(e) Identification markings: Circuits and components of intrinsically safe equipment and devices shall be adequately identified by marking or labeling. Battery-powered equipment shall be marked to indicate the manufacturer, type designation, ratings, and size of batteries used.

§ 18.69 Adequacy tests.

The Bureau reserves the right to conduct appropriate test(s) to verify the adequacy of equipment for its intended service.

Subpart D—Machines Assembled With Certified or Explosion-Proof Components, Field Modifications of Approved Machines, and Permits To Use Experimental Equipment

§ 18.80 Approval of machines assembled with certified or explosion-proof components.

(a) A machine may be a new assembly, or a machine rebuilt to perform a service that is different from the original function, or a machine converted from nonpermissible to permissible status, or a machine converted from direct- to alternating-current power or vice versa. Properly identified components that have been investigated and accepted for application on approved machines will be accepted in lieu of certified components.

(b) A single layout drawing (see Figure 1 in Appendix II) or photographs will be acceptable to identify a machine that was assembled with certi-

fied or explosion-proof components. The following information shall be furnished:

(1) Overall dimensions.

(2) Wiring diagram.

(3) List of all components (see Figure 2 in Appendix II) identifying each according to its certification number or the approval number of the machine of which the component was a part.

(4) Specifications for:

(i) Overcurrent protection of motors.

(ii) All wiring between components, including mechanical protection such as hose conduits and clamps.

(iii) Portable cable, including the type, length, outside diameter, and number and size of conductors.

(iv) Insulated strain clamp for machine end of portable cable.

(v) Short-circuit protection to be provided at outby end of portable cable.

(c) The Bureau reserves the right to inspect and to retest any component(s) that had been in previous service, as it deems appropriate.

(d) Fees for testing under this subpart shall be consistent with those stated in § 18.7.

(e) When the Bureau has determined that all applicable requirements of this part have been met, the applicant will be authorized to attach an approval plate to each machine that is built in strict accordance with the drawings and specifications filed with the Bureau and listed with the Bureau's formal approval. A design of the approval plate will accompany the notification of approval. (Refer to §§ 18.10 and 18.11.)

(f) Approvals are issued only by Approval and Testing, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213.

§ 18.81 Field modification of approved (permissible) equipment; application for approval of modification; approval of plans for modification before modification.

(a) An owner of approved (permissible) equipment who desires to make modifications in such equipment shall apply in writing to make such modifications. The application, together with the plans of modifications, shall be filed with Approval and Testing, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213.

(b) Proposed modifications shall conform with the applicable requirements of Subpart B of this part, and shall not substantially alter the basic functional design that was originally approved for the equipment.

(c) Upon receipt of the application for modification, and after such examination and investigation as may be deemed necessary by the Bureau, the Bureau will notify the owner and the District office of the mine workers' organization having jurisdiction at the mine where such equipment is to be operated stating the modifications which are proposed to be made and the Bureau's action thereon.

§ 18.82 Permit to use experimental electric face equipment in a gassy mine or tunnel.

(a) *Application for permit.* An application for a permit to use experimental

electric face equipment in a gassy mine or tunnel will be considered only when submitted by the user of the equipment. The user shall submit a written application to the Director, Bureau of Mines, U.S. Department of the Interior, Washington, D.C. 20240, and send a copy to Approval and Testing, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213.

(b) *Fees.* The applicable fees for work to be done according to this subpart shall coincide with the fees stated in § 18.7.

(c) *Requirements—(1) Constructional.* (i) Experimental equipment shall be so constructed that it will not constitute a fire or explosion hazard.

(ii) Enclosures designed as explosion-proof, unless already certified, or components of previously approved (permissible) machines, shall be submitted to the Bureau for inspection and test and shall meet the applicable design requirements of Subpart B of this part. Components designed as intrinsically safe also shall be submitted to the Bureau for investigation.

(iii) The Bureau may, at its discretion, waive the requirements for detailed drawings of component parts, inspections, and tests provided satisfactory evidence is submitted that an enclosure has been certified, or otherwise accepted by a reputable testing agency whose standards are substantially equivalent to those set forth in Subpart B of this part.

(2) *Specifications.* The specifications for experimental equipment shall include a layout drawing (see Figure 1 in Appendix II) or photograph(s) with the components, including overcurrent-protective device(s) with setting(s) identified thereon or separately; a wiring diagram; and descriptive material necessary to insure safe operation of the equipment. Drawings already filed with the Bureau need not be duplicated by the applicant, but shall be properly identified.

(d) *Final inspection.* Unless equipment is delivered to the Bureau for investigation, the applicant shall notify Approval and Testing, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, when and where the experimental equipment will be ready for inspection by a representative of the Bureau before installing it on a trial basis. Such inspection shall be completed before a permit will be issued.

(e) *Issuance of permit.* When the inspection discloses full compliance with

the applicable requirements of this subpart, the Director of the Bureau will issue a permit sanctioning the operation of a single unit in a gassy mine or tunnel, as designated in the application. If the applicant is not the assembler of the equipment, a copy of the permit also may be sent to the assembler.

(f) *Duration of permit.* A permit will be effective for a period of 6 months. For a valid reason, to be stated in a written application, the Director of the Bureau of Mines may grant an extension of a permit for an additional period, not exceeding 6 months. Further extension will be granted only where, after investigation, the Director finds that for reasons beyond the control of the user, it has not been possible to complete the experiment within the period covered by the extended permit.

(g) *Permit label.* With the notification granting a permit, the applicant will receive a photographic copy of a permit label bearing the following:

- (1) Seal of the Bureau of Mines.
- (2) Permit number.
- (3) Expiration date of the permit.
- (4) Name of machine.
- (5) Name of the user and mine or tunnel.

The applicant shall attach the photographic copy of the permit label, or replica thereof, to the experimental equipment. If a photograph is used, a clear plastic covering shall be provided for it.

(h) *Withdrawal of permit.* The Director of the Bureau may rescind, for cause, any permit granted under this subpart.

**APPENDIX I
LIST OF TABLES**

Table	Title
No.	
1	Portable power cable ampacities—600 volts.
2	Portable cord ampacities—600 volts.
3	Portable power cable ampacities—601 to 5,000 volts.
4	Normal diameter of round cables with tolerances in inches—600 volts.
5	Nominal dimension of flat cables with tolerances in inches—600 volts.
6	Nominal diameter of heavy jacketed cords with tolerances in inches—600 volts.
7	Nominal diameter of three-conductor portable power cables with tolerances in inches—601 to 5,000 volts.
8	Fuse ratings or instantaneous settings of circuit breakers for short-circuit protection of portable cables.
9	Specifications for portable cables longer than 500 feet.

TABLE 1.—PORTABLE POWER CABLE AMPACITIES—600 VOLTS (AMPERES PER CONDUCTOR BASED ON 60° C. COPPER TEMPERATURE—40° C. AMBIENT)

Conductor size—AWG or MCM	Single conductor	2-conductor, round or flat	3-conductor, round or flat	4-conductor	5-conductor	6-conductor
8	45	40	35	30	25	20
6	60	50	50	40	35	30
4	85	70	65	55	45	35
3	95	80	75	65	55	45
2	110	95	90	75	65	55
1	130	110	100	85	75	65
1/0	150	130	120	100	90	80
2/0	175	150	135	115	105	95
3/0	205	175	155	130	120	110
4/0	235	200	180	150	140	130
250	275	220	200	175		
300	305	240	220	190		
350	345	260	235	200		
400	375	280	250	220		
450	400	300	270	215		
500	425	320	290	230		

RULES AND REGULATIONS

TABLE 2—PORTABLE CORD AMPACITIES—600 VOLTS (AMPERES PER CONDUCTOR BASED ON 60°C. COPPER TEMPERATURE—40°C. AMBIENT)

Conductor size—AWG	1-3 conductor	4-6 conductor	7-9 conductor
14	15	12	8
12	20	16	11
10	25	20	14

TABLE 3—PORTABLE POWER CABLE AMPACITIES—601 TO 5,000 VOLTS (AMPERES PER CONDUCTOR BASED ON 75°C. COPPER TEMPERATURE—40°C. AMBIENT)

Conductor size—AWG	3-conductor	4-conductor	5-conductor	6-conductor	7-conductor
14	100	115	130	145	160
12	130	145	170	195	220
10	170	195	220	245	275
8	220	245	275	305	360

TABLE 6—NOMINAL DIAMETERS OF HEAVY JACKETED CORDS WITH TOLERANCES IN INCHES—600 VOLTS

Conductor size—AWG	2-conductor			3-conductor			4-conductor			5-conductor			6-conductor			7-conductor		
	Conductor size—AWG	Diameter	Tolerance															
14	14	0.64	±0.02	15	0.67	±0.02	16	0.71	±0.02	17	0.78	±0.03	18	0.83	±0.03	19	0.89	±0.03
12	12	0.68	±0.02	13	0.72	±0.02	14	0.76	±0.02	15	0.80	±0.03	16	0.83	±0.03	17	0.88	±0.03
10	10	0.73	±0.03	11	0.80	±0.03	12	0.84	±0.03	13	0.90	±0.03	14	0.96	±0.03	15	1.07	±0.03

TABLE 7—NOMINAL DIAMETER OF THREE-CONDUCTOR PORTABLE POWER CABLES WITH TOLERANCES IN INCHES—601 TO 5,000 VOLTS

Conductor size—AWG or MCM	Type SHD-GC (individually shielded power conductors) 2,000 volts			Type SHD-GC (individually shielded power conductors) 2,000-3,000 volts			Type SHD-GC (individually shielded power conductors) 3,001-5,000 volts		
	Conductor size—AWG or MCM	Diameter	Tolerance	Conductor size—AWG or MCM	Diameter	Tolerance	Conductor size—AWG or MCM	Diameter	Tolerance
14	14	1.25	±0.10	15	1.39	±0.11	16	1.62	±0.13
12	12	1.40	±0.11	13	1.55	±0.12	14	1.77	±0.14
10	10	1.48	±0.12	11	1.62	±0.13	12	1.84	±0.15
8	8	1.55	±0.12	9	1.71	±0.14	10	1.92	±0.15
6	6	1.74	±0.14	7	1.89	±0.15	8	2.04	±0.17
4	4	1.84	±0.15	5	2.02	±0.16	6	2.18	±0.19
3	3	1.99	±0.15	4	2.16	±0.17	5	2.29	±0.20
2	2	2.12	±0.17	3	2.30	±0.18	4	2.45	±0.21
1	1	2.30	±0.18	2	2.46	±0.20	3	2.62	±0.22

TABLE 4—NOMINAL DIAMETERS OF ROUND CABLES WITH TOLERANCES IN INCHES—600 VOLTS

Conductor size—AWG or MCM	2-conductor			3-conductor			4-conductor			5-conductor			6-conductor			7-conductor		
	Conductor size—AWG or MCM	Type PG, 2 power, 2 control, ground	Type PG, 3 power, 2 control, ground	Type PG, W & G	Type PG, 2 power, 2 control, ground	Type PG, 3 power, 2 control, ground	Type PG, W & G	Type PG, 2 power, 2 control, ground	Type PG, 3 power, 2 control, ground	Type PG, W & G	Type PG, 2 power, 2 control, ground	Type PG, 3 power, 2 control, ground	Type PG, W & G	Type PG, 2 power, 2 control, ground	Type PG, 3 power, 2 control, ground	Type PG, W & G	Type PG, 2 power, 2 control, ground	Type PG, 3 power, 2 control, ground
8	8	0.94	0.91	0.93	0.94	0.95	0.96	0.99	1.07	1.18	1.21	1.31	1.31	1.31	1.31	1.31	1.31	1.31
6	6	1.08	1.01	1.03	1.04	1.05	1.06	1.09	1.18	1.21	1.24	1.31	1.31	1.31	1.31	1.31	1.31	1.31
4	4	1.27	1.17	1.24	1.29	1.34	1.39	1.48	1.54	1.61	1.67	1.74	1.74	1.74	1.74	1.74	1.74	1.74
2	2	1.44	1.44	1.44	1.44	1.45	1.52	1.52	1.68	1.88	2.05	2.13	2.13	2.13	2.13	2.13	2.13	2.13
1	1	1.77	1.52	1.65	1.68	1.68	1.68	1.70	1.79	1.93	2.13	2.32	2.32	2.32	2.32	2.32	2.32	2.32
0	0	2.00	1.65	1.75	1.75	1.75	1.75	1.79	1.89	1.93	2.07	2.26	2.49	2.49	2.49	2.49	2.49	2.49
3	3	2.77	1.77	1.77	1.77	1.77	1.77	1.79	2.04	2.13	2.26	2.40	2.71	2.71	2.71	2.71	2.71	2.71
4/0	4/0	3.93	2.16	2.16	2.16	2.16	2.16	2.39	2.39	2.39	2.66	2.84	2.84	2.84	2.84	2.84	2.84	2.84
250	250	1.03	2.32	2.32	2.32	2.32	2.32	2.56	2.56	2.56	2.68	2.98	2.98	2.98	2.98	2.98	2.98	2.98
300	300	1.09	2.43	2.43	2.43	2.43	2.43	2.68	2.68	2.68	2.82	3.14	3.14	3.14	3.14	3.14	3.14	3.14
350	350	1.15	2.57	2.57	2.57	2.57	2.57	2.82	2.82	2.82	2.94	3.26	3.26	3.26	3.26	3.26	3.26	3.26
400	400	1.20	2.67	2.67	2.67	2.67	2.67	2.94	2.94	2.94	3.08	3.40	3.40	3.40	3.40	3.40	3.40	3.40
450	450	1.31	2.76	2.76	2.76	2.76	2.76	3.08	3.08	3.08	3.26	3.60	3.60	3.60	3.60	3.60	3.60	3.60

TABLE 5—NOMINAL DIMENSION OF FLAT CABLES WITH TOLERANCES IN INCHES—600 VOLTS

Conductor size—AWG	2-conductor			3-conductor			4-conductor			5-conductor			6-conductor			7-conductor		
	Conductor size—AWG	Major	Minor															
8	8	0.51	±0.03	1.02	±0.04	0.56	±0.03	1.65	±0.06	0.67	±0.05	1.85	±0.06	0.75	±0.05	1.99	±0.06	0.81
6	6	0.56	±0.04	1.06	±0.04	0.61	±0.03	1.73	±0.04	0.68	±0.03	1.94	±0.04	0.76	±0.05	2.04	±0.05	0.82
4	4	0.61	±0.04	1.14	±0.04	0.68	±0.03	1.26	±0.04	0.73	±0.03	1.94	±0.04	0.81	±0.05	2.10	±0.05	0.88
3	3	0.66	±0.04	1.24	±0.04	0.81	±0.03	1.35	±0.04	0.83	±0.03	1.97	±0.04	0.93	±0.05	2.16	±0.05	0.94
2	2	0.71	±0.04	1.40	±0.04	0.93	±0.03	1.67	±0.04	0.91	±0.03	2.43	±0.04	1.00	±0.05	2.57	±0.05	1.05
1	1	0.76	±0.04	1.51	±0.04	1.03	±0.03	1.85	±0.04	0.93	±0.03	2.43	±0.04	1.00	±0.05	2.60	±0.05	1.10
0	0	0.81	±0.04	1.63	±0.04	1.09	±0.03	2.00	±0.04	1.03	±0.03	2.60	±0.04	1.00	±0.05	2.73	±0.05	1.15
20	20	1.77	±0.04	1.77	±0.04	1.10	±0.03	2.10	±0.04	1.03	±0.03	3.03	±0.04	1.00	±0.05	3.16	±0.05	1.20
40	40	1.89	±0.04	1.89	±0.04	1.10	±0.03	2.10	±0.04	1.03	±0.03	3.03	±0.04	1.00	±0.05	3.16	±0.05	1.25

TABLE 8—FUSE RATING OR INSTANTANEOUS SETTINGS FOR CIRCUIT BREAKERS FOR SHORT-CIRCUIT PROTECTION OF PORTABLE CABLES AND CORDS

Conductor size—AWG or MCM	1200			1000			800			600			400			300			
	Conductor size—AWG or MCM	Major	Minor	Conductor size—AWG or MCM	Major	Minor	Conductor size—AWG or MCM	Major	Minor	Conductor size—AWG or MCM	Major	Minor	Conductor size—AWG or MCM	Major	Minor	Conductor size—AWG or MCM	Major	Minor	
8	8	0.84	±0.04	0.51	±0.03	1.02	±0.04	0.56	±0.03	1.65	±0.06	0.67	±0.05	1.78	±0.06	0.75	±0.05	1.86	±0.05
6	6	0.93	±0.04	0.61	±0.04	1.06	±0.04	0.68	±0.03	1.73	±0.06	0.84	±0.05	1.98	±0.06	0.92	±0.05	2.06	±0.05
4	4	1.06	±0.04	0.71	±0.04	1.14	±0.04	0.78	±0.03	1.80	±0.06	0.98	±0.05	2.00	±0.06	1.00	±0.05	2.10	±0.05
3	3	1.14	±0.04	0.77	±0.04	1.24	±0.04	0.85	±0.03	1.87	±0.06	1.04	±0.05	2.05	±0.06	1.08	±0.05	2.18	±0.05
2	2	1.24	±0.04	0.81</															

APPENDIX II

LIST OF FIGURES

Figure No. Title

- 1 Typical layout drawing of a machine.
- 2 Sample bill of material (to accompany layout drawing shown on figure 1).
- 3 Material to be included with the operating instructions on or with the wiring diagram submitted to each customer.
- 4 Sample factory inspection form.
- 5 Typical plane joint.
- 6 Typical combination joint.

Figure 1
TYPICAL LAYOUT DRAWING OF A MACHINE

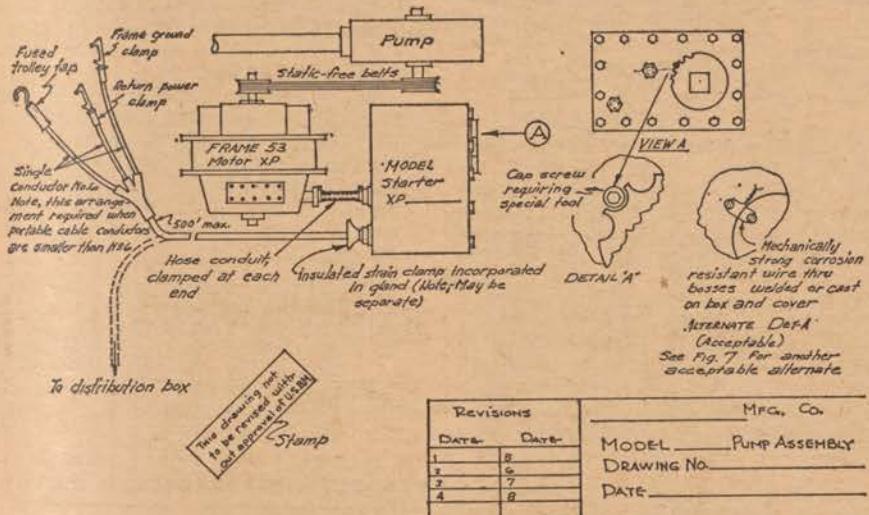


FIGURE 2.—SAMPLE BILL OF MATERIAL

B. of M. No.	Date	Revision	Date
1.			
2.			
3.			
4.			
5.			

Bill of Material (Electrical)

Model: (Manufacturing Company)

Approval 2G— (Unit Name)

Motor: (Manufacturing Company)

Frame
— Hp. Volts, Ph.
— Cy. R.P.M.
X/P—

(Date)
Extension

Starter: (Manufacturing Company)

Model
— Hp. Volts.
X/P—

(Date)
Extension

Cable—Motor to Starter:
Cond. No. — " O.D. — " Long

Hose—Motor to Starter Cable:
— " I.D. — " O.D. — " Long

Portable (Trailing) Cable—

Type: Cond. No. — " O.D. — " Long

Hose—for Portable Cable:
— " I.D. — " O.D. — " Long

Hose Clamps—

2 for Motor-Starter Hose conduit — " D

1 for Portable Cable Hose conduct — " D*

*Only when short length of hose is used.

Trolley Tap—

(Manufacturing Company)

Model — with
— ampere fuse.

Rail Clamps, 2.

1 Ground Clamp, Cat. No. —

(Manufacturing Company)

1 Return Power Conductor, Cat. No. —

(Manufacturing Company)

or—as Optional

Plug on outby end of potable cable for insertion into receptacle on distribution box or equivalent with short-circuit protective device set at — amperes.

Static-free Belt

Model
Style
Catalog No. —

(Manufacturing Company)

Guard for Belt—

Material
Overall Dimensions — " Long x — " Wide x — " High

NOTE: The foregoing is intended as a guide. Additional electrical components used shall be completely identified.

FIGURE 3.—MATERIAL TO BE INCLUDED WITH THE OPERATING INSTRUCTIONS—ON OR WITH THE WIRING DIAGRAM SUBMITTED TO EACH CUSTOMER

(Sometimes referred to as "Caution Statement")

CAUTION

To retain "permissibility" of this equipment the following conditions shall be satisfied:

1. *General safety.* Frequent inspection shall be made. All electrical parts, including the portable cable and wiring, shall be kept in a safe condition. There shall be no openings into the casings of the electrical parts. A permissible distribution box shall be used for connection to the power circuit unless connection is made in fresh intake air. To maintain the overload protection on direct-current machines, the ungrounded conductor of the portable cable shall be connected to the proper terminal. The machine frame shall be effectively grounded. The power wires shall not be used for grounding except in conjunction with diode(s) or equivalent. The operating voltage should match the voltage rating of the motor(s).

2. *Servicing.* Explosion-proof enclosures shall be restored to the state of original safety with respect to all flame arresting paths, lead entrances, etc., following disassembly for repair or rebuilding, whether by the owner or an independent shop.

3. *Fastenings.* All bolts, nuts, screws, and other means of fastening, and also threaded covers, shall be in place, properly tightened and secured.

4. *Renewals and repairs.* Inspections, repairs, or renewals of electrical parts shall not be made unless the portable cable is disconnected from the circuit furnishing power, and the cable shall not be connected again until all parts are properly reassembled. Special care shall be taken in making renewals or repairs. Leave no parts off. Use replacement parts exactly like those furnished by the manufacturer. When any lead entrance is disturbed, the original leads or exact duplicates thereof shall be used and stuffing boxes shall be repacked in the approved manner.

5. *Cable requirements.* A flame-resistant portable cable bearing a Bureau assigned identification number, adequately protected by an automatic circuit-interrupting device shall be used. Special care shall be taken in handling the cable to guard against mechanical injury and wear. Splices in portable cables shall be made in a workmanlike manner, mechanically strong, and well insulated. Not more than five temporary splices are permitted in a portable cable regardless of length. Connections and wiring to the outby end of the cable shall be in accordance with recognized standards of safety.

FIGURE 4.—SAMPLE FACTORY INSPECTION FORM

Inspector	Date
MACHINE	
Designation:	Serial No.
Type:	
MOTOR	
Manufacturer:	Type:
Serial No.:	Type:
Frame:	
Hp. F.L. Speed:	Volts: Amps.
Winding:	X/P No. (or parts list designation).
STARTER	
Manufacturer:	Type:
Serial No.:	Type:
Hp. Volts:	X/P No. (or parts list designation).
Short-circuit protection	amps.
Overload-current protection	amps.

RULES AND REGULATIONS

PORTABLE CABLE

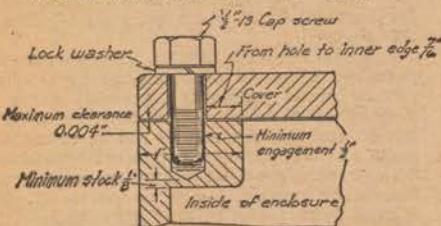
Manufacturer: _____ Conductors: _____
 Type: _____ O.D. _____ BM No. _____
 Length: _____
 Is all wiring around machine adequately protected from mechanical damage?
 By hose conduit _____, Troughs _____
 Metal tubing _____, Other _____
 By removal of all sharp corners or edges?

Is wiring separated from hydraulic components?
 Is an adequate insulated strain clamp provided for the portable cable?
 Are all packing glands properly packed so that $\frac{1}{8}$ -inch clearance remains between packing nut and stuffing box?
 Are lockwashers (or equivalent) provided for all explosion-proof enclosures fastenings?

Are all plane joints securely fastened so that an 0.005-inch feeler gage cannot be inserted?
 Are all threaded covers secured?
 How?
 Are all electrical connections secure and properly insulated where necessary?

NOTE: Add appropriate material for each explosion-proof enclosure when more than a motor and starter are on a machine.

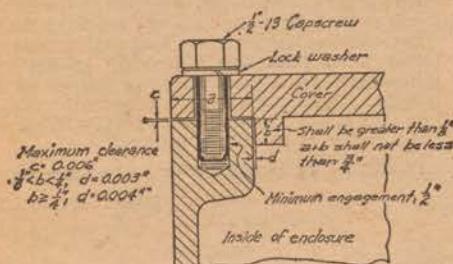
All dimensions apply to enclosures larger than $1\frac{1}{2}$ cubic inches in volume (when empty). For smaller enclosures refer to 10.31 (e)(6)



TYPICAL PLANE JOINT

Figure 5

All dimensions apply to enclosures larger than $1\frac{1}{2}$ cubic inches in volume (when empty). For smaller enclosures refer to 10.31 (e)(6)



TYPICAL COMBINATION JOINT

Figure 6

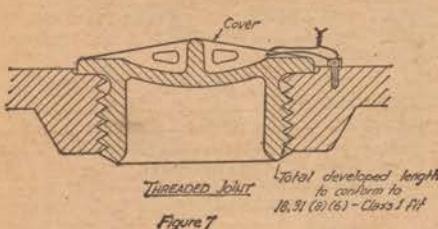


Figure 7

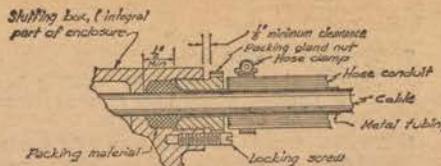
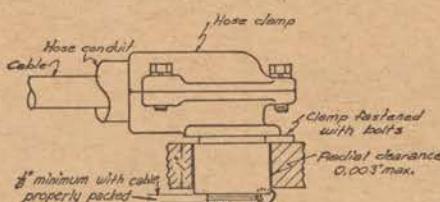
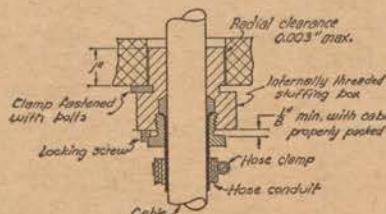


Figure 8

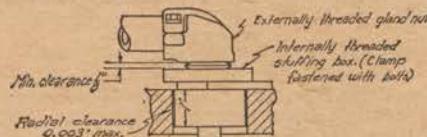


TYPICAL SLIP-FIT ANGLE TYPE STUFFING BOX PACKING GLAND LEAD ENTRANCE WITH HOSE CLAMP

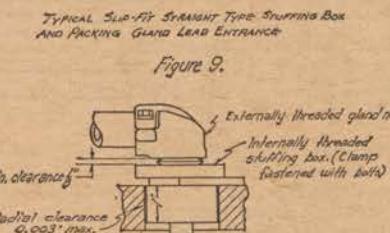


TYPICAL SLIP-FIT STRAIGHT TYPE STUFFING BOX AND PACKING GLAND LEAD ENTRANCE

Figure 9



TYPICAL SLIP-FIT ANGLE TYPE STUFFING BOX AND PACKING GLAND LEAD ENTRANCE



TYPICAL PLUG FOR SPARE LEAD ENTRANCE HOLE

Figure 10

[F.R. Doc. 68-3226; Filed, Mar. 18, 1968; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 68-22]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Cypress Creek, Va.

1. The Virginia Department of Highways by letter dated November 8, 1967

requested the Norfolk District, Corps of Engineers, to provide special regulations governing the operation of the drawbridge over Cypress Creek on U.S. Highway 258 and State Highway 10 at Smithfield, Va. A public notice dated November 20, 1967 setting forth the proposed revision of the regulations governing this drawbridge was issued by the Norfolk District, Corps of Engineers, and was made available to all persons known to have an interest in this subject. No comments were submitted in response to this proposal and the revision therefore is accepted. The purpose of this document is to prescribe special regulations for the operation of the Cypress Creek drawbridge under 33 CFR 117.245(f) (28-b). This regulation will require operation of the bridge only during the hours between sunrise and sunset.

2. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and 49 CFR 1.4(a)(3), the text of 33 CFR 117.245(f) (28-b) shall read as follows and shall be effective on and after 30 days after date of publication of this document in the FEDERAL REGISTER.

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

* * * * *

(f) *Waterways discharging into Chesapeake Bay.* * * *

(28-b) Cypress Creek, Va.; Virginia Department of Highways Bridge on U.S. Highway 258 and State Highway 10 at Smithfield, Va. Between sunset and sunrise the draw need not be opened for the passage of vessels.

* * * * *

(Sec. 5, 28 Stat. 362, as amended; 33 U.S.C. 499; 49 CFR 1.4(a)(3)(v); 32 F.R. 5606)

Dated: March 11, 1968.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 68-3277; Filed, Mar. 18, 1968; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 6—Department of State

[Departmental Reg. 108.578]

PART 6-3—PROCUREMENT BY NEGOTIATION

Subpart 6-3.4—Types of Contracts

Subpart 6-3.4 is revised to read as follows:

Subpart 6-3.4—Types of Contracts

Sec. 6-3.400	Scope of subpart.
6-3.404	Fixed-price contracts.
6-3.404-1	General.
6-3.404-2	Firm fixed-price contract.

Sec.	
6-3.404-3	Fixed-price contract with escalation.
6-3.404-5	Prospective price redetermination at a stated time or times during performance.
6-3.406	Other types of contracts.
6-3.406-1	Time and materials contract.
6-3.406-2	Labor-hour contract.
6-3.406-50	Combination contract.
6-3.408	Letter contract.
6-3.409	Indefinite delivery type contracts.
6-3.410	Other types of agreements.
6-3.410-50	Price agreement.
6-3.410-51	Grant agreement.
6-3.450	Definite delivery type contracts.
6-3.451	Supply contracts.
6-3.452	Nonpersonal service contracts.
6-3.453	Construction contracts.

AUTHORITY: The provisions of this Subpart 6-3 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 4, 63 Stat. 111, 22 U.S.C. 2658.

§ 6-3.400 Scope of subpart.

This subpart provides for the types of contracts which are authorized for use outside the United States. To the extent provided for, it also applies to contracts for performance within the United States.

§ 6-3.404 Fixed-price contracts.

§ 6-3.404-1 General.

(a) *Description.* This type of contract may provide for pricing on the basis of either:

(1) Units of the items, supplies or services being procured (often referred to as "end-product" contracts); or

(2) Effort or time expended in the performance of the contract (sometimes referred to as "level-of-effort" contracts).

(b) *Application.* The fixed-price contract (without incentive provisions) provides the only type of contract pricing authorized for use outside the United States. The end-product variant, described in paragraph (a)(1) of this section, should be used when feasible because it provides maximum contractor performance motivation.

§ 6-3.404-2 Firm fixed-price contract.

Application. Firm fixed pricing shall always be used for performance outside the United States unless lower base prices can be obtained by the use of fixed prices with escalation or redetermination provisions. An example of a use for this type of contract might be for equipment procured with a foreign currency in excess supply.

§ 6-3.404-3 Fixed-price contract with escalation.

(a) *Application.* Use of this type of adjustable pricing in contracts for performance outside the United States is usually appropriate only in supply or service contracts of either indefinite or multiple delivery types wherein existing or anticipated market instability, due to identifiable factors, inhibits the negotiation of prices or rates firm for the entire performance period of the contract. An example of the necessity for price escalation provisions is an indefinite delivery contract at a post for gasoline,

priced in a currency subject to unusual inflationary pressures. An example of the use of labor escalation provisions would be an annual contract for janitorial services at a post in a country with a rapidly rising cost of living. Labor escalation provisions should be based, when possible, on specific rates or indices recognized locally.

(b) *Limitations.* This type of contract shall not be used unless:

(1) A simple formula or provision is included in the contract which will operate to escalate the price, within a ceiling, upward and downward from base levels upon the occurrence of the stated contingency or contingencies; and

(2) The base price levels are lower than those obtainable on a firm fixed price basis.

§ 6-3.404-5 Prospective price redetermination at a stated time or times during performance.

(a) *Application.* The use of this type of adjustable pricing would be appropriate under conditions described in subsection 3 of this section when it is not possible to devise a practical escalatory formula. An example of an appropriate use of this type of contract at a post might be one for coal from a sole source wherein a fluctuating seasonal requirement and supply precludes agreement upon either a firm, fixed price or a formula for escalation.

(b) *Limitation.* The necessity for re-pricing this type of contract at the stated time or times greatly limits its usefulness.

§ 6-3.406 Other types of contracts.

(a) *Description.* Although the hybrid contracts provided for in subsections 1 and 50 of this section provide for reimbursement of materials or services at actual cost, they are not to be considered as cost-reimbursement type contracts as provided for in § 1-3.405 of this title.

(b) *Application.* The pricing of the fixed-price portions of all types of contracts provided for in this section may be either firm or adjustable. When the pricing is on a time basis the rates must be inclusive of all profit and overhead.

§ 6-3.406-1 Time and materials contract.

(a) *Application.* This type of contract is generally useful outside the United States only in instances where it is impractical to price on an end-product basis as described in § 6-3.404-1(a)(1). An example of a use for this type of contract at a post would be for a rewiring job when no reasonable proposals priced on an "end-product" basis are received because of cost estimation difficulties.

(b) *Limitation.* The disadvantages of this type of contract make it particularly unsuitable for use outside the United States in instances where any imported, dutiable materials are involved.

§ 6-3.406-2 Labor-hour contract.

(a) *Application.* This type of contract is often useful outside the United States in instances wherein it is necessary to specify the number and category of

laborers in the contract. An example would be an annual custodial contract at a post for a specified number of guards.

(b) *Limitation.* The pricing of this type of contract on a time basis provides minimum contractor performance motivation.

§ 6-3.406-50 Combination contract.

(a) *Description.* The combination contract provides for supplies or services on a fixed-price basis, to the extent feasible, with certain specified items or services reimbursable at actual cost. The fixed-price portion of the contract shall be on an end-product basis when feasible.

(b) *Application.* This type of contract is particularly suitable for service contracts when it is impossible to estimate the costs of certain variable items or services necessary to performance of the contract. For example, a freight forwarding contract for an inland post wherein transportation and other specified charges could be paid by the contractor on an actual cost reimbursable basis. The contractor's own services would be provided for within the fixed-price portion.

(c) *Limitations.* This type of contract should provide for as large a portion as feasible of the items or services within the fixed-price portion of the contract because the reimbursable portion is subject to the same limitations as the materials portion of a Time and Materials contract.

§ 6-3.408 Letter contract.

(a) *Application.* The definitive contract to replace a Letter contract may be of any of the definitive types provided for in this chapter. An example of a Letter contract might be one at a post for emergency repair of damage caused by earthquake.

(b) *Limitations.* (1) Prior to the execution of a Letter contract the Chief, Supply and Transportation Services Division, or, in the case of posts, the Principal Officer, shall determine in writing that no other type of contract is suitable. The determination shall establish the limit of effectiveness of the Letter contract; i.e., the date by which the definitive contract will be entered into. This date shall not be more than 90 days from the date of the Letter contract or the completion of 25 percent of the performance of the contract, whichever occurs first.

(2) The maximum liability under a Letter contract shall not exceed 50 percent of the total estimated contract price.

§ 6-3.409 Indefinite delivery type contracts.

These contracts are useful in satisfying requirements for supplies or services which recur on an irregular or unpredictable basis. They are sometimes referred to generically as "open end" or "option" contracts. Pricing, whether firm or adjustable, should be on an end-product basis when feasible.

(a) *Definite quantity contract—(1) Application.* This type of contract should be used to satisfy requirements for supplies or services in which it is feasible to establish a definite total quantity com-

RULES AND REGULATIONS

mitment. For example, a seasonal but estimable requirement at a post for the delivery, upon order, of firewood, wherein an advantageous price could not be obtained without a definite quantity commitment.

(2) *Limitation.* Because this type of contract constitutes an obligation for the definite quantity contracted for, the performance period of the contract cannot cross fiscal years unless the commitment to place orders in the subsequent fiscal year is made subject to fund availability of that year.

(b) *Requirements contract.* Application: This type of contract is useful in fulfilling requirements for supplies or services in which the establishment of either total or minimum quantity commitments is not practical because:

- (1) The requirement is sporadic; or
- (2) Insufficient experience exists upon which to base either minimum or total quantities.

As obligations are incurred only when individual orders are placed under this type of contract, the performance period may cross fiscal years. For this reason it is recommended that the performance periods of these contracts be cycled through the year to alleviate the fiscal year-end contracting load. For example, this type of contract might be used for maintenance services at a newly opened post.

(c) *Indefinite quantity contract.* Application: This type of contract is useful in satisfying recurring, irregular requirements for supplies or services when definite quantities cannot be anticipated although a minimum can be safely established. The minimum is conducive to obtaining an advantageous price. As this type of contract constitutes an obligation for the specified minimum, this portion of the contract cannot cross fiscal years. For all quantities in excess of the minimum, obligations are incurred only as individual orders are placed and, consequently, this portion of the contract may cross fiscal years. An example of the use of this type of contract would be one for gasoline at a post where enough usage experience exists to safely allow the establishment of a minimum commitment.

§ 6-3.410 Other types of agreements.

§ 6-3.410-50 Price agreement.

(a) *Description.* A price agreement is similar to an indefinite delivery contract except that it contains no commitment to place orders. This type of agreement is sometimes referred to as an "open-end contract". However, the agreement is not a contract; it constitutes an offer by the supplier which may be withdrawn at any time before a specific order is made. When performance occurs under an order pursuant to the agreement, a contract is consummated, with respect to that order only.

(b) *Application.* This type of agreement may be useful in instances when alternate sources of supply or service are desired and certainty of performance is not a factor. As obligations are incurred

only as orders are placed, the performance period of this type of agreement may cross fiscal years.

(c) *Limitation.* The absence of any commitment to place orders under this agreement is not conducive to the obtaining of advantageous prices.

§ 6-3.410-51 Grant agreement.

(a) *Application.* Although performance under grant agreements need not always be subject to the same terms and conditions as contracts, such agreements should conform to the provisions of this title, to the extent feasible.

(b) *Limitation.* Grant agreements shall not be executed outside the United States except upon specific authorization.

§ 6-3.450 Definite delivery type contracts.

Either of the definite delivery type contracts described in this section may be used for procurements when the time or schedule of delivery or performance can be specified in the contract.

(a) *Single delivery contract—(1) Description.* This type of contract provides for the filing of an isolated requirement when creation of a continuing relationship is not warranted because recurrence of the requirement is not anticipated within the current fiscal year. This type of contract is sometimes referred to as a "lump sum" contract.

(2) *Application.* This type of contract is used to satisfy a nonrecurring requirement for an item or lot of supplies or services. The pricing of this type of contract, for performance outside the United States, shall be firm. It shall be on an end product basis when feasible. An example might be a contract for the preparation and administration of an exhibit for a trade fair.

(3) *Limitation.* This type of contract constitutes an obligation of the current fiscal year for the item contracted for. As it is for a single requirement, however, delivery may be wholly or partly accomplished during a subsequent fiscal year.

(b) *Multiple delivery contract—(1) Description.* This type of contract provides for the satisfying of a service or supply requirement which continues or recurs on a predictable basis. Either firm or adjustable pricing may be used, on an end product basis when feasible. This type of contract is sometimes referred to as a term, continuing, annual or periodic contract.

(2) *Application.* This type of contract should be used to satisfy requirements for supplies or services, the deliveries or performance of which can be scheduled. An example might be an annual contract for custodial services at a post.

(3) *Limitation.* Because this type of contract constitutes an obligation for the total quantity scheduled for delivery, the performance period should not, ideally, cross fiscal years. If the performance period does cross fiscal years the obligation must be limited to the quantity scheduled for delivery within the current fiscal year with the remainder made subject to the appropriations of the following fiscal year.

§ 6-3.451 Supply contracts.

Application. The pricing of this type of contract, for performance outside the United States, whether firm or adjustable, shall be on an end product basis.

§ 6-3.452 Nonpersonal service contracts.

(a) *Application.* The pricing of this type of contract, for performance outside the United States, whether firm or adjustable, shall be on an end product basis when feasible.

(b) *Limitation.* This type of contract, whether with an individual or organization, and whether for services professional or nonprofessional in character, shall be for services which meet criteria provided in § 6-1.258-1 of this chapter.

§ 6-3.453 Construction contracts.

(a) Contracts for capital improvements, alterations, and major repairs, as described in 6 Foreign Affairs Manual 730, are not subject to the provisions of this title.

(b) Construction contracts, other than those described in paragraph (a) of this section are subject to the provisions of this title. All such contracts shall be firm priced and on an end-product basis, when feasible.

IDAR RIMESTAD,
Deputy Under Secretary
for Administration.

MARCH 5, 1968.

[F.R. Doc. 68-3287; Filed, Mar. 18, 1968;
8:46 a.m.]

Chapter 39—Post Office Department

PART 39-10—BONDS AND INSURANCE

A new Part 39-10 is added to Chapter 39 of Title 41, Code of Federal Regulations, to prescribe policy guidelines and clauses governing use of Bid Guarantees and contracts for supplies and services, use of Performance Bonds in contracts for supplies and services, and use of Payment Bonds in other than construction contracts and are effective upon publication in the *FEDERAL REGISTER*:

Sec.	
39-10	Bonds and insurance.
39-10.1	Bonds.
39-10.103	Bid guarantees.
39-10.103-1	Policy on use.
39-10.103-2	Amount required.
39-10.103-3	Invitation for bids provisions.
39-10.104	Performance bonds.
39-10.104-1	Supplies and services contracts.
39-10.105	Payment bonds.
39-10.105-1	Other than construction contracts.

AUTHORITY: The provisions of this Part 39-10 issued under 5 U.S.C. 501, 39 U.S.C. 501, 40 U.S.C. 486.

§ 39-10 Bonds and insurance.

§ 39-10.1 Bonds.

§ 39-10.103 Bid guarantees.

§ 39-10.103-1 Policy on use.

(a) Normally, bid guarantees shall not be required; however, a bid guarantee may be required when all of the following obtain:

(1) The estimated cost of the procurement exceeds \$5 million.

(2) The solicitation specifies that both a performance bond and a payment bond is required.

(b) Bid guarantees shall not be included in solicitations for supplies and services (including solicitations for fixed mechanization, and alterations and modifications to fixed mechanization) without prior approval of the Director, Procurement Division.

§ 39-10.103-2 Amount required.

See Post Office Department regulations in § 39-10.103-3(b).

§ 39-10.103-3 Invitation for bids provisions.

(a) When a bid guarantee provision has been approved pursuant to § 39-10.103-1(b), insert in Standard Form 36 "Continuation Sheet" the clause set forth in FPR 1-10.103-3(a)(2).

(b) Unless unusual circumstances prevail, the bid guarantee shall be in the amount of 20 percent of the total bid price (except that such guarantee shall not exceed \$3 million).

§ 39-10.104 Performance bonds.

§ 39-10.104-1 Supplies and services contracts.

(a) Performance bonds shall not be required in supplies and services contracts, except as provided in paragraphs (b) and (c) of this section. Performance bonds shall not be used as protection against selection of a nonresponsible contractor.

(b) Performance bonds may be required when the product or service is not scheduled for first delivery until at least 12 months after contract award and substantial progress payments during such production leadtime are contemplated.

(c) Since contracts for the installation, alteration, or modification of fixed mechanization systems require site effort similar in scope to construction work, a performance bond equal to 25 percent of the total bid price shall be required. In such solicitations insert the following clause in Standard Form 36, "Continuation Sheet":

PERFORMANCE BOND

The successful bidder shall be required to furnish a performance bond equal to 25 percent of the total contract price within 10 days after award of the contract.

(d) See also FPR 1-10.104-2 (d), (e), and (f) and SF25, Performance Bonds.

§ 39-10.105 Payment bonds.

§ 39-10.105-1 Other than construction contracts.

(a) Payment bonds for procurements other than construction may be required only if a performance bond is also required.

(b) Payment bonds shall be required for the installation portion only of contracts involving fixed mechanization systems or the alteration and modification of fixed mechanization systems. Standard Form 25A "Payment Bond"

shall be used for this purpose and the following clause inserted in Standard Form 36, "Continuation Sheet":

PAYMENT BOND

The successful bidder shall be required to furnish a payment bond applicable to the on-site installation portion only within 10 days after award of the contract. Bidder shall insert in the space below that percent of his total bid price that is applicable to on-site installation only.

(Insert percent here)

If the price for the on-site installation portion of the contract is:

(1) Not more than \$1 million, the penal amount shall be 50 percent of such amount.

(2) More than \$1 million but not more than \$5 million, the penal amount shall be 40 percent of such amount.

(3) More than \$5 million, the penal amount shall be \$2,500,000.

TIMOTHY J. MAY,
General Counsel.

MARCH 13, 1968.

[F.R. Doc. 68-3276; Filed, Mar. 18, 1968; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 54—GOLD REGULATIONS

Import of Gold by Persons Holding Treasury Licenses and Export of Newly Mined Domestic Gold

The purposes of the amendments set forth below are to provide that the Mints shall no longer purchase or sell gold, and to provide that newly mined domestic gold may be exported. Persons regularly engaged in an industry, profession, or art, who require gold for legitimate, customary, and ordinary use, or persons holding Treasury gold licenses may continue to acquire newly mined gold or to import gold into the United States for authorized uses. Because of the nature of these amendments, their relationship to the international monetary system, and the consequent necessity for making them effective immediately, it is found that notice and public procedure are impracticable, unnecessary, and contrary to the public interest.

1. Section 54.7 is amended by inserting "(a)" at the beginning thereof, and by adding at the end thereof the following:

§ 54.7 General provisions affecting export licenses.

(b) This section shall not apply to exports of gold authorized under § 54.25(b).

§ 54.19 [Amended]

2. Section 54.19(b)(1) is deleted.
3. Section 54.19(c) is amended by deleting "to the United States and".

§ 54.21 [Amended]

4. Section 54.21(a)(1) is amended by deleting therefrom the words "unmelted scrap."

5. Section 54.21(a)(3) is amended by deleting therefrom "to the United States".

6. Section 54.21(a)(4) is amended by deleting therefrom "to the United States or".

§ 54.23 [Amended]

7. Section 54.23 is amended by deleting therefrom ", or for sale to the United States".

8. Section 54.25(b) is amended by adding at the end thereof the following:

§ 54.25 Licenses.

* * * * *

(b) *Licenses and authorizations for the exporting of gold.* * * *

(5) Gold recovered from natural deposits in the United States or any place subject to the jurisdiction thereof, which shall not have entered into monetary or industrial, professional, or artistic use may be exported from the United States for disposition to a person not subject to the jurisdiction of the United States, or to a person subject to the jurisdiction of the United States who is licensed to acquire such gold without the necessity of obtaining a license therefor. With respect to each such export, such information shall be furnished in such form and at such time as the Director, Office of Domestic Gold and Silver Operations requires under § 54.26(a).

§§ 54.36-54.52 [Revoked]

9. Sections 54.36 to 54.52, inclusive, are hereby revoked.

Parts 92 and 93 shall be deemed to be modified to the extent necessary to conform to the amendments to Part 54 made herein.

(Sec. 5(b), 40 Stat. 415, as amended, secs. 3, 8, 9, 11, 48 Stat. 340, 341, 342; 12 U.S.C. 95a, 31 U.S.C. 442, 733, 734, 822b, E.O. 6260, Aug. 28, 1933, as amended by E.O. 10896, 25 F.R. 12281, E.O. 10905, 26 F.R. 321, E.O. 11037, 27 F.R. 6967; 3 CFR, 1959-63 Comp. and E.O. 6359, Oct. 25, 1933, E.O. 9193, as amended, 7 F.R. 5205; 3 CFR, 1943 Cum. Supp., E.O. 10289, 16 F.R. 9499, 3 CFR, 1949-53 Comp., except as otherwise noted)

This amendment shall become effective on filing with the Office of the Federal Register.

HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 68-3385; Filed, Mar. 18, 1968; 9:01 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 111]

PART 1606—GENERAL ADMINISTRATION

Furnishing Information Under Administrative Procedure Act

The following new §§ 1606.62 and 1606.63 of the Selective Service Regula-

RULES AND REGULATIONS

tions are hereby prescribed to read as follows:

§ 1606.62 Requests for names, addresses, and personal data concerning board members, government appeal agents, advisors and other officials.

(a) In accordance with Federal Personnel Manual Letter 294-1, March 17, 1966, issued by the Civil Service Commission, the names, position titles, grades, salaries, and duty stations of employees of the Selective Service System are public information.

(b) The names of board members, government appeal agents and advisors will be posted in an area available to the public at each board office to which such personnel are assigned.

(c) In accordance with the reasoning of Federal Personnel Manual Letter 711-8, August 2, 1967, issued by the Civil Service Commission, the home addresses and other personal data concerning the officials designated in paragraph (b) of this section will not be released unless (1) the person to whom the data relates consents to such release or (2) the board chairman determines in writing, after consultation with the person to whom the data relates, that disclosure would not harm such person, and would not constitute a clearly un-

warranted invasion of his personal privacy.

§ 1606.63 Demands of courts or other authorities for records or information protected by these regulations.

(a) Authority to release records or information the disclosure of which is prohibited or restricted by the regulations in this part, including personal information bearing on the qualifications of an official to serve in the position he occupies, is reserved to the Director of Selective Service. A request, demand or order to produce such information (hereafter "demand") will not be honored by any employee of the System without prior approval of the Director.

(1) Whenever such demand is made upon an employee of the System by or through a court or other authority, he will immediately notify the Director of Selective Service and the U.S. Attorney for the district in which the issuing court or other authority is located.

(2) If response to the demand is required before instructions from the Director of Selective Service are received, the employee responsible for responding shall request the U.S. Attorney to represent him, shall appear before the court or other authority, shall cause the court or other authority to be furnished a copy of this section and § 1606.62, and shall

cause it to be informed that the demand has been or is being, as the case may be, referred for the prompt consideration of the Director of Selective Service. The employee or his representative should respectfully request the court or other authority to stay the demand pending receipt of instructions from the Director of Selective Service.

(b) If the court or other authority declines to stay the effect of the demand, or rules that the demand must be complied with regardless of the instructions from the Director of Selective Service, the employee will respectfully decline to comply with the demand (United States ex rel. Touhy v. Ragen, 340 U.S. 462, 71 S. Ct. 416).

(Sec. 10, 62 Stat. 618, as amended, 50 U.S.C. App. 460; 81 Stat. 54, 5 U.S.C. 552; E.O. 9979, July 20, 1948; 13 F.R. 4177, 3 CFR 1943-48 Comp., 713)

The foregoing amendment to the Selective Service Regulations shall become effective upon filing with the Office of the Federal Register.

LEWIS B. HERSHÉY,
Director of Selective Service.

MARCH 18, 1968.
[F.R. Doc. 68-3386; Filed, Mar. 18, 1968;
9:15 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 4]

TRANSPORTATION OF PASSENGERS BETWEEN U.S. PORTS ON FOR- EIGN-FLAG VESSELS

Shore Leave of Passengers on Foreign Cruise Vessels at Domestic Ports

The transportation of passengers between ports or places in the United States either directly or by way of a foreign port by a foreign vessel is prohibited by section 8 of the Act of June 19, 1886, as amended (46 U.S.C. 289), under penalty of a \$200 fine for each passenger so transported and landed.

Treasury Decision 55147(19), under date of June 3, 1960, abstracts Bureau of Customs decisions to the effect that a passenger embarked on a foreign vessel at one domestic port who goes ashore for any purpose at a second domestic port where the vessel remains for more than 24 hours is deemed to have been landed in violation of section 289, without regard to whether lodgings are taken up ashore or whether the ship is used as the passenger's hotel during that period.

A notice of proposed rulemaking setting forth a proposed amendment to Part 4 of the Customs Regulations (19 CFR Part 4), to add a new § 4.80a, was published in the *FEDERAL REGISTER* for January 5, 1967 (32 F.R. 55). Comments were invited to be submitted within 30 days after publication. Consideration has been given to all relevant matter presented in response to that notice.

In view of the comments received it has been decided to reissue this notice of proposed rulemaking which sets forth a substantially modified proposal. The section which the Bureau now proposes to add to Part 4 of the Customs Regulations is as follows:

§ 4.80a Passengers on foreign vessels taken on board and landed in the United States.

(a) A foreign vessel which takes a passenger on board at a port in the United States, its territories, or possessions embraced within the coastwise laws ("coastwise port") will be deemed to have landed that passenger in violation of the coastwise laws (46 U.S.C. 289) if the passenger:

(1) Goes ashore, even temporarily, at another coastwise port on a voyage solely to one or more coastwise ports, regardless of whether the passenger ultimately severs his connection with the voyage at the port at which he embarked;

(2) Goes ashore, even temporarily, at another coastwise port on a voyage to one or more coastwise ports but touching at a nearby foreign port or ports (but at no other foreign port) if during the

course of the voyage the vessel remains in any coastwise port (other than the port of embarkation) for more than 24 hours, and regardless of whether the passenger ultimately severs his connection with the voyage at the port at which he embarked; or

(3) Severs his connection with the voyage at another coastwise port on a voyage which touches no foreign port other than a nearby foreign port.

(b) In the absence of evidence that a coastwise transportation is the primary object, a foreign vessel engaged on a voyage touching at any foreign port other than a nearby foreign port shall not be deemed to be engaged in the coastwise trade and may, without penalty, disembark a passenger at any coastwise port: *Provided*, That that passenger has proceeded or will proceed with the vessel to a foreign port other than a nearby foreign port.

(c) For the purposes of this section a nearby foreign port is defined as any foreign port in North America, Central America, the West Indies, or the Bermuda Islands.

Before action is taken on the proposed amendment, consideration will be given to all relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, no later than 30 days from the date of publication of this notice in the *FEDERAL REGISTER*. No hearing will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: March 6, 1968.

FRED B. SMITH,
General Counsel
of the Treasury.

[F.R. Doc. 68-3286; Filed, Mar. 18, 1968;
8:46 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

GLACIER NATIONAL PARK, MONT.

Domestic Water Supplies and Sanitary Disposal of Sewage on Privately Owned Lands

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Midwest Region Order No. 4 (31 F.R. 5769), as amended, it is proposed to amend § 7.3 of Title 36, Code of Federal Regulations, as set forth below. The purpose of this amendment is to establish sanitary regulations governing domestic water sup-

plies and the disposal of sewage, including household waste, on privately owned lands within Glacier National Park, and to prescribe the manner in which such regulations will be administered.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Glacier National Park, Mont. 59936, within 30 days of the date of publication of this notice in the *FEDERAL REGISTER*.

A new paragraph (k) is added to § 7.3 to read as follows:

§ 7.3 Glacier National Park.

(k) *Water supply and sewage disposal systems.* The provisions of this paragraph apply to the privately owned lands within Glacier National Park. The provisions of this paragraph do not excuse compliance by eating, drinking, or lodging establishments with § 5.10 of this chapter.

(1) *Facilities.* (i) Subject to the provisions of subparagraph (3) of this paragraph, no person shall occupy any building or structure, intended for human habitation, or use, unless such building is served by water supply and sewage disposal systems that comply with the standards prescribed by State and county laws and regulations applicable in the county within whose exterior boundaries such building is located.

(ii) No person shall construct, rebuild or alter any water supply or sewage disposal system without a written permit issued by the Superintendent. The Superintendent will issue such permit only after receipt of written notification from the appropriate Federal, State or county officer that the plans for such system comply with State or county standards. There shall be no charge for such permits. Any person aggrieved by an action of the Superintendent with respect to any such permit or permit application may appeal in writing to the Director, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

(2) *Inspections.* (i) The appropriate State or county health officer, the Superintendent, or their authorized representatives or an officer of the U.S. Public Health Service, may inspect any water supply or sewage disposal system, from time to time, in order to determine whether such system complies with the State and county standards: *Provided, however*, That inspection shall be made only upon consent of the occupant of the premises or pursuant to a warrant.

(ii) Any water supply or sewage disposal system may be inspected without the consent of the occupant of the prem-

PROPOSED RULE MAKING

ises or a warrant if there is probable cause to believe that such system presents an immediate and severe danger to the public health.

(3) *Defective systems.* (i) If upon inspection, any water supply system or sewage disposal system is found by the inspecting officer not to be in conformance with applicable State and county standards, the Superintendent will send to the ostensible owner and/or the occupant of such property, by certified mail, a written notice specifying what steps must be taken to achieve compliance. If after 1 year has elapsed from the mailing of such written notice the deficiency has not been corrected, such deficiency shall constitute a violation of this regulation and shall be the basis for court action for the vacation of the premises.

(ii) If upon inspection, any water supply or sewage disposal system is found by the inspecting officer not to be in conformance with established State and county standards and it is found further that there is immediate and severe danger to the public health or the health of the occupants, the Superintendent shall post appropriate notices at conspicuous places on such premises, and thereafter, no person shall occupy the premises on which the system is located until the Superintendent is satisfied that remedial measures have been taken that will assure compliance of the system with established State and county standards.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

KEITH P. NEILSON,
Superintendent,
Glacier National Park.

[F.R. Doc. 68-3268; Filed, Mar. 18, 1968;
8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1041]

[Docket No. AO-72-A32]

MILK IN NORTHWESTERN OHIO
MARKETING AREADecision on Proposed Amendments to
Tentative Marketing Agreement
and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Perrysburg, Ohio, on January 31, 1968, pursuant to notice thereof issued on January 19, 1968 (33 F.R. 856).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs on February 23, 1968 (33 F.R. 3528; F.R. Doc. 68-2492) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (33 F.R. 3528; F.R. Doc. 68-2492) are hereby approved and adopted and are set forth in full herein.

The material issues on the record of the hearing relate to:

1. Level of the Class I price differential, and
2. Reduction in the Class I butterfat differential.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *The Class I price differential.* The Class I price differential after March 31, 1968, should be \$1.25. The temporary price increase of 20 cents adopted May 1, 1967, should be continued through April 1968. The "floor" of \$4.05 on the basic formula price should be extended through April 1968.

The present Class I price is determined by adding \$1.45 to the basic formula price which, by amendment effective May 1, 1967, is maintained at not less than \$4.05 through March 1968. The temporary price increase of 20 cents effective May 1, 1967 is included in the above differential of \$1.45. The Class I price is subject to a supply-demand adjustor which is related to the adjustor for the Northeastern Ohio order. The supply-demand adjustor added an average of 12 cents in 1966 and 6 cents in 1967. The present Class I price provisions expire March 31, 1968.

The major cooperative association, representing more than 80 percent of the producers in the market, proposed that the Class I price differential in the order be increased to \$1.94. The association's representative maintained that unless the Class I price differential is increased, there might not be an adequate supply of milk for consumers in this market. Further, that the present supply of milk for the market has not been the result of the minimum Class I price level established by the order but rather the result of the above-order prices negotiated by producers during the past 3 years.

In further support of a price increase, the cooperative stated that milk supplies for the market have decreased during the past 3 years. For 1966, producer receipts declined an average of 4.5 percent from the previous year, and for 1967 were 2.6 percent less than in 1966. Producers delivering to plants in the market have decreased from 1,683 in 1965 to 1,491 in 1967. The cooperative contends that the supply of milk for the market would have declined further without negotiated Class I prices.

The cooperative also pointed out that milk production has decreased in the three states of Ohio, Indiana, and Michigan. Aggregate milk production in December 1967 for Ohio, Indiana, and Michigan was 4 percent, 8 percent, and 4 percent, respectively, less than in the same month of 1966.

The cooperative's representative also compared order Class I prices with effec-

tive Class I prices paid by handlers during the past 3 years. The order Class I price for 1965, 1966, and 1967, averaged \$4.57, \$5.30, and \$5.55, respectively, as compared to negotiated prices for each of the respective 3 years of \$4.68, \$5.44, and \$6.00. It is the producers' position that the order Class I price must be increased to the latter level to attract sufficient supplies from the remaining producers in the market, or to compensate for the cost of bringing in more distant milk supplies.

The fact of generally short supplies was taken into account in the increase in Class I prices which was made effective May 1, 1967, in all Federal order markets. Official notice is taken of the decision of April 25, 1967 (32 F.R. 6501) upon which the May 1, 1967, order was based. Such amendment to the Northwestern Ohio order placed a \$4.05 minimum on the basic formula price through March 1968. It also removed the seasonal decrease in the Class I price differential for April through July and added 20 cents thereto for each month for the period May 1967 through March 1968.

Monthly utilization of producer milk in Class I under the Northwestern Ohio order has ranged from 59 percent to 87 percent during the past 3 years. For the years 1965, 1966, and 1967, utilization of producer milk in Class I averaged 74.4, 76.8, and 72 percent annually. Both producer milk and Class I milk decreased between 1965 and 1967. The monthly average decreases in producer milk and Class I milk in this period were nearly the same, Class I milk decreasing 3.7 million pounds and producer receipts 3.5 million pounds.

However, for the period October-December 1967, monthly producer receipts decreased an average of 3.3 million pounds relative to the same months of 1966. By comparison Class I sales decreased 4.4 million pounds. During this period, very limited receipts of bulk milk from other sources were received by handlers. In September 1967, 60 producers, representing about 1.2 million pounds of milk production (based on current daily receipts per producer), were transferred by the cooperative to a bottling plant regulated by the Southern Michigan order to follow Class I milk now being bottled in a plant under the Southern Michigan order. This was done because of the loss of a substantial quantity of sales to the Southern Michigan market. Ample supplies of producer milk are available to meet the fluid milk requirements of the market.

Also, Class I sales by handlers from other Federal orders into the Northwestern Ohio market have substantially increased during the past 3 years. Class I sales in this market by Southern Michigan regulated handlers increased from 1.3 percent of the market in March 1965 to about nine percent in December 1967. During the same period, Columbus regulated handlers accumulated 11 percent of total sales in the market. Handlers from the Columbus and Southern Michigan markets distribute the largest quantities, but sales are also made in this market by handlers from the Cincinnati,

Miami Valley, Northeastern Ohio, Fort Wayne, and Greater Youngstown-Warren markets. In December 1967, the latest month for which figures are available, about 28 percent of the total Class I sales in this market were by handlers from all these Federal order markets.

Annual Class I differentials in such competing markets are as follows (without effect of any supply-demand adjustment):

Fort Wayne	\$1.20
Miami Valley	1.24
Columbus	1.25
Cincinnati	1.34
Southern Michigan	1.40
Northeastern Ohio	1.67

The Class I price for the Greater Youngstown-Warren order is the Northeastern Ohio Class I price plus 10 cents.

The requested Class I price differential (\$1.94) if effective during 1967 would have provided an average Class I price of \$6.10 as compared to \$5.55 under the present order. Such a level would have exceeded by a substantial margin the minimum order Class I prices in all nearby competing markets. For example, order Class I prices in 1967 were as follows: Southern Michigan \$5.22, Indianapolis \$5.53, Miami Valley \$5.67, Columbus \$5.68, Northeastern Ohio \$5.73, and Cincinnati \$5.77.

Similar differences would have occurred in 1966, since the proposed differential would have increased the Class I price from \$5.33 to \$5.91. Order Class I prices for 1966, in the above competing markets were: Southern Michigan \$4.84, Indianapolis \$5.23, Miami Valley \$5.32, Columbus \$5.43, Northeastern Ohio \$5.48, and Cincinnati \$5.42.

Consequently, the proposal would set the minimum Class I price for this order in excess of minimum prices of all nearby Federal order markets. In this circumstance, adoption of the proposal could jeopardize sales of local handlers, with adverse effect on returns to producers, in the event negotiated price levels in competing markets were to terminate or change drastically.

A stated Class I differential of \$1.25 will provide an appropriate alignment with stated differentials in other Federal order markets in this region and therefore should be adopted. Such differential would be subject to the supply-demand adjustor provided in the order.

The 20-cent addition to the Class I price differential and the basic formula price floor of \$4.05 should continue through April 1968. The emergency increase of 20 cents, as well as the level of the basic formula price, terminates for all other Federal orders in this area April 30, 1968. However, the 20-cent temporary increase and the floor under the basic formula price are to be considered for periods beyond April at a February 23, 1968, hearing to be held in Memphis, Tenn., on Federal milk orders generally. Consequently, this decision should provide only for the extension of the temporary price provisions through April 30, 1968. This will permit equivalent consideration in all markets.

2. Class I butterfat differentials: The Class I butterfat differential should be the Chicago butter price multiplied by 0.120.

The present Class I butterfat differential is the Chicago butter price for the preceding month multiplied by 0.127. During 1967, such differential (for adjusting the Class I price for those products with butterfat tests which differ from the basic test of 3.5 percent), averaged 8.42 cents for each one-tenth percent variation from such basic test. The Class II butterfat differential is the Chicago butter price for the month multiplied by 0.115. The producer butterfat differential is the average of the Class I and Class II butterfat differentials weighted by the proportions of butterfat in producer milk classified in each class.

Producers proposed that the Class I butterfat differential be reduced in order to change "the relative values of the butterfat portion and the skim milk portion utilized in products classified as Class I milk." It was their position that a Class I butterfat differential of 0.115 times the butter price would be more appropriate.

The cooperative association pointed out that, contrary to most markets, the average butterfat test for producer milk in this market has increased from 3.697 percent in 1965 to 3.711 percent in 1967 even though the need for butterfat has lessened. In 1967, the proposed Class I butterfat differential would have decreased the value for 3.5 pounds of butterfat in 100 pounds of milk from \$2.947 (35 \times 8.42 cents) to \$2.674 (35 \times 7.64 cents). On the other hand, the value for the skim milk portion would have been increased from \$2.604 to \$2.877. For example, with respect to 2 percent (low-fat) milk items, the skim milk value therein would be increased about 12 cents per hundredweight.

The average butterfat content of Class I milk decreased from 3.56 percent in 1965 to 3.48 percent in 1967. This decline reflects decreases in the sales of most Class I milk products such as milk, flavored milk and drink, cream, and buttermilk. For example, daily sales of whole milk decreased about 95,000 pounds from 1965 to 1967 in this market, flavored milk and drink 5,500 pounds, cream 5,000 pounds, and buttermilk 1,600 pounds. On the other hand, daily sales of fluid skim milk increased about 28,000 pounds in this 2-year period. Sales of the latter low-fat product thus have increased in this market during a period when sales of other Class I products have been decreasing. It is clear that there is a decreasing need for butterfat to satisfy Class I milk requirements.

The adoption of a somewhat lower Class I butterfat differential also will promote greater uniformity of Class I butterfat differentials among orders in this region. For 1967 the basis of computation proposed by producers would have produced an average butterfat differential of 7.6 cents per point. By comparison, Class I butterfat differentials for the Fort Wayne and Miami Valley markets averaged 8 cents per point in

1967. These are competing markets in procurement and sales. The Class I butterfat differential in such markets is computed by multiplying the Chicago butter price by 0.120. A similar differential recently has been adopted for the Eastern Ohio-Western Pennsylvania (formerly Northeastern Ohio) market,¹ which is another competing market in procurement. Of the nearby markets only the Southern Michigan market had a lesser Class I differential (7.5 cents) in 1967. Thus, a differential computed by multiplying the butter price by 0.120 will contribute to better alignment of Class I prices with the major competing markets and should be adopted.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing

¹ Based on a recent decision for the Eastern Ohio-Western Pennsylvania market, official notice of which is taken.

PROPOSED RULE MAKING

agreement upon which a hearing has been held.

RULINGS ON EXCEPTION

In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exception received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the exception, such exception is hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Northwestern Ohio Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Northwestern Ohio Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the *FEDERAL REGISTER*. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

DETERMINATION OF REPRESENTATIVE PERIOD

The month of December 1967, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Northwestern Ohio marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on March 14, 1968.

GEORGE L. MEHREN,
Assistant Secretary.

Order¹ Amending the Order Regulating the Handling of Milk in the Northwestern Ohio Marketing Area

§ 1041.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified

and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* 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), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northwestern Ohio marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act:

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Northwestern Ohio marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs on February 23, 1968, and published in the *FEDERAL REGISTER* on February 29, 1968 (33 F.R. 3528; F.R. Doc. 68-2492), shall be and are the terms and provisions of this order and are set forth in full herein.

§ 1041.50 [Amended]

1. In § 1041.50, the last sentence is revised to read as follows: "For the purpose of computing the Class I milk price for April 1968, the basic formula price shall not be less than \$4.05."

2. In § 1041.51, the introductory text and subparagraph (1) of paragraph (a) are revised to read as follows:

§ 1041.51 Class prices.

(a) *Class I milk price.* The monthly Class I milk price shall be the basic formula price for the preceding month, plus the sum of the amounts specified under

subparagraphs (1) and (2) of this paragraph:

(1) \$1.25, plus 20 cents for April 1968, subject to adjustment for location pursuant to § 1041.53; and

* * * * * 3. In § 1041.52, paragraph (a) is revised to read as follows:

§ 1041.52 Butterfat differentials to handlers.

(a) *Class I price.* Multiply the butter price for the preceding month by 0.120.

[F.R. Doc. 68-3883; Filed, Mar. 18, 1968; 8:46 a.m.]

Packers and Stockyards Administration

[9 CFR Part 201]

LIVESTOCK, CARCASSES, AND LIVE POULTRY

Instructions on Weighing Livestock and Testing Scales, and Code of Specifications and Tolerances for Livestock, Poultry, and Monorail Scales

Notice is hereby given, in accordance with administrative procedure provisions of 5 U.S.C., section 553, that the Packers and Stockyards Administration is proposing to promulgate the following instructions for testing livestock scales, weighing livestock, testing monorail scales used for weighing livestock carcasses purchased by meatpackers on a carcass weight, or carcass grade and weight basis, and a code of specifications and tolerances applicable to scales used for weighing livestock, livestock carcasses, and live poultry, pursuant to section 407 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 228), and §§ 201.72, 201.73, 201.74, and 201.78 of the regulations issued thereunder (9 CFR 201.72, 201.73, 201.74, and 201.78).

Instructions for weighing livestock and testing scales have been furnished to affected persons under the Packers and Stockyards Act for many years. The instructions proposed herein are revised to bring the current instructions and code of specifications and tolerances issued March 9, 1963, and June 12, 1965, into conformity with National Bureau of Standards Handbook 44, 3d edition, with amendments through July 1967. This publication was revised and issued October 12, 1965, and has been promulgated in whole or in part by 45 States. They implement and interpret §§ 201.72, 201.73, 201.74, and 201.78 of the regulations which require that livestock and monorail scales be tested properly and be operated by competent weighmasters. These instructions conform basically with the requirements for testing and

¹This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

accuracy recommended by the National Bureau of Standards.

§ 201.72-1 Instructions for testing live-stock and animal scales.

(a) *Adoption of National Bureau of Standards codes in Handbook 44.* Insofar as they are applicable to livestock and animal scales the specifications, tolerances, and regulations for commercial weighing devices, as published in National Bureau of Standards Handbook 44, 3d edition, with amendments through July 1967, shall be applied to all livestock and animal scales under supervision of the Packers and Stockyards Administration, except insofar as differing provisions are set forth in 201.72-2. The applicable portions of this handbook are set forth in § 201.72-2 and copies are available upon request from the local area supervisor or the Washington, D.C., office of the Packers and Stockyards Administration.

(b) *Definition.* (1) A proper test is one which fully discloses the accuracy and other performance characteristics of the scale under all conditions which may prevail during actual use. It includes the application of loads of standard test weights in successive stages to the maximum capacity at which the scale is used; it includes separate tests of individual components, such as fractional bars, poises, notches, and main levers of sections which independently may affect weighing accuracy; it demands a reasonably exact determination of the errors which develop; finally, it requires the recording in permanent form of all pertinent data developed during the test.

(2) A competent testing agency is one which employs experienced personnel and utilizes a sufficient amount of standard test weights to conduct tests in accordance with the procedure described in the instructions which follow. Agencies which the Administration considers competent, on that basis, include certain weights and measures departments, railroad scale departments, commercial scale repair and service companies, and some stockyards or packers having adequate test equipment and employing qualified scale mechanics or servicemen.

(3) A suitable interval between tests is a period of approximately 6 months. In instances where tests and inspections disclose that a scale does not maintain its accuracy between tests or is otherwise undependable, or is mechanically deficient as regards construction, installation, or maintenance, more frequent tests may be required.

(4) *Livestock scale:* A scale equipped with stock racks and gates and adapted to weigh livestock standing on the scale platform.

(5) *Animal scale:* A livestock scale adapted to weighing single heads of live-stock.

(6) *Sensitivity response or SR:* The change in load required to change the position of rest of the indicating element or elements of a nonautomatic indicating scale a definite amount at any load.

(c) *Sensitivity response—(1) Test for sensitiveness for nonautomatic indicat-*

ing scales. The test for sensitiveness shall be conducted on all nonautomatic indicating scales. SR tests shall be made at zero load and at the maximum test load applied to the scale by either increasing or decreasing the test-weight load on the load-receiving element of the scale. The response of the scale shall be as follows:

(i) *On a scale with a trig loop but without a balance indicator.* The position of rest of the weighbeam shall change from the center of the trig loop to the top or bottom of the trig loop, as the case may be.

(ii) *On a scale with a balance indicator.* The position of rest of a single indicator on a scale having a nominal capacity of 500 pounds or greater shall change 0.25 (1/4) inch or the width of the central target area, whichever is greater.

(d) *SR requirements.* (1) The maximum SR on a scale not equipped with a balance indicator shall be the value of two of the minimum graduated intervals on the weighbeam.

(2) The SR on a scale equipped with a balance indicator shall be the value of the minimum graduated interval on the weighbeam.

(e) *Tolerances.* (Applicable with respect to the performance or accuracy of scales.)

(1) *Acceptance tolerances.* Acceptance tolerances shall apply as follows:

(i) To any equipment about to be put into commercial use for the first time.

(ii) To equipment that has been placed in commercial service within the preceding 30 days and is being officially tested for the first time.

(iii) To equipment that has been returned to commercial service following official rejection for failure to conform to performance requirements and is being officially tested for the first time within 30 days after corrective service.

(iv) To equipment that is being officially tested for the first time within 30 days after major reconditioning or overhaul.

(2) *Maintenance tolerances.* Maintenance tolerances shall apply to equipment in actual use, except as provided in subparagraph (1) of this paragraph.

(3) *To tests involving digital indications or representations.* To the tolerances that would otherwise be applied, there shall be added an amount equal to one-half the minimum value that can be indicated or recorded.

(4) *Minimum tolerance values.* (The smallest tolerance that may be applied to a particular scale.)

(i) *For livestock scales.* The minimum maintenance and acceptance tolerance shall be 2 pounds, or one-half the value of the minimum graduated interval, whichever is greater.

(ii) *For animal scales.* The minimum maintenance tolerance and acceptance tolerance shall be 1 pound.

(5) *Basic tolerance values—(i) Application.* Basic tolerance values shall be applied to weighbeam, reading face, and unit-weight indications, and to recorded representations.

(ii) *For livestock and animal scales.* The basic maintenance tolerance on livestock and animal scales shall be 2 pounds per 1,000 pounds of test load (0.2 percent). The acceptance tolerance shall be one-half the basic maintenance tolerance.

(f) *Official inspection and test procedures for livestock and animal scales—(1) Inspection procedure.* Before the actual test of any livestock or animal scale is begun, a thorough visual inspection should be made of the scale installation. The weighbeam shelf pillars and/or the dial cabinet should be firmly anchored to a solid foundation. The scale platform should be cleaned of debris and foreign matter which might adhere to the test weights or otherwise be removed during the test and cause a change in zero-load balance. No other changes or cleaning should be performed since it is important for the scale to be tested "as found" if the results are to truly indicate characteristic weighing performance.

(2) *Test procedure—weighbeam scales—(i) Zero-load balance.* With the stock-rack gates closed or otherwise secured in "clear positions" and with all poises at zero, the scale should be accurately balanced at zero with 20 or 25 pounds of small denomination weights on the platform. These balance weights will be used to accurately measure errors and balance changes during the test.

(ii) *The SR (sensitivity response).* On scales equipped with balance indicators a change in load equal to the minimum weighbeam graduation shall change the position of rest of the indicator 0.25 (1/4) inch or the width of the central target area, whichever is greater. On scales not equipped with balance indicators the SR value at zero load should be determined by increasing or decreasing the amount of balance weights necessary to move the weighbeam from a position of rest in the center of the trig loop to a position of rest either at the top or bottom of the trig loop.

(iii) *Shift test.* A corner test conducted with test weights equal to approximately one-fourth the nominal capacity of the scale should be applied and centered, as nearly as possible, successively over each main load bearing. In the case of scales of more than two sections, in lieu of a corner test, a shift test should be conducted with a half-capacity test load successively concentrated on each section of the scale. The amount of error is determined by increasing or decreasing the amount of balance weights on the scale platform to produce a correct balance of the weighbeam or indicator. After the shift test is completed, all test weights should be removed from the scale platform and the zero-load balance carefully checked. Any change from the original amount of balance weights will represent a zero-load balance change, and the new amount will be the basis on which errors at succeeding stages of the test will be computed. An alternate method is to obtain a new zero-load balance after recording the amount of balance change.

(iv) *Increasing-load test—(a) Center test.* The fractional bar of the weighbeam

PROPOSED RULE MAKING

should be tested successively at one-half capacity and at full capacity. The fractional poise is then restored to its zero position and the intermediate bar, usually graduated to 900-pound capacity by 100-pound intervals, should next be tested at each notch to its capacity. If the scale is not equipped with an intermediate bar, each 100-pound notch should be tested on the weighbeam up to 1,000 pounds.

(b) *Distributed-load test.* The test should then continue with the main poise set at either successive or alternate 1,000-pound notches and with test loads of corresponding value applied to the platform in a reasonably uniform distribution pattern. At each load the amount of balance weights should be decreased or increased as required to produce a correct balance of the weighbeam or indicator. Any difference between the value of balance weights at zero-load and the load at a given notch will represent the error value. The increasing-load test should proceed up to scale capacity (or "maximum used" capacity). "Maximum used capacity" is determined by multiplying square feet of platform area by 110 pounds for cattle, by 70 pounds for calves and hogs or by 50 pounds for sheep. During this test printed weight values should be checked for accuracy and legibility by operating the weight recording device at representative loads.

(v) *The SR (sensitivity response).* Value at maximum load should be determined as previously described in subdivision (ii) of this subparagraph. The test load should then be removed from the scale platform and the zero-load balance again checked by means of the balance weights.

(3) *Alternate test procedure—weighbeam scales.* (i) Another commonly accepted testing procedure, which is also approved by the Packers and Stockyards Administration, consists of conducting the increasing-load test first and the shift test last. However, there is a practical advantage in conducting the shift test first, since, in many instances, less weight handling is required if adjustments are made following such tests.

(4) *Test procedure—automatic-indicating scales.* (The testing procedure for automatic-indicating or dial scales corresponds basically to the procedure for testing weighbeam scales.)

(i) *Method of determining errors.* The use of balance weights is also recommended when testing automatic-indicating scales since certain scales equipped with automatic-weight recorders will not print at dial chart capacity or if overregistration is indicated at chart capacity without the application of a unit weight. This is also applicable on scales which are underregistering at zero when a unit weight is applied. On all other weight determinations made during the test no balance weights are removed since the actual printed weight determines the error.

(ii) *Zero-load balance.* Carefully balance the scale at zero with 20 or 25 pounds of balance weights on the platform. The weight recorder should be acti-

vated so that a comparison can be made of the recorded and visual zero-load balance. (SR requirements are not applicable to automatic-indicating scales.)

(iii) *Shift test.* A corner test conducted with test weights equal to approximately one-fourth the nominal capacity of the scale should be applied and centered, as nearly as possible, successively over each main load bearing. In the case of scales of more than two sections, in lieu of a corner test, a shift test should be conducted with a half-capacity test load successively concentrated on each section of the scale. It is recommended that the shift test be conducted by employing unit weights when the nominal capacity of the scale is sufficient to permit this. By this means it can be determined if the source of any errors developed during the test can be attributed to the lever system of the scale. After the shift test is completed, all test weights should be removed from the scale platform and the zero-load balance checked.

(iv) *Increasing-load test—(a) Center test.* Test weights should be applied in 100-pound increments up to 1,000 pounds.

(b) *Distributed-load test.* Test weights in 500- or 1,000-pound increments should be applied until scale capacity (or "maximum used" capacity) is reached. Many agencies consider it desirable in testing the dial chart to apply test loads at the four points representing each quarter of the reading-face capacity. This procedure has merit particularly if the testing agency is also to repair or adjust the scale. However, in all instances such scales should be tested to the full capacity of the dial chart and all unit weights normally used should also be tested.

(v) *Decreasing-load test.* This is a special supplementary test for automatic-indicating scales only, during which the performance of the scale is tested, when the test weight load is being reduced. In this test, an observation is made and any error recorded with a test weight load equal to one-half of the maximum applied test load.

(vi) *Zero-load balance.* The test weight load should be removed from the scale platform and the zero-load balance again checked. Any balance shift at zero should be recorded. The balance weights used to ascertain errors in the scale during the test should be removed and the scale restored to a zero-load balance.

(5) *Test procedure—dual weighing installations.* Such installations usually consisting of a weighbeam and dial connected to a single lever system and installed to function independently of each other should be tested by observing and recording separately the performance of each unit. Such tests may be conducted and recorded simultaneously.

(g) *Record of test results.* The results of each test should be recorded in full detail on official forms No. PS-212, provided by the Administration. (An exception may be made in the case of a State, county, or municipal agency which utilizes forms supplying substantially the same information as is provided for on the official Administration forms). Es-

sential information to be recorded includes:

(1) Identification of the scale by ownership, location, scale number, nominal capacity of the weighbeam or other indicating elements, and the species of livestock weighed.

(2) Identification and address of the scale testing agency and the signature of the local Administration representative present during the test.

(3) Identification of the scale manufacturer, type of scale and serial number of weighbeam and/or dial, and the value of the minimum graduations on weighbeam or dial face.

(4) A statement of the maximum and minimum loads of livestock weighed.

(5) Identification of the balance indicator manufacturer, and designation whether the scale tickets are serially numbered.

(6) The date of the present test and of the last preceding test.

(7) The year the scale was installed, size of the scale platform, condition of the approaches, and the depth of the pit.

(8) Data showing the SR value at zero and capacity loads, the amount and position of applied test loads, the errors indicated or printed, and the amount of any zero-balance changes.

At the conclusion of the test the scale should be inspected thoroughly and any faulty conditions of installation, construction, or maintenance which may affect the weighing performance should be reported. There should also be included a report of any adjustment or repairs made at the time of test, and of any recommendations made for future repairs, maintenance, or replacement. The test results and other observations are to be recorded on the report under the proper headings as the test proceeds and immediately after observations are made. An original and two carbon copies of the report must be prepared. The original must be forwarded to the area supervisor of the Packers and Stockyards Administration. One copy is for the scale owner and one is for the scale testing agency. Sample reports of weighbeam and dial livestock scale tests conducted in compliance with official instructions are available upon request to the area supervisor or may be obtained from the Washington office of the Administration.

§ 201.72-2 Applicable provisions of National Bureau of Standards Handbook 44.

The following definitions, specifications, sensitivity requirements, tolerances, and user requirements correspond essentially with respect to livestock, single animal, monorail, and live poultry scales, with those contained in National Bureau of Standards Handbook 44-3d Edition, as amended through July 1967. The following paragraphs are identified by consecutive numbering under each of the following headings: "Definitions," "Specifications," "Notes," "Sensitivity Requirements," "Tolerances," and "User Requirements." Citations to corresponding paragraphs of Handbook 44 material appears in parentheses (); where

the letter G is the first symbol in the citation the reference is to the General Code; otherwise, the reference is to the Scale Code. Thus, (G-D) would refer to a definition in the General Code, or (S-D) a definition in the Scale Code. (S.1.1) would refer to a specification 1.1 in the Scale Code. Provisions in this section which are applicable to all equipment are printed in ordinary roman type. Provisions in this section which are applicable only to equipment placed in service after July 1, 1957, are printed in italic type.

(a) *Definitions*—(1) *Accurate*. A scale is accurate when its indications and recorded representations as determined by tests made with suitable standards conform to the applicable tolerances and other performance requirements.

(2) *Animal scale*. A livestock scale adapted to weighing single heads of livestock. (S-D)

(3) *Automatic-indicating scale*. One on which the weights of applied loads of various magnitudes are automatically indicated throughout all or a portion of the weighing range of the scale.

(4) *Balance indicator*. A combination of elements, one or both which will oscillate with respect to the other, for indicating the balance condition of a non-automatic-indicating scale. The combination may consist of two indicating edges, lines, or points, or a single edge, line, or point and a graduated scale. (S-D)

(5) *Basic tolerances*. Basic tolerances are those tolerances on underregistration and on overregistration, or in excess and in deficiency that are established by a particular code for a particular device under all normal tests, whether maintenance or acceptance. Basic tolerances include minimum tolerance values when these are specified. Special tolerances, identified as such and pertaining to special tests, are not basic tolerances. (G-D)

(6) *Beam scale*. One on which the weights of loads of various magnitudes are indicated solely by means of one or more weighbeam bars either alone or in combination with counterpoise weights. (S-D)

(7) *Clear interval between graduations*. The interval between adjacent edges of successive graduations of a series of graduations. If the graduations are "staggered," the interval shall be measured, if necessary, between a graduation and an extension of the adjacent graduation. (G-D)

(8) *Corner (shift) test*. A test intended to disclose the weighing performance of a scale under offcenter loading. (S-D)

(9) *Correct*. A piece of equipment is "correct" when, in addition to being accurate, it meets all applicable specification requirements. Equipment that fails to meet any of the requirements for correct equipment is "incorrect." (G-D)

(10) *Counterbalance weight*. One intended for application near the butt of a weighbeam for zero-load balancing purposes. (S-D)

(11) *Counterpoise weight*. A slotted or "hanger" weight intended for application near the tip of the weighbeam of a

scale having a multiple greater than 1. (S-D)

(12) *Decreasing-load test*. A special supplementary test for automatic-indicating scales only, during which the performance of the scale is tested when the load is being reduced. In this test, an observation is made with a test weight load equal to one-half of the maximum applied test load. (S-D)

(13) *Digital type*. Refers to a system of indication or recording of the selector type or one that advances intermittently in which all values are presented digitally, or in numbers. In a digital indicating or recording element, or in digital representation, there are no graduations. (G-D)

(14) *Fractional bar*. A weighbeam bar of relatively small capacity, for obtaining indications intermediate between notches or graduations on a main or intermediate bar.

(15) *Graduated interval*. The distance from the center of one graduation to the center of the next graduation of a series of graduations. (G-D)

(16) *Graduation*. A defining line, or one of the lines defining subdivisions of a graduated series.

(17) *Increasing-load test*. The normal basic performance test for a scale, in which observations are made as increments of test-weight load are successively added to the load-receiving element of the scale. (S-D)

(18) *Index of an indicator*. The particular portion of an indicator that is directly utilized in making a reading. (G-D)

(19) *Indicating element*. An element incorporated in a weighing device by means of which its performance relative to quantity is "read" from the device itself, as, for example, an index-and-graduated-scale combination or a weighbeam-and-poise combination, a digital indicator and the like.

(20) *Intermediate bar*. An auxiliary weighbeam bar of a capacity less than that of the main bar.

(21) *Live poultry scale*. One used by licensees to weigh live poultry at markets designated under the Packers and Stockyards Act.

(22) *Livestock scale*. One equipped with stock racks and gates and adapted to weighing livestock standing on the scale platform. (S-D)

(23) *Load cell*. The basic weighing element of a load-cell scale. The load cell, whether electric, hydraulic, or pneumatic, produces a signal proportional to the load applied. (S-D)

(24) *Main bar*. A principal weighbeam bar, usually of relatively large capacity as compared with other bars of the same weighbeam. (On an automatic-indicating scale equipped with a weighbeam, the main weighbeam bar is frequently called the "capacity" bar.) (S-D)

(25) *Main graduation*. One of those defining the primary or principal subdivisions of a graduated series. (G-D)

(26) *Main-weighbeam elements*. The combination of a main bar and its fractional bar, or a main bar alone if this has

no fractional bar associated with it. (S-D)

(27) *Minimum tolerance*. The smallest tolerance that may be applied to a particular scale.

(28) *Monorail scale*. A scale the load receiving element of which is part of monorail conveyor system and which is used primarily for the weighing of livestock carcasses. Such a scale is also called an abattoir scale, a track scale, or a rail scale.

(29) *Multiple of a scale*. In general, the multiplying power of the entire system of levers or other basic weighing elements. (On a beam scale, the number of pounds on the load-receiving element that will be counterpoised by 1 pound applied to the tip pivot of the weighbeam.)

(30) *Multirevolution scale*. An automatic-indicating scale having nominal capacity that is a multiple of the reading-face capacity and that is achieved by more than one complete revolution of the indicator. (S-D)

(31) *Nominal capacity*. The nominal capacity of a scale is (i) the largest weight indication that can be obtained by the use of all of the reading or recording elements in combination, including the amount represented by any removable weights furnished or ordinarily furnished with the scale, but excluding the amount represented by any extra removable weights not ordinarily furnished with the scale, and excluding also the capacity of any auxiliary weighing attachment not contemplated by the original design of the scale and excluding any fractional bar with a capacity less than 2½ percent of the sum of the capacities of the remaining reading elements or (ii) the capacity marked on the scale by the manufacturer, whichever is less. (S-D)

(32) *Nose-iron*. A slidably mounted, manually adjustable pivot assembly for changing the multiple of a lever. (S-D)

(33) *Notes*. A section included in each of a number of codes, containing instructions, pertinent directives, and other specific information pertaining to the testing of devices. Notes are primarily directed to weights and measures officials. (G-D)

(34) *Over-and-under indicator*. An automatic-indicating element incorporated in or attached to a scale and comprising an indicator and a graduated scale with a central or intermediate "zero" graduation and a limited range of weight graduations on either side of the zero graduation, for indicating weights greater than and less than the predetermined values for which other elements of the scale may be set. (A scale having an over-and-under indicator is classed as an automatic-indicating scale.) (S-D)

(35) *Overregistration and underregistration*. The error of a weighing scale is said to be "overregistering" or "underregistering" depending on whether its indications are, respectively, greater or less than they should be. For example, a scale that indicates or records more than the true value of the applied load has an error of "overregistration."

PROPOSED RULE MAKING

(36) *Parallax*. The apparent displacement, or apparent difference in height or width, of a graduation or other object with respect to a fixed reference, as viewed from different points. (G-D)

(37) *Poise*. A movable weight mounted upon or suspended from a weighbeam bar and used in combination with graduations, and frequently with notches, on the bar to indicate weight values. (A suspended poise is commonly called a "hanging" poise.) (S-D)

(38) *Ratio test*. A test to determine the accuracy with which the actual multiple of a scale agrees with its designed multiple. This test is utilized in the case of scales employing counterpoise weights and is made with standard test weights substituted in all cases for the weights commercially used on the scale. (It is appropriate to utilize this test in the case of some scales not employing counterpoise weights.) (S-D)

(39) *Reading-face*. That portion of an automatic-indicating weighing device that gives a visible indication of the quantity weighed. A reading-face may include an indicator and a series of graduations or may present values digitally.

(40) *Reading-face capacity*. The largest weight that may be indicated on the reading-face, exclusive of the application of any unit weights, weight ranges, or other elements.

(41) *Recorded representation*. Refers to the printed, embossed, or other representation that is recorded as a quantity by a weighing device. (G-D)

(42) *Recording element*. An element incorporated in a weighing device by means of which its performance relative to quantity is permanently recorded on a tape, ticket, card, or the like, in the form of a printed, stamped, punched, or perforated representation.

(43) *Recording scale*. One on which the weights of applied loads may be permanently recorded on a tape, ticket, card, or the like, in the form of a printed, stamped, punched, or perforated representation. (S-D)

(44) *Selector-type*. Refers to a system of indication or recording in which the mechanism selects, by means of a ratchet-and-pawl combination or by other means, one or the other of any two successive values that can be indicated or recorded. (G-D)

(45) *Sensitivity response or SR*. The change in load required to change the position of rest of the indicating element or elements of a nonautomatic indicating scale a definite amount at any load.

(46) *Specification*. A requirement usually dealing with the design, construction, or marking of a weighing device. Specifications are primarily directed to the manufacturers of devices.

(47) *Subordinate graduation*. Any graduation other than a main graduation. (G-D)

(48) *Tare bar*. An auxiliary weighbeam bar, primarily for the purpose of determining, or balancing out, the weights of empty containers or vehicles. (S-D)

(49) *Tolerance*. A value fixing the limit of allowable error or departure from true performance or value. (G-D)

(50) *Unit weight*. One contained within the housing of an automatic-indicating scale and mechanically applied to and removed from the mechanism. The application of a unit weight will increase the range of automatic-indication, normally in increments equal to the reading-face capacity. (S-D)

(51) *User requirements*. Requirements usually dealing with the selection, installation, use or maintenance of a weighing device. User requirements are directed primarily to the users of devices. (G-D)

(52) *Value of minimum graduated interval*. The smallest value represented by the interval from the center of one graduation to the center of the succeeding graduation. Also, the smallest increment of recorded value. (G-D)

(53) *Weighbeam or beam*. An element comprising one or more bars, equipped with movable poises or means for applying counterpoise weights or both. (S-D)

(54) *Weight ranges*. Electrical or electro-mechanical elements incorporated in an automatic-indicating scale through the application of which the range of automatic indication of the scale is increased, normally in increments equal to the reading-face capacity. (S-D)

(55) *Zero-load balance*. A correct weight indication or representation of zero when there is no load on the load-receiving element. (S-D)

(56) *Zero-load balance for an automatic-indicating scale*. A condition in which the indicator is at rest at or oscillates through approximately equal arcs on either side of the zero graduation. (S-D)

(57) *Zero-load balance for a non-automatic-indicating scale*. A condition in which (i) the weighbeam is at rest at or oscillates through approximately equal arcs above and below the center of a trig loop, (ii) the weighbeam or lever system is at rest at or oscillates through approximately equal arcs above and below a horizontal position or a position midway between limiting stops, or (iii) the indicator of a balance indicator is at rest at or oscillates through approximately equal arcs on either side of the zero graduation. (S-D)

(58) *Zero-load balancing for a recording scale*. A condition in which the scale will record a representation of zero load. (S-D)

(b) *Specifications*. (Applicable with respect to the design of weighing equipment.)

(1) *Identification*. All commercial equipment except weights shall be clearly and permanently marked on an exterior surface for purposes of identification with the name, initials, or trademark of the manufacturer and with the manufacturer's designation that positively identifies the pattern or the design of the device. (G.S.1)

(2) *Facilitation of fraud*. All commercial equipment and all mechanisms and devices attached thereto or used in connection therewith shall be so constructed, assembled, and installed for use that they do not facilitate the perpetration of fraud. (G.S.2)

(3) *Permanence*. All commercial equipment shall be of such materials, design, and construction as to make it probable that, under normal service conditions, (i) accuracy will be maintained, (ii) operating parts will continue to function as intended, and (iii) adjustments will remain reasonably permanent. Undue stresses, deflections, or distortions of parts shall not occur to the extent that accuracy or permanence is detrimentally affected. (G.S.3)

(4) *Interchange or reversal of parts*. Parts of a device that may readily be interchanged or reversed in the course of field assembly or of normal usage shall be so constructed that their interchange or reversal will not materially affect the performance of the device. Parts that may be interchanged or reversed in normal field assembly shall be, (i) so constructed that their interchange or reversal will not affect the performance of the device, or (ii) so marked as to show their proper positions. (G.S.4)

(5) *Indicating elements and recorded representations* (G.S.5.1) *General*. All weighing devices shall be provided with indicating or recording elements appropriate in design and adequate in amount. Primary indications and recorded representations shall be clear, definite, accurate, and easily read under any conditions of normal operation of the device.

(6) *Graduations*. (G.S.5.2) —(i) *Analog indication and representation*. Graduations and a suitable indicator shall be provided in connection with indications and recorded representations designed to advance continuously. (G.S.5.2.1)

(ii) *Digital indication and representation*. Graduations shall not be required in connection with digital indications or recorded digital representations. (G.S.5.2.2)

(iii) *Size and character*. In any series of graduations, corresponding graduations shall be uniform in size and character. (G.S.5.2.3)

(iv) *Values*. If graduations are intended to have specific values, these shall be adequately defined by a sufficient number of figures, words, symbols, or combinations thereof, uniformly placed with reference to the graduations and as close thereto as practicable, but not so positioned as to interfere with the accuracy of reading. (G.S.5.2.4)

(v) *Permanence*. Graduations and their defining figures, words, and symbols shall be of such character that they will not tend easily to become obliterated or illegible. (G.S.5.2.5)

(7) *Values of graduated intervals*. In any series of graduations, the values of the graduated intervals shall be uniform throughout the series. (G.S.5.3)

(8) *Repeatability of indications*. A device shall be capable of repeating, with in prescribed tolerances, its indications and recorded representations. This requirement shall be met irrespective of repeated manipulation of any element of the device in a manner approximating normal usage (including displacement of the indicating element to the full extent allowed by the construction of the device and repeated operation of a lock-

ing or relieving mechanism) and of the repeated performance of steps or operations that are embraced in the testing procedure. (G.S.5.4)

(9) *Recorded representations.* Insofar as they are appropriate, the requirements for indicating and recording elements shall be applicable also to recorded representations. (G.S.5.6)

(10) *Magnified graduations and indications.* When, in normal usage, a series of graduations and an indicator are necessarily viewed as magnified by an optical system or as magnified and projected on a screen, all particulars of the magnified image shall conform to all appropriate requirements for graduations and indications. (G.S.5.7)

(11) *Lettering.* All required markings and instructions shall be distinct and easily readable and shall be of such character that they will not tend easily to become obliterated or illegible. (G.S.6)

(12) *Design of indicating and recording elements and of recorded representations (S.1)—(i) Zero indication.* On an automatic-indicating scale equipped with a printer, provision shall be made:

- (a) To indicate and record zero, and
- (b) To indicate and record an out-of-balance condition.

(ii) *Graduations (S.1.2)—(a) Length.* Graduations shall be so varied in length that they may be conveniently read. (S.1.2.1)

(b) *Width.* In any series of graduations, the width of a graduation shall in no case be greater than the width of the minimum clear interval between graduations, and the width of main graduations shall be not more than 50 percent greater than the width of subordinate graduations. Graduations shall in no case be less than 0.008 inch in width. (S.1.2.2)

(iii) *Clear interval between graduations.* The clear interval shall be not less than 0.03 inch for graduations. If the graduations are not parallel, the measurement shall be made,

(a) Along the line of relative movement between the graduations and the end of the indicator, or

(b) If the indicator is continuous at the point of widest separation of the graduations.

(iv) *Indicators (S.1.3)—(a) Symmetry.* The index of an indicator shall be symmetrical with respect to the graduations with which it is associated and at least throughout that portion of its length that is associated with the graduations. (S.1.3.1)

(b) *Length.* The index of an indicator shall reach to the finest graduations with which it is used, unless the indicator and the graduations are in the same plane, in which case the distance between the end of the indicator and the ends of the graduations, measured along the line of the graduations, shall be not more than 0.04 inch. (S.1.3.2)

(c) *Width.* The width of the index of an indicator in relation to the series of graduations with which it is used shall be not greater than,

(1) The width of the widest graduation,

(2) The width of the minimum clear interval between weight graduations, and

(3) Three-fourths of the width of the minimum clear interval between money-value graduations.

When the index of an indicator extends along the entire length of a graduation, that portion of the index of the indicator that may be brought into coincidence with the graduation shall be of the same width throughout the length of the index that coincides with the graduation. (S.1.3.3)

(d) *Clearance.* The clearance between the index of an indicator and the graduations shall in no case be more than 0.06 inch. (S.1.3.4)

(e) *Parallax.* Parallax effects shall be reduced to the practicable minimum. (S.1.3.5)

(v) *Weight ranges and unit weights.* The total value of weight ranges and of unit weights in effect or in place at any time shall automatically be accounted for on the reading face and on any recorded representation. (S.1.4)

(13) *Design of balance, damping, and arresting mechanisms (S.2)—(i) Zero-load adjustment (S.2.1)—(a) General.* A scale shall be equipped with means by which the zero-load balance may be adjusted, and any loose material used for this purpose shall be so enclosed that it cannot shift in position in such a way that the balance condition of the scale is altered. (S.2.1.1)

(b) *Balance ball.* A balance ball or similar device shall not itself be rotatable unless the balancing device is automatic in operation or it is enclosed in a cabinet. (This specification will become effective on all scales as of July 1, 1975.)

(ii) *Damping means.* An automatic-indicating scale, and a balance indicator, shall be equipped with effective means (such as a dashpot) for damping the oscillations whenever such means are necessary to bring the indicating elements quickly to rest. (S.2.4)

(14) *Design of weighing elements (S.4)—(i) Antifriction elements.* At all points at which a live part of the mechanism may come into contact with another part in the course of normal usage, frictional effects shall be reduced to a minimum by means of suitable antifriction elements, opposing surfaces, and points being properly shaped, finished, and hardened. A platform scale having a frame around the platform shall be equipped with means to prevent interference between platform and frame. (S.4.1)

(ii) *Adjustable weighing elements.* An adjustable weighing element such as a nose-iron, a pendulum, or a spring (but not an element for adjusting level or zero-load balance) shall be held securely in adjustment and shall not be adjustable from the outside of the scale. The position of a nose-iron on a scale of more than 500 pounds capacity, as determined by the factory adjustment, shall be accurately, clearly, and permanently defined. (S.4.2)

(15) *Design of weighbeams and poises (S.5)—(i) Weighbeams (S.5.1)—(a) Normal balance position.* The normal

balance position of the weighbeam of a beam scale shall be horizontal. (S.5.1.1)

(b) *Travel.* The weighbeam of a beam scale shall have equal travel above and below the horizontal. The total travel of the weighbeam of a beam scale in a trig loop or between other limiting stops near the weighbeam tip shall be not less than the minimum travel shown in Table 1. When such limiting stops are not provided, the total travel at the weighbeam tip shall be not less than 8 percent of the distance from the weighbeam fulcrum to the weighbeam tip. (S.5.1.2)

TABLE 1.—MINIMUM TRAVEL OF WEIGHBEAM OF BEAM SCALE BETWEEN LIMITING STOPS

Distance from weighbeam fulcrum to limiting stops	Minimum travel between limiting stops
12 or less	.4
13 to 20, inclusive	.5
21 to 40, inclusive	.7
Over 40	.9

(c) *Subdivision.* A subdivided weighbeam bar shall be subdivided by means of graduations, notches, or a combination of both. Graduations on a particular bar shall be of uniform width and perpendicular to the top edge of the bar. Notches on a particular bar shall be uniform in shape and dimensions and perpendicular to the face of the bar. When a combination of graduations and notches is employed, the graduations shall be so positioned in relation to the notches as to indicate notch values clearly and accurately. (S.5.1.3)

(d) *Readability.* A subdivided weighbeam bar shall be so subdivided and marked, and a weighbeam poise shall be so constructed, that the weight corresponding to any normal poise position can easily and accurately be read directly from the beam, whether or not provision is made for the optional recording of representations of weight. (S.5.1.4)

(e) *Poise stop.* Except on a steelyard with no zero graduation, a shoulder or stop shall be provided on each weighbeam bar to prevent a poise from traveling and remaining back of the zero graduation. (S.5.1.6)

(ii) *Poises (S.5.2)—(a) General.* No part of a poise shall be readily detachable. A locking screw shall be perpendicular to the longitudinal axis of the weighbeam and shall not be removable. Except on a steelyard with no zero graduation, a poise shall not be readily removable from a weighbeam. The knife edge of a hanging poise shall be hard and sharp and so constructed as to allow the poise to swing freely on the bearing surfaces in the weighbeam notches. (S.5.2.1)

(b) *Adjusting material.* The adjusting material in a poise shall be securely enclosed and firmly fixed in position, and if softer than brass it shall not be in contact with the weighbeam. (S.5.2.2)

(c) *Pawl.* A poise, other than a hanging poise, on a notched weighbeam bar shall have a pawl that will seat the poise in a definite and correct position in any notch, wherever in the notch the pawl is placed, and hold it there firmly and without appreciable movement. That dimen-

PROPOSED RULE MAKING

sion on the tip of the pawl that is transverse to the longitudinal axis of the weighbeam shall be at least equal to the corresponding dimension of the notches. (S.5.2.3)

(d) *Reading edge or indicator.* The reading edge or indicator of a poise shall be sharply defined, and a reading edge shall be parallel to the graduations on the weighbeam. (S.5.2.4)

(iii) *Marking requirements (S.6).* The nominal capacity shall be conspicuously marked as follows:

(a) On any scale equipped with unit weights or weight ranges,

(b) On any scale with which counterpoise or equal-arm weights are intended to be used,

(c) On any automatic indicating or recording scale so constructed that the capacities of the several individual indicating and recording elements are not immediately apparent, and

(d) On any scale with a nominal capacity less than the sum of the reading elements. (S.6.1)

(c) *Notes.* (Applicable with respect to the testing of scales.) (N)

(1) *Testing procedures (N.1).*—(i) *Increasing-load test.* The increasing-load test shall be conducted on all scales with the test loads approximately centered on the load-receiving element of the scale, except on a scale having a nominal capacity greater than the total available known test load, in which case the available test load is used to greatest advantage by concentrating it, within prescribed load limits, over the main load supports of the scale. (N.1.1)

(ii) *Decreasing-load test.* The decreasing-load test shall be conducted on automatic-indicating scales only and with a test load equal to one-half of the maximum applied test load, approximately centered on the load-receiving element of the scale. (N.1.2)

(iii) *Shift test (N.1.3).*—(a) *On live-stock and live poultry scales.* The shift or corner test shall be conducted with a quarter-capacity test load centered, as nearly as possible, successively over each main load bearing. In the case of scales of more than two sections, in lieu of a corner test, a shift test shall be conducted with a half-capacity test load successively concentrated on each section of the scale.

(b) *On monorail scales.* The shift test shall be conducted with a half-capacity test load centered successively at each end of the weigh rail.

(iv) *Test for sensitiveness for non-automatic-indicating scales.* The test for sensitiveness shall be conducted on all non-automatic-indicating scales. SR tests shall be made at zero load and at the maximum test load applied to the scale by either increasing or decreasing the test-weight load on the load-receiving element of the scale. The response of the scale shall be as follows:

(a) *On a scale with a trig loop but without a balance indicator.* The position of rest of the weighbeam shall change from the center of the trig loop to the top or bottom, as the case may be.

(b) *On a scale with a single balance indicator and having a nominal capacity of 500 pounds or greater.* The position of rest of a single indicator on a scale having a nominal capacity of 500 pounds or greater shall change 0.25 (1/4) inch or the width of the central target area, whichever is greater.

(c) *Ratio test.* A ratio test shall be conducted on all scales employing counterpoise weights and on non-automatic-indicating equal-arm scales. (N.1.5)

(d) *SR requirements—(1) Application.* The SR is applicable to a scale to which acceptance tolerances apply and to a scale to which maintenance tolerances apply.

(2) *For livestock, animal, and monorail scales not equipped with balance indicators.* The maximum SR on a scale not equipped with a balance indicator shall be the value of two of the minimum graduated intervals on the weighbeam.

(3) *For livestock, animal, and monorail scales equipped with balance indicators.* The SR on a scale equipped with a balance indicator shall be the value of the minimum graduated interval on the weighbeam.

(e) *Tolerances.* (Applicable with respect to the performance or accuracy of scales.) (G.T.)

(1) *Acceptance tolerances.* Acceptance tolerances shall apply as follows:

(i) To any equipment about to be put into commercial use for the first time.

(ii) To equipment that has been placed in commercial service within the preceding 30 days and is being officially tested for the first time.

(iii) To equipment that has been returned to commercial service following official rejection for failure to conform to performance requirements and is being officially tested for the first time within 30 days after corrective service.

(iv) To equipment that is being officially tested for the first time within 30 days after major reconditioning or overhaul. (1966, G.T.1)

(2) *Maintenance tolerances.* Maintenance tolerances shall apply to equipment in actual use, except as provided in subparagraph (1) of this paragraph. (G.T.1)

(3) *Application.* Tolerances "in excess" and tolerances "in deficiency" shall apply to errors in excess and to errors in deficiency, respectively. Tolerances "on overregistration" and tolerances "on underregistration" shall apply to errors in the direction of overregistration and of underregistration, respectively. (See definitions of terms.) (G.T.3)

(4) *To tests involving digital indications or representations.* To the tolerances that would otherwise be applied, there shall be added an amount equal to one-half the minimum value that can be indicated or recorded. (T.1.2)

(5) *To increasing-load tests.* Basic tolerances shall be applied. (T.1.3)

(6) *To shift tests.* Basic tolerances shall be applied. (T.1.4)

(7) *To ratio tests.* Three-fourths (0.75) of basic tolerances shall be applied. (T.1.5)

(8) *To decreasing-load tests on automatic-indicating scales.* One and one-half (1.5) times basic tolerances shall be applied. (T.1.6)

(9) *Minimum tolerance values (T.2).*—

(i) *For monorail and poultry scales.* The maintenance and acceptance tolerance applied to a scale shall be not smaller than the appropriate value shown in table 2, or one-half the value of the minimum graduated interval, whichever is less. (T.2.1)

TABLE 2—MINIMUM TOLERANCE VALUES FOR MONORAIL AND POULTRY SCALES

(This table applies where the appropriate value in the table is smaller than one-half the value of the minimum graduated interval on the device under test.)

Nominal capacity	Minimum tolerance value	
	Pounds	Ounces
100 or less	1/4	1/4
101 to 150, inclusive	1/2	1/2
151 to 250, inclusive	2	2
251 to 500, inclusive	4	4
501 to 1000, inclusive	8	8
1001 to 2500, inclusive	1	1

(ii) *For livestock scales.* The minimum maintenance and acceptance tolerance shall be 2 pounds, or one-half the value of the minimum graduated interval, whichever is greater. (T.2.2)

(iii) *For animal scales.* The minimum maintenance tolerance and acceptance tolerance shall be 1 pound. (T.2.3)

(10) *Basic tolerance values (T.3).*—

(i) *Application.* Basic tolerance values shall be applied to weighbeam, reading-face, and unit-weight indications, and to recorded representations. (T.3.1)

(ii) *For monorail and poultry scales.* The basic maintenance and acceptance tolerances shall be as shown in Table 3.

TABLE 3—BASIC TOLERANCES FOR MONORAIL AND POULTRY SCALES. (SEE ALSO (4) (T.1.2))

Test load	Maintenance	Acceptance	
		Pounds	Ounces
74 or less	1	1/16	1/16
75 to 99, inclusive	1 1/2	1/2	1/2
100 to 149, inclusive	2	1	1
150 to 199, inclusive	3	1 1/2	1 1/2
200 to 299, inclusive	4	2	2
300 to 399, inclusive	6	3	3
400 to 599, inclusive	8	4	4
600 to 799, inclusive	12	6	6
800 to 999, inclusive	14	7	7
1000 and over	0.1 percent of test load	0.05 percent of test load	0.05 percent of test load

(iii) *For livestock and animal scales.* The basic maintenance tolerance on live-stock and animal scales shall be 2 pounds per 1,000 pounds of test load (0.2 percent). The acceptance tolerance shall be one-half the maintenance tolerance (T.3.3)

(f) *User requirements.* (Applicable with respect to the selection, installation, use, and maintenance of weighing devices. (G-UR))

(1) *Selection requirements.* (G-UR.1) Suitability of equipment: Commercial equipment shall be suitable for the service in which it is used with respect to elements of its design, including but not limited to its weighing capacity, the character, number, size, and location of its indicating or recording elements, and

the value of its minimum graduated interval. (G-UR.1.1)

(2) *For livestock and animal scales.* Such scales shall be equipped with a type-registering weighbeam, a dial with a mechanical ticket printer, or a similar device which shall be used for printing or stamping weight values on scale tickets.

(3) *Value of minimum graduated intervals on primary indicating and recording elements (UR.1.1)—(i) For animal scales only.* The value of the minimum graduated interval shall be not greater than 1 pound. (UR.1.1.1)

(ii) *For livestock scales only.* The value of the minimum graduated interval shall be not greater than 5 pounds. (UR.1.1.4)

(iii) *For monorail and poultry scales.* The value of the minimum graduated interval shall be not greater than 0.1 percent of the nominal capacity of the scale or one-quarter pound, whichever is greater. (UR.1.1.7)

(4) *Installation requirements (G-UR.2)—(i) Installation.* A device shall be installed in accordance with the manufacturer's instructions, including any instructions marked on the device. A device installed in a fixed location shall be so installed that neither its operation nor its performance will be adversely affected by any characteristic of the foundation, supports, or any other detail of the installation. (G-UR.2.1)

(ii) *Protection against wind and weather effects.* The indicating elements, the lever system or load cells, and the under side of the load-receiving element of a permanently installed scale shall be adequately protected against wind and weather effects. (UR.2.3)

(iii) *Foundation, supports, and clearance.* The foundation and supports of any scale installed in a fixed location shall be such as to provide strength, rigidity, and permanence of all components, and clearance shall be provided around all live parts to the extent that no contacts may result when the load-receiving element is empty and throughout the weighing range of the scale. (UR.2.4)

(iv) *Access to pit.* Adequate provision shall be made for ready access to the pit of a vehicle, livestock, or animal scale for purposes of inspection and maintenance. (UR.2.5)

(v) *Stock racks.* A livestock or animal scale shall be equipped with a suitable stock rack, with gates as required, which shall be securely mounted on the scale platform. Adequate clearances shall be maintained around the outside of the rack. (UR.2.7)

(vi) *Accessibility for testing purposes.* A scale shall be so located, or such facilities for normal access thereto shall be provided, that the test weights of the testing agency, in the denominations customarily provided, and in the amount deemed necessary by the testing agency for the proper testing of the scale, may readily be brought to the scale by customary means.

(5) *Maintenance requirements (G-UR.4)—(i) Maintenance of equipment.*

All equipment in commercial service and all mechanisms and devices attached thereto or used in connection therewith shall continuously be maintained in proper operating condition throughout the period of such service. (G-UR.4.1)

(ii) *Use of adjustments.* Weighing elements that are adjustable shall be adjusted only to correct those conditions that such elements are designed to control, and shall not be adjusted to compensate for defective or abnormal installation or accessories or for badly worn or otherwise defective parts of the assembly. Any faulty installation conditions shall be corrected, and any defective parts shall be renewed or suitably repaired, before adjustments are undertaken. Whenever equipment is adjusted, the adjustments shall be so made as to bring performance errors as close as practicable to zero value. (G-UR.4.2)

(iii) *Balance condition.* A scale shall be maintained in balance. (UR.4.1)

(iv) *Lengthening and widening of platforms.* Neither the length nor the width of the load-receiving element of a scale shall be increased beyond the manufacturer's designed dimension, except when the modification has been approved by competent scale-engineering authority, preferably that of the engineering department of the manufacturer of the scale. (UR.4.3)

(v) *Method of operation.* Equipment shall be operated only in the manner that is obviously indicated by its construction or that is indicated by instructions on the equipment. (G-UR.3.1)

(g) *Weights—(1) Application.* (Pertaining to the application of code requirements.) General: This code applies to commercial weights; that is, weights used in connection with commercial weighing devices. It does not apply to test weights or to other "standards" of mass.

(2) *Specifications.* (Applicable with respect to the materials for, and design of, weights.) Material: The material used for weights shall be metal, or a metal alloy, not softer than brass.

(3) *Design (S. 2)—(1) Surface.* The surface of a weight shall be smooth and shall not be coated with thick, soft, or brittle material. A weight shall not have sharp edges, points, or corners.

(ii) *Adjusting material.* Adjusting material shall be securely positioned and shall not project beyond the surface of the weight.

(iii) *Marking requirements.* (S.4) Counterpoise weight: A counterpoise weight shall be marked to show clearly both its nominal value and the value it represents when used on the multiplying-lever scale for which it is intended. (S.4.6)

(4) *Tolerances.* (Applicable with respect to the accuracy of weights). (T)

(i) *In excess and in deficiency.* The tolerances hereinafter prescribed shall be applied equally to errors in excess and errors in deficiency. (T.1)

(ii) *On avoirdupois weights.* The maintenance tolerances shall be as shown in Table 4. Acceptance tolerances shall be one-half the maintenance tolerances.

(iii) *For intermediate value.* For a capacity, indication, load, value, etc., intermediate between two capacities, indications, loads, values, etc., listed in a table of tolerances, the tolerances prescribed for the lower capacity, indication, load, value, etc., shall be applied. (G.T.4)

TABLE 4—TOLERANCES FOR AVOIRDUPOIS WEIGHT

Nominal value	Maintenance tolerance	
	Counterpoise weights	
	For scales with multiples of less than 1,000	For scales with multiples of 1,000 and over
Ounces	Grains	Grains
4	1.5	1.0
6	1.5	1.0
8	1.5	1.5
10	2.0	1.5
12	2.5	2.0
	2.5	2.0
Pounds		
1	3.0	2.5
2	6.0	4.0
3	9.0	5.0
4	11.0	6.0
5	12.0	6.5

(h) *Test weights—standards of mass; calibration of test weights.* Test weights to be used in testing scales subject to the provisions of the Packers and Stockyards Act, shall be calibrated at least once in 3 years by an authorized agency and shall conform to the tolerances of the National Bureau of Standards for Class C weights of large denominations as indicated in the following table.

AVOIRDUPOIS TEST WEIGHTS

Denomination	Class C tolerances
Pounds	
50	10 grains.
100	15 grains.
500	0.5 ounce
1,000	1.0 ounce
2,000	2.0 ounces.
2,500	2.5 ounces.

S 201.73-1 Instructions for weighing livestock.

Stockyard operators, market agencies, dealers, and packers who operate scales on which livestock is weighed in purchase or sales transactions shall supply copies of the instructions in this section to all persons who perform weighing operations for them and direct such persons to familiarize themselves with the instructions and to comply with them at all times. This section shall also apply to any additional weighers who are employed at any time. Weighers must acknowledge their receipt of the instructions in this section and agree to comply with them, by signing in duplicate, forms provided by the Packers and Stockyards Administration (attached hereto). One copy of the form is to be filed with the area office of the Packers and Stockyards Administration and the other retained by the agency employing the weighers.

(a) *Balancing the empty scale.* (1) The empty scale shall be balanced each day before weighing begins and thereafter, while weighing operations con-

PROPOSED RULE MAKING

tinue and its zero balance shall be verified at intervals of not more than 15 drafts or 15 minutes, whichever is completed first. In addition, the zero balance of the scale shall be verified whenever a weigher resumes weighing duties after an absence from the scale and also whenever a load exceeding half the scale capacity has been weighed and is to be followed by a load of less than 1,000 pounds.

(2) Before balancing the empty scale the weigher shall notify parties outside the scale house of his intention by a bell signal or otherwise and shall assure himself that the scale gates are closed and that no persons or animals are on the scale platform or in contact with the stock rack, gates, or platform. When the empty scale is balanced and ready for weighing, he shall so indicate by appropriate signal.

(3) Weighbeam scales shall be balanced by first seating each poise securely in its zero notch and then moving the balance ball to such position that a correct zero balance is obtained. A scale equipped with a balance indicator is correctly balanced when the indicator comes to rest in the center of the target area. A scale not equipped with a balance indicator is correctly balanced if the weighbeam, when released at the top or bottom of the trig loop, swings freely in the trig loop in such manner that it will come to rest at the center of the trig loop.

(4) Dial scales shall be balanced by releasing all drop weights and operating the balance ball or other balancing device to obtain a correct zero balance. The indicator must visibly indicate zero on the dial reading face and the ticket printer must record a correct zero balance. "Balance tickets" should be filed with other scale tickets issued on that date.

(5) A balance ball or other balancing device shall be operated only when balancing the empty scale and shall not be operated at any other time or for any other purpose.

(6) The time at which the empty scale is balanced or its zero balance verified shall be marked on scale tickets or other permanent records.

(b) *Weighing the load.* (1) Before weighing a draft of livestock the weigher shall assure himself that the entire draft is on the scale platform with the gates closed and that no persons or animals off the scale are in contact with the platform, gates, or stock rack.

(2) (i) On a weighbeam scale with a balance indicator the weight of a draft shall be determined by moving the poises to such positions that the indicator will come to rest within the central target areas.

(ii) On a weighbeam scale without a balance indicator the weight shall be determined by moving the poises to such positions that the weighbeam, when released from the top or bottom of the trig loop, will swing freely in the trig loop and come to rest at the approximate center of the trig loop.

(iii) On a dial scale the weight of a draft is indicated automatically when

the indicator revolves around the dial face and comes to rest.

(3) The correct weight of a livestock draft is the value in pounds indicated by a weighbeam or dial when correct load balance is obtained. In any case the weigher should concentrate his attention upon the beam tip, balance indicator or dial indicator while weighing and not concern himself with reading the visible weight indications until correct load balance is obtained.

(c) *Recording the weight.* (1) The weight of each draft shall be recorded immediately after the load balance is obtained and before any poises are moved or load removed from the scale platform. The weigher shall make certain that the printed weight record agrees with the weight value visibly indicated on the weighbeam or dial when correct load balance is obtained. He shall also assure himself that the printed weight value is sufficiently distinct and legible.

(2) The weight printing device on a scale shall be operated only to produce a printed or impressed record of weight while the livestock load is on the scale and correctly balanced. If the weight is not printed clearly and correctly, the ticket shall be marked void and a new one printed before the draft is removed from the scale.

(d) *Scale tickets.* (1) Scale tickets used to record the weight of livestock in sale or purchase transactions shall be used, at any given scale, in the order of their consecutive serial numbers unless otherwise marked to show the order of their use. All tickets shall bear the date of the weighing and the name or initials of the weigher performing the weighing service.

(2) No scale tickets shall be destroyed or otherwise disposed of because they are soiled, damaged, incorrectly executed, or voided. They shall be preserved and filed to comprise a complete serial number sequence.

(3) No scale tickets shall be used to record the weight of a livestock draft for "catch weight," inventory, transportation charge, or other nonsale purposes unless the ticket is clearly marked to show that the weight was determined for such a purpose and not for sale or purchase purposes.

(e) *Weigher's responsibilities.* (1) The primary responsibility of a weigher is to determine and record the true weight of livestock drafts without prejudice or favor to any person or agency and without regard for livestock ownership, price, condition, fill, shrink, or other considerations. A weigher shall not permit the representations or attitudes of any persons or agencies to influence his judgment or action in performing his duties.

(2) Unused scale tickets or those which are partially executed but without a printed weight value shall not be left exposed or accessible to parties entering the scale house. All such tickets shall be kept under lock when the weigher is not at his duty station.

(3) Accurate weighing and correct weight recording require that a weigher shall not permit his operations to be hurried to the extent that inaccurate

weights or incorrect weight records may result. Each draft of livestock must be weighed accurately to the nearest minimum graduation. Manual operations connected with balancing, weighing, and recording shall be performed with the care necessary to prevent damage to the accurately machined and adjusted parts of weighbeams, poises, and printing devices. Rough handling of these parts shall be avoided.

(4) Livestock owners, buyers, or others having legitimate interest in a livestock draft are entitled to observe the balancing, weighing, and recording procedures and a weigher shall not deny them that right or withhold from them any information pertaining to the weight of that draft. He shall check the zero balance of the scale or reweigh a draft of livestock when requested by such parties.

(f) *Sensitivity control.* (1) A scale must be sensitive in response to platform loading if it is to yield accurate weights. It, therefore, is the duty of a weigher to assure himself that interferences, weighbeam friction, or other factors do not impair sensitivity. He should satisfy himself, at least twice each day, that the scale is sufficiently sensitive, and, if the following requirements are not met, he should report the facts to his superior or employer immediately.

(2) A weighbeam scale with a balance indicator is sufficiently sensitive if, when the scale is balanced with the indicator at the center of the target, movement of the fractional poise one graduation will change the indicator rest point $\frac{1}{4}$ -inch (0.25) or the width of the central target area, whichever is greater.

(3) A weighbeam scale without a balance indicator is sufficiently sensitive if, when the scale is balanced with the weighbeam at the center of the trig loop, movement of the fractional poise two graduations will cause the weighbeam to come to rest at the top or bottom of the trig loop.

(4) Adjustable damping devices are incorporated in balance indicators and in dial scales to absorb the effects of load impact and to bring the indicator to rest. The weigher should be familiar with the location and adjustment of these damping devices and should keep them so adjusted that when the indicator is displaced from a position of rest it will oscillate freely through at least one complete cycle of movement before coming to rest at its original position.

(5) Friction at weighbeam bearings may reduce the sensitivity of the scale, cause sluggish weighbeam action and affect weighing accuracy. A weigher should inspect the weighbeam assembly daily to make certain that there is clearance between the weighbeam and the pivot bearings.

(6) Interferences or binding of the scale platform, stock rack, gates, or other "live" parts of the scale are common causes of weighing inaccuracy. A weigher should satisfy himself, at the beginning of each weighing period, that all such "live" parts have sufficient clearance to prevent interference.

(g) *General precautions.* (1) The poises of weighbeam scales are carefully adjusted and sealed to a definite weight at the factory and any change in that weight seriously affects weighing accuracy. A weigher, therefore, should be certain that poise parts do not become broken, loose, or lost and that no material is added to a poise. Balancing or weighing shall not be performed while a scale ticket is in the slot of a weighbeam poise.

(2) Stops are provided on scale weighbeams to prevent movement of poises back of the zero graduation when balancing or weighing. When the stops become worn or broken and allow a poise to be set behind the zero position this condition should be reported and corrected without delay.

(3) Foreign objects or loose material in the form of nuts, bolts, washers, or other material on any part of the weighbeam assembly, including the counterbalance hanger or counterbalance weights, are potential sources of weighing error. Loose balancing material must be enclosed in the shot cup of the counterbalance hanger and counterbalance weights must not be of the slotted type which can readily be removed.

(4) Whenever for any reason a weigher has reason to believe that a scale is not functioning properly or not yielding correct weight values, he shall discontinue weighing, report the facts to the parties responsible for scale maintenance, and request inspection, test, or repair of the scale.

(5) When a scale has been adjusted, modified, or repaired in any manner which may affect the accuracy of weighing or weight recording, the weigher should not use the scale until it has been tested and inspected and found to be accurate.

(6) Count-off men, gate men, or others assigned to open or close scale gates or to drive livestock on or off the scale shall perform those functions as directed by the weigher's signals or spoken instructions. They shall prevent persons or animals off the scale from being in contact with any part of the scale platform, stock rack, or gates while the scale is being balanced or used for weighing. They shall not open gates or remove livestock from the scale until directed by the weigher.

NOTE: Attention is called to § 201.54(b) of the regulations providing that:

"No stockyard owner shall receive or knowingly permit any officer, agent, or employee of the stockyard to receive, from any market agency, dealer, packer, or other user of such stockyard, and no market agency, dealer, or packer shall offer, make, or give to any stockyard owner, or to any officer, agent, or employee of a stockyard, any gift, payment, loan, or other consideration, except the established charges for, or in connection with, the furnishing of stockyard services."

It should be noted that §§ 201.73 and 201.78 of the regulations also define obligations of weighers.

Attention is called to section 10 of the Federal Trade Commission Act, which is made applicable to persons subject to the Packers and Stockyards Act and provides in part:

"* * * Any person who shall willfully make, or cause to be made, any false entry or

statement of fact in any report required to be made under this Act, or who shall willfully make, or cause to be made, any false entry in any account, record, or memorandum kept by any corporation subject to this Act or who shall willfully neglect or fail to make, or cause to be made, full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions appertaining to the business of such corporation, or who shall willfully remove out of the jurisdiction of the United States, or willfully mutilate, alter, or by any other means falsify any documentary evidence of such corporation, or who shall willfully refuse to submit to the Commission or to any of its authorized agents, for the purpose of inspection and taking copies, any documentary evidence of such corporation in his possession or within his control, shall be deemed guilty of an offense against the United States, and shall be subject upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than \$1,000 nor more than \$5,000 or to imprisonment for a term of not more than three years, or to both such fine and imprisonment."

A weigher who willfully prints or enters a false weight value on a scale ticket or other record of a stockyard company, market agency, dealer, or packer is subject to the section quoted above.

U.S. DEPARTMENT OF AGRICULTURE
PACKERS AND STOCKYARDS ADMINISTRATION
WEIGHER'S ACKNOWLEDGMENT AND
AGREEMENT

I, _____, employed by _____, (Firm Name)
at _____, _____, as a weigher of
(City) (State)
livestock, have read the Instructions for Weighing Livestock issued under authority of the Packers and Stockyards Act and agree to comply fully with said Instructions. I am aware that it will be an offense against the United States for me to willfully make any false entry of weight or other information on a scale ticket or other record kept by my employer.

(Signature of Weigher)

(Date)

(Signature of Witness)

§ 201.78-1 Instructions for testing monorail scales.

(a) *Adoption of National Bureau of Standards Codes in Handbook 44.* Insofar as they are applicable to monorail scales, the specifications, tolerances, and regulations for commercial weighing devices, as published in National Bureau of Standards Handbook 44, 3d Edition, with amendments through July 1967, shall be applied to all monorail scales under supervision of the Packers and Stockyards Administration. The applicable portions of this Handbook are set forth in § 201.72-2 and copies are available upon request from the local area supervisor or the Washington, D.C., office of the Packers and Stockyards Administration. In the following instructions, citations to corresponding paragraphs of Handbook 44 material appear in parentheses.

(b) *Definitions.* (1) Monorail scale means any scale the load receiving element of which is part of a monorail conveyor system and which is used primarily for the weighing of livestock carcasses.

Such a scale is also called an abattoir scale, a track scale, or a rail scale.

(2) A proper test is one which fully discloses the accuracy and other performance characteristics of the scale under all conditions which may prevail during actual use. It includes the application of loads of standard test weights in successive stages to the maximum capacity at which the scale is used; it includes separate tests of individual components, such as fractional bars, poises, notches, counterpoise weights, and sections which independently may affect weighing accuracy; it demands an accurate determination of the errors which develop; finally, it requires the recording in permanent form of all pertinent data developed during the test.

(3) A competent scale testing agency is one which employs experienced personnel and utilizes a sufficient amount of standard test weights to conduct tests in accordance with the procedure described in these instructions. Such agencies may include weights and measures departments, railroad scale departments, commercial scale repair and service companies, and packers.

(4) A suitable interval between tests is a period of time not to exceed 6 months. In instances where tests and inspections disclose that a scale does not maintain its accuracy between tests, or is otherwise undependable, or is mechanically deficient as regards construction, installation, or maintenance, more frequent tests may be required.

(5) *Multiple of a scale:* In general, the multiplying power of the entire system of levers or other basic weighing elements. (On a beam scale, the number of pounds on the load-receiving element that will be counterpoised by 1 pound applied to the tip pivot of the weighbeam.)

(6) *Counterpoise weight:* A slotted or "hanger" weight intended for application near the tip of the weighbeam of a scale having a multiple greater than 1. (S-D)

(7) *Zero-load balance:* A correct weight indication or representation of zero when there is no load on the load-receiving element. (S-D)

(8) *Ratio test:* A test to determine the accuracy with which the actual multiple of a scale agrees with its designed multiple. This test is utilized in the case of scales employing counterpoise weights and is made with standard test weights substituted in all cases for the weights commercially used on the scale. (It is appropriate to utilize this test in the case of some scales not employing counterpoise weights.) (S-D)

(9) *Increasing-load test:* The normal basic performance test for a scale in which observations are made as increments of test-weight load are successively added to the load-receiving element of the scale. (S-D)

(10) *Decreasing-load test:* A special supplementary test for automatic-indicating scales only, during which the performance of the scale is tested when the load is being reduced. In this test, an observation is made with a test weight load equal to one-half of the maximum applied test load. (S-D)

PROPOSED RULE MAKING

(11) Shift test: A test intended to disclose the weighing performance of a scale under offcenter loading. (S-D)

(12) Sensitivity response or SR: The change in load required to change the position of rest of the indicating element or elements of a non-automatic-indicating scale a definite amount at any load.

(13) SR for a scale with a trig loop but without a balance indicator: The change in load required to change the position of rest of the weighbeam from the center of the trig loop to the top or bottom of the trig loop.

(14) Nominal capacity: The nominal capacity of a scale is (i) the largest weight indication that can be obtained by the use of all of the reading or recording elements in combination, including the amount represented by any removable weights furnished or ordinarily furnished with the scale, but excluding the amount represented by any extra removable weights not ordinarily furnished with the scale, and excluding also the capacity of any auxiliary weighing attachment not contemplated by the original design of the scale and excluding any fractional bar with a capacity less than 2½ percent of the sum of the capacities of the remaining reading elements or (ii) the capacity marked on the scale by the manufacturer, whichever is less. (S-D)

(c) SR requirements. The maximum SR shall be the value of two of the minimum graduated intervals on the weighbeam.

(d) User requirements—(1) Suitability of equipment. Commercial equipment shall be suitable for the service in which it is used with respect to all elements of its design, including but not limited to its weighing capacity, the character, number size, and location of its indicating or recording elements, and the value of its minimum graduated interval. (G.UR.1.1)

(2) Value of minimum graduated intervals on primary indicating and recording elements. The value of the minimum graduated interval on a monorail scale shall be not greater than 0.1 percent of the nominal capacity of the scale or one-fourth pound, whichever is greater.

(e) Tolerances—(1) Acceptance tolerances. Acceptance tolerances shall apply as follows:

(i) To any equipment about to be put into commercial use for the first time.

(ii) To equipment that has been placed in commercial service within the preceding 30 days and is being officially tested for the first time.

(iii) To equipment that is being officially tested for the first time within 30 days after major reconditioning or overhaul.

(iv) To equipment that has been returned to commercial service following official rejection for failure to conform to performance requirements and is being officially tested for the first time within 30 days after corrective service. (G-T.1)

(2) Maintenance tolerances. Maintenance tolerances shall apply to equipment in actual use, except as provided

in subparagraph (1) of this paragraph. (G-T.2)

(3) For intermediate values. For a capacity, indication, load, value, etc., intermediate between two capacities, indications, loads, values, etc., listed in a table of tolerances, the tolerances prescribed for the lower capacity, indication, load, value, etc., shall be applied. (G-T.4)

(4) Tolerance applications. (Applicable with respect to the performance or accuracy of devices).

(i) To underregistration and to overregistration. The tolerances hereinafter prescribed shall be applied equally to errors of underregistration and errors of overregistration.

(ii) To tests involving digital indications or representations. To the tolerances that would otherwise be applied, there shall be added an amount equal to one-half the minimum value that can be indicated or recorded. (T.1.2)

(iii) To increasing-load tests. Basic tolerances shall be applied. (T.1.3)

(iv) To shift tests. Basic tolerances shall be applied. (T.1.4)

(v) To ratio tests. Three-fourths (0.75) of basic tolerance shall be applied. (T.1.5)

(vi) To decreasing-load tests on automatic-indicating scales. One and one-half (1.5) times basic tolerances shall be applied. (T.1.6)

(5) Minimum tolerance values. The maintenance tolerance and the acceptance tolerance applied to a monorail scale shall be not smaller than the appropriate value shown in Table I, or one-half the value of the minimum graduated interval, whichever is less. (T.2.1)

(6) Basic tolerance values. Basic tolerance values shall be applied to weighbeam, reading-face, and unit-weight indications, and to recorded representations. The basic maintenance and acceptance tolerances for monorail scales shall be as shown in Table II.

TABLE I.—MINIMUM TOLERANCE VALUES FOR MONORAIL SCALES

(This table applies where the appropriate value in the table is smaller than one-half the value of the minimum graduated interval on the device under test.)

Nominal capacity	Minimum tolerance value	
Pounds	Ounces	Pounds
100 or less	3/4	
101 to 150, inclusive	1 1/4	
151 to 250, inclusive	2	
251 to 500, inclusive	4	
501 to 1000, inclusive	8	
1001 to 2500, inclusive		1

TABLE II.—BASIC TOLERANCES FOR MONORAIL SCALES

Test load	Maintenance tolerances	Acceptance tolerances
Pounds	Ounces	Ounces
74 or less	1	1 1/2
75 to 99, inclusive	1 1/2	2
100 to 149, inclusive	2	1
150 to 199, inclusive	3	1 1/2
200 to 299, inclusive	4	2
300 to 399, inclusive	6	3
400 to 599, inclusive	8	4
600 to 799, inclusive	12	6
800 to 999, inclusive	14	7
1000 and over	0.1 percent of test load.	0.05 percent of test load.

(7) Tolerances. (Applicable with respect to the accuracy of weights). The maintenance tolerances in excess and in deficiency for commercial counterpoise weights shall be as shown in Table III. Acceptance tolerances shall be one-half the maintenance tolerances.

TABLE III.—MAINTENANCE TOLERANCES FOR AVOIRDUPOIS WEIGHTS

Nominal value	For scales with multiples of less than 1,000	For scales with multiples of 1,000 and over
Ounces	Grains	Grains
4	1.5	1.0
5	1.5	1.0
6	1.5	
8	2.0	1.5
10	2.5	2.0
Pounds		
1	3.0	2.5
2	6.0	4.0
3	9.0	5.0
4	11.0	6.0
5	12.0	6.5

(f) Official inspection and test procedures for monorail scales—(1) Inspection procedure. Before the actual test of any monorail scale is begun, a thorough visual inspection should be made of the scale installation. The suspension of the lever system should be noted, with particular attention being directed to the plumb and level condition of levers and connections, proper alignment and clearance between the weigh rail and dead rail, and efficient functioning of the checks. The weighbeam shelf brackets or pillars, or the dial cabinet should be firmly anchored to a solid foundation. Counterpoise weights should be free of grease and foreign matter. The pivots, bearings, and other working parts should be inspected for rust and corrosion.

(2) Test procedure—weighbeam scales.

(i) Methods of determining errors: One method commonly used to determine errors during the test of a scale equipped with a weighbeam is known as the error weight procedure. This method is recommended as the more precise procedure and is explained in the following paragraphs. Another method commonly used to determine errors is by careful use of the weighbeam poise.

(ii) Zero-load balance: Carefully balance the scale at zero with 2 to 5 pounds of small denomination weights and the hooks, chains, or the like suspended from the weigh rail. These error weights will be used to accurately measure errors and balance changes during the test. The balance ball is not to be removed during the remainder of the test.

(iii) The SR (sensitivity response) value at zero load should be determined by increasing or decreasing the amount of error weights necessary to move the weighbeam from a position of rest in the center of the trig loop to a position of rest either at the top or bottom of the trig loop.

(iv) Shift test: Test weights equal to one-half scale capacity should be suspended successively from each end of the weigh rail. Standard test weights should be substituted for the counterpoise weights used commercially with the

scale. The amount of any error is determined by increasing or decreasing the amount of error weights necessary to bring the weighbeam to correct balance. After the shift test is completed, all test weights should be removed from the load-receiving element, and the zero-load balance should be checked.

(v) Increasing-load test: The test load should be increased by appropriate increments with the load distributed or centered on the weigh rail and observations made at each successive test load. The increasing-load test should be continued until scale capacity (or "maximum used" capacity) is reached. Standard test weights should be substituted for the counterpoise weights used commercially with the scale. (It is appropriate to note here that the tolerance for a ratio test would be applicable to the shift test and increasing load test as outlined in subdivision (iv) of this subparagraph and this subdivision (v).

(vi) The SR (sensitivity response) value at maximum load should be determined as described in subdivision (iii) of this subparagraph.

(vii) Counterpoise weight test: The preferred procedure for testing the counterpoise weights used commercially with the scale is by using an equal-arm balance. However, in the absence of a precision balance, it is acceptable to use the scale under test to check the accuracy of the counterpoise weights. An important factor which merits consideration is the repeatability of the scale. With the maximum load still suspended from the load-receiving element, and standard test weights on the counterpoise hanger, make a precise determination of any error in the scale. Then each counterpoise weight should be individually substituted for a standard test weight of equal nominal value and a precise determination made of any error. If there is a difference in the weight indication when using all standard test weights and when substituting each commercial counterpoise weight for a standard test weight, this difference should be noted. Those counterpoise weights which are found to cause an error greater than the tolerance allowed should be either adjusted or replaced. When all counterpoise weights have been tested, remove the test load from the load-receiving element and recheck the zero-load balance.

(viii) Weighbeam test: On a scale equipped with a weighbeam, each bar of the weighbeam should be tested at one-half and full capacity.

(ix) At the completion of the test all hooks, chains, and error weights should be removed from the load-receiving element, and the correct zero-load balance established.

(3) *Test procedure—automatic-indicating scales.* (i) Zero-load balance: Carefully balance the scale so that the indicator coincides with the zero graduation on the reading-face. If the scale is equipped with a weight recorder, the re-

corder should be activated so that a comparison can be made of the recorded and visual zero-load balance. (SR requirements are not applicable to automatic-indicating scales.)

(ii) Shift test: Test weights equal to one-half scale capacity should be suspended successively from each end of the weigh rail.

(iii) Increasing-load test: Automatic-indicating scales should be tested at least at the four points representing each quarter of the reading-face capacity, and also at intermediate points in the range of greatest use. If the scale is equipped with unit weights, the accuracy of each weight should be determined.

(iv) Decreasing-load test: The decreasing-load test shall be conducted on automatic-indicating scales only and with a test load equal to one-half of the maximum applied test load, approximately centered on the load-receiving element of the scale.

(v) The capacity and tare bars of an automatic-indicating scale should be tested at one-half and full capacity.

(vi) When an automatic-indicating scale equipped with a weight recorder is tested, the actual printed weight determines the error. However, both the recorded weight values and the visual weight indications should be within the prescribed tolerance. (Each time the test load is removed from the load-receiving element, the zero-load balance should be checked.)

(4) *Test procedure—motion-weighing scales.* (i) The scale should be tested with a static test weight load as outlined under test procedures for automatic-indicating scales.

(ii) When a second scale is installed in the weighing system, for use if the motion-weighing scale should malfunction or to check the weight values determined by the motion-weighing scale, this second scale should be tested following the procedure outlined for weighbeam or automatic-indicating scales, whichever is applicable.

(iii) A dynamic test of the motion-weighing scale should be made with the conveyor system in operation. By means of the special hooks used with this type of scale, suspend various loads of test weights from the conveyor system, i.e., 50 pounds, 100 pounds, 150 pounds, etc., up to and including the maximum load weighed. Weight values will be recorded for the various increments of test load as they move across the weigh rail.

(iv) The weight values recorded by the automatic data processing system while the various test loads are in motion should be compared with the nominal value of the various test loads. If a punched tape system is used to record weight values, this tape should be run through the IBM recorder or similar device to determine the recorded weight values. If weight values are digitally recorded, a visual comparison can be made.

(v) The zero-load balance should be rechecked at the conclusion of the test.

(g) *Record of test results.* The results of each test should be recorded in full detail on an official form, PS-218, provided by the Administration. (An exception may be made for a State, county, or municipal agency which utilizes forms supplying substantially the same information as is provided on the official Administration form.) Essential information includes:

(1) Identification of the scale by ownership, location, manufacturer, nominal capacity, and serial number;

(2) Name and address of the scale testing agency;

(3) The value of the minimum graduated interval, maximum load weighed, and description of the scale indicating elements, i.e., weighbeam, dial, printer, weight-o-graph;

(4) A notation if the weighing is static or in motion;

(5) Dates of the present test, the last test, and the year the scale was installed; and

(6) The SR value at zero and maximum load, the position and amount of applied test weights, any errors developed during the test, and the amount of any zero-load balance change.

There should be included a report of any adjustment or repairs made at the time of test, and of any recommendations made for future repairs, maintenance or replacement in the space provided for this purpose. The test results and other observations are to be recorded on the report under the proper headings as the test proceeds and immediately after observations are made. An original and two carbon copies of the report must be prepared. The original must be forwarded to the area supervisor of the Packers and Stockyards Administration. One copy is for the scale owner, and one for the scale testing agency. Sample reports of weighbeam and dial monorail scale tests conducted in compliance with official instructions are available upon request to the area supervisor or may be obtained from the Washington office of the Administration.

Any person who wishes to submit written data, views or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days from the publication of this notice in the *FEDERAL REGISTER*.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 8th day of March 1968.

DONALD A. CAMPBELL,
Administrator.

[F.R. Doc. 68-3253; Filed, Mar. 18, 1968;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16222]

STANDARD BROADCAST SERVICE

Standard Method for Calculating Radiation; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73 of the Commission's rules to specify, in lieu of the existing MEOV concept, a standard method for calculating radiation for use in evaluating interference, coverage and overlap of mutually prohibited contours in the Standard Broadcast Service.

1. The times for filing comments and reply comments in this proceeding, initiated by a notice of proposed rule making of October 18, 1965, have been extended by subsequent orders from dates early in 1966 to March 14, 1968, and April 16, 1968, respectively.

PROPOSED RULE MAKING

2. On March 7, 1968, the firm of A. Earl Cullum, Jr., and Associates, Consulting Engineers, filed a petition requesting that the presently applicable periods within which comments and reply comments may be filed be extended at least 90, and preferably 120 days.

3. The Petitioner recognizes that resolution of the issues in this proceeding has been delayed far beyond the period contemplated in the notice, but submits that the time gained by the various extensions has been fruitfully employed by interested parties in the exploration of a subject which has developed various difficulties and ramifications.

4. The time is approaching, states the Petitioner, when the ideas developed may be reduced to writing, a time consuming procedure in view of the voluminous data and complexity of the subject. The work of the Cullum firm on the problems involved has been hampered by the extended hospitalization of a partner responsible for a major segment of this work.

5. Several other parties to the proceeding have indicated to the Petitioner that additional time for the formulation of meaningful comments is desirable.

6. While we desire to conclude this proceeding at the earliest practicable date, we also wish to afford those segments of the broadcasting industry directly involved in the application of rules which may be adopted the fullest opportunity to participate in the formulation of these rules. We believe that a further extension of 90 days should be sufficient to permit such participation, and would be in the public interest.

7. *Accordingly, it is ordered*, That the time for filing comments in this proceeding is extended from March 14, 1968, to June 14, 1968, and the time for filing reply comments is extended from April 16, 1968, to July 16, 1968.

8. This action is taken pursuant to authority found in sections 4(1), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: March 11, 1968.

Released: March 13, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-3305; Filed, Mar. 18, 1968;
8:48 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 288]

INTERNATIONAL MONORAIL CORP.

Notice of Application for Presidential Permit

The Department of State has received an application dated October 11, 1967, from the International Monorail Corp., a Texas corporation, for a Presidential permit to construct, operate, and maintain an aerial transport ferry service at the international boundary line between the United States and Mexico, specifically from downtown El Paso, Tex., to a point on the international boundary line.

Notice is hereby given that copies of this application are available to the public and that written comments thereon will be received by the Department of State for 30 days from the date of publication of this notice in the *FEDERAL REGISTER*.

Dated: March 11, 1968.

For the Secretary of State.

MURRAY J. BELMAN,
Deputy Legal Adviser.

[F.R. Doc. 68-3288; Filed, Mar. 18, 1968;
8:46 a.m.]

[Public Notice 289]

CUBA

Restriction on Travel of U.S. Citizens

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(c), travel to, in, or through Cuba is restricted as unrestricted travel to, in, or through Cuba would seriously impair the conduct of U.S. foreign affairs. To permit unrestricted travel would be incompatible with the resolutions adopted at the Ninth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States, of which the United States is a member. At this meeting, held in Washington from July 21 to 26, 1964, it was resolved that the governments of the American states not maintain diplomatic, consular, trade, or shipping relations with Cuba under its present government. This resolution was reaffirmed in the Twelfth Meeting of Ministers of Foreign Affairs of the OAS held in September 1967, which adopted resolutions calling upon Member States to apply strictly the recommendations pertaining to the movement of funds and arms from Cuba to other American nations. Among other things, this policy of isolating Cuba was intended to minimize the capability of the Castro government to carry out its openly proclaimed programs of subversive activities in the Hemisphere.

U.S. passports shall not be valid for travel to, in, or through Cuba unless spe-

cifically endorsed for such travel under the authority of the Secretary of State.

This public notice shall expire at the end of 1 year from the date of publication in the *FEDERAL REGISTER* unless extended or sooner revoked by public notice.

Effective date. This notice becomes effective on March 16, 1968.

Dated: March 14, 1968.

[SEAL] DEAN RUSK,
Secretary of State.

[F.R. Doc. 68-3345; Filed, Mar. 15, 1968;
3:33 p.m.]

[Public Notice 290]

MAINLAND CHINA

Restriction on Travel of U.S. Citizens

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(c), travel to, in, or through Mainland China is restricted as unrestricted travel to, in, or through Mainland China would seriously impair the conduct of U.S. foreign affairs in view of the continuing unsettled conditions within Mainland China and the risks and dangers which might ensue from the inadvertent involvement of American citizens in domestic disturbances.

U.S. passports shall not be valid for travel to, in, or through Mainland China unless specifically endorsed for such travel under the authority of the Secretary of State.

This public notice shall expire at the end of 1 year from the date of publication in the *FEDERAL REGISTER* unless extended or sooner revoked by public notice.

Effective date. This notice becomes effective on March 16, 1968.

Dated: March 14, 1968.

[SEAL] DEAN RUSK,
Secretary of State.

[F.R. Doc. 68-3346; Filed, Mar. 15, 1968;
3:33 p.m.]

[Public Notice 291]

NORTH KOREA

Restriction on Travel of U.S. Citizens

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(c), travel to, in, or through North Korea is restricted as unrestricted travel to, in, or through North Korea would seriously impair the conduct of U.S. foreign affairs. In view of the dangerous tensions in the Far East, the expressed and virulent hostility of the North Korean regime toward the United States, the increase in incidents along the military demarcation line, the seizure by North Korea of a U.S. naval vessel and its crew, and the special posi-

tion of the Government of the Republic of Korea which is recognized by resolution of the United Nations General Assembly as the only lawful government in Korea, the Department of State believes that wholly unrestricted travel by American citizens to North Korea would seriously impair the conduct of U.S. foreign affairs.

U.S. passports shall not be valid for travel to, in, or through North Korea unless specifically endorsed for such travel under the authority of the Secretary of State.

This public notice shall expire at the end of 1 year from the date of publication in the *FEDERAL REGISTER* unless extended or sooner revoked by public notice.

Effective date. This notice becomes effective on March 16, 1968.

Dated: March 14, 1968.

[SEAL] DEAN RUSK,
Secretary of State.

[F.R. Doc. 68-3347; Filed, Mar. 15, 1968;
3:33 P.M.]

[Public Notice 292]

NORTH VIET-NAM

Restriction on Travel of U.S. Citizens

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(b), travel to, in, or through North Viet-Nam is restricted as this is "a country or area where armed hostilities are in progress."

U.S. passports shall not be valid for travel to, in, or through North Viet-Nam unless specifically endorsed for such travel under the authority of the Secretary of State.

This public notice shall expire at the end of one year from the date of publication in the *FEDERAL REGISTER* unless extended or sooner revoked by public notice.

Effective date. This notice becomes effective on March 16, 1968.

Dated: March 14, 1968.

[SEAL] DEAN RUSK,
Secretary of State.

[F.R. Doc. 68-3348; Filed, Mar. 15, 1968;
3:33 p.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

WIND CAVE NATIONAL PARK, S. DAK.

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby

NOTICES

given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with M. C. Gideon authorizing him to continue to provide concession facilities and services for the public at Wind Cave National Park, S. Dak., for a period of five (5) years from January 1, 1968, through December 31, 1972.

The foregoing concessioner has performed his obligations under the previous contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: March 12, 1968.

EDWARD A. HUMMEL,
Assistant Director,
National Park Service.

[F.R. Doc. 68-3269; Filed, Mar. 18, 1968;
8:45 a.m.]

[Order 2]

ADMINISTRATIVE OFFICER AND GENERAL SUPPLY ASSISTANT, VIRGIN ISLANDS NATIONAL PARK

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

1. *Administrative Officer.* The Administrative Officer may execute, approve, and administer contracts not in excess of \$10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Administrative Officer in behalf of any coordinated area.

2. *General Supply Assistant.* The General Supply Assistant may execute, approve, and administer contracts not in excess of \$1,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the General Supply Assistant in behalf of any coordinated area.

3. *Revocation.* This order supersedes Virgin Islands National Park Order No. 1 issued May 9, 1963.

(National Park Service Order No. 34 (31 F.R. 4255); 39 Stat. 535; 16 U.S.C., 1952, sec. 2; Southeast Region Order No. 4 (31 F.R. 3135))

Dated: February 16, 1968.

JOE BROWN,
Superintendent,
Virgin Islands National Park.

[F.R. Doc. 68-3270; Filed, Mar. 18, 1968;
8:45 a.m.]

Office of the Secretary
FOREIGN GEOGRAPHIC NAMES AND OFFICE OF GEOGRAPHY
Change of Organization

The Organization statement for the Department of the Interior published at 32 F.R. 10674 is revised as follows to reflect the transfer of the Foreign Geographic Names functions from the Department of the Interior to the Department of Defense and the abolishment of the Office of Geography in the Department of the Interior:

Sec.

3.2 [Deleted]

* * * * *
3.2 Office of Geography. [Deleted]

GEORGE E. ROBINSON,
Deputy Assistant Secretary
for Administration.

MARCH 13, 1968.

[F.R. Doc. 68-3271; Filed, Mar. 18, 1968;
8:45 a.m.]

DEPARTMENT OF AGRICULTURE

**Packers and Stockyards
Administration**

[P. & S. Docket No. 3975]

LUFKIN LIVESTOCK EXCHANGE, INC.

Rates and Charges

Notice is hereby given that on February 12, 1968, the respondent filed a tariff No. 2 containing certain increases in the current rates and charges, under Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), to become effective on February 26, 1968. The proposed tariff reads as follows:

ITEM NO. I—DEFINITIONS, SERVICES

SECTION 1. Selling Commission. a. The selling commission consists of the charge made by the company for the selling services performed in respect to consigned livestock.

SEC. 2. Yardage. a. Include suitable facilities and services for: Receiving and handling, safeguarding against loss, feeding, holding, weighing, delivery, and shipment of livestock.

SEC. 3. Veterinary livestock inspection. a. Includes inspection services of accredited veterinarians under State and Federal livestock sanitary regulations.

SEC. 4. Veterinary facilities and services. a. Includes facilities necessary in the handling of consigned or purchased livestock in carrying out testing, vaccination, inspection, dipping, spraying, and the like.

b. Includes veterinary services necessary, or required by State or Federal livestock sanitary regulations, which will be performed by accredited veterinarians.

SEC. 5. Feed. a. All feeding at the market shall be done by the company or under its direction.

b. All feed charges are based on the quantity and type of feed fed.

ITEM NO. II—CHARGE CLASSIFICATION

SECTION 1. Selling commission. a. Cattle:

(1) Ordinary:

(a) Up to and including \$9.99—\$1 per head.

(b) \$10 through \$19.99—\$1.25 per head.
(c) \$20 through \$29.99—\$1.50 per head.
(d) \$30 through \$44.99—\$1.75 per head.
(e) \$45 through \$64.99—\$2.25 per head.
(f) \$65 through \$99.99—\$2.50 per head.
(g) \$100 through \$149.99—\$3 per head.
(h) \$150 and over—\$4 per head.

(2) Bulls:

(a) Up to and including \$149.99—\$3.50 per head.
(b) \$150 and over—\$5 per head.

(3) Cows and calves:

(a) Up to and including \$49.99—\$2.50 per pair.
(b) \$50 through \$149.99—\$3.50 per pair.

(c) \$150 through \$249.99—\$4 per pair.
(d) \$250 and over—\$5 per pair.

b. Hogs:

(1) Ordinary:

(a) Up to and including \$1.49—\$0.30 per head.
(b) \$1.50 through \$4.49—\$0.50 per head.

(c) \$4.50 through \$8.99—\$0.75 per head.
(d) \$9 through \$19.99—\$1 per head.

(e) \$20 through \$29.99—\$1.25 per head.
(f) \$30 through \$39.99—\$1.50 per head.

(g) \$40 through \$49.99—\$1.75 per head.
(h) \$50 and over—\$2 per head.

(2) Sows and pigs:

(a) Up to and including \$9.99—\$1 per unit.
(b) \$10 through \$19.99—\$1.25 per unit.

(c) \$20 through \$29.99—\$1.50 per unit.
(d) \$30 through \$39.99—\$1.75 per unit.

(e) \$40 and over—\$2 per unit.

c. Horses and mules:

(1) All Classes:
(a) Up to and including \$9.99—\$1 per head.

(b) \$10 through \$19.99—\$1.50 per head.
(c) \$20 through \$29.99—\$2 per head.

(d) \$30 through \$49.99—\$2.50 per head.
(e) \$50 and over—\$3 per head.

SEC. 2. *Yardage:*

a. Cattle—\$0.20 per head.

b. Hogs—\$0.15 per head.

c. Horses and mules—\$0.25 per head.

SEC. 3. *Veterinary inspection.* a. The schedule of charges on all necessary veterinary services performed by an accredited veterinarian for inspection will be at uniform per head rates, pursuant to company agreement with the veterinarian performing such services.

SEC. 4. *Veterinary facilities and services:*

a. Brucellosis testing—\$1.50 per head.

b. Calfhood vaccination—\$1.50 per head.

c. Swine cholera vaccination—\$1 per head.

d. All other facilities and services necessary in the handling of consigned or purchased livestock will be supplied by the company at uniform per head rates pursuant to company agreement with the accredited veterinarian performing such services.

SEC. 5. *Feed.* a. All feed, as fed, shall be charged for at cost f.o.b. the market.

SEC. 6. *Special or unusual services.* a. Special selling and stockyard services, such as involved in featured registered cattle and calf sales, not usually required in handling livestock for sale and other than specified, will be charged for under special arrangement.

ITEM NO. III—RESALES AND NO. SALES

SECTION 1. Definitions. a. Resale charges shall apply on all livestock resold without leaving the company livestock market premises.

b. No sale charges shall apply when the consignor declares his consignment no sale on price bid, bids in his consignment, or withdraws the same prior to actual sale.

SEC. 2. *Charge classification.* a. The regular schedule of charges on selling commission shall apply in respect to all resales.

b. No charge shall apply in respect to all no sales.

NOTICES

ITEM NO. IV—GENERAL PROVISIONS

SECTION 1. *Code of Business Standards.* a. The company subscribes to the Code of Business Standards of Certified Livestock Markets, as adopted by them through their business trade association.

SEC. 2. *Allocation of pens.* a. All pens, chutes, and alleys are the property of the company and may not be claimed by any patron for his exclusive use. The management will assign pens and may change such assignment without advance notice.

SEC. 3. *Title to livestock.* a. Title to all animals consigned for sale remains in the consignor until the time sold. Time of sale shall be at the time the highest bid is accepted, unless the sale is conditional or unless proof of title in consignor fails.

Notice is given hereby also that on February 23, 1968, the Packers and Stockyards Administration, United States Department of Agriculture, filed a "Complaint, Order of Suspension, and Notice of Hearing" with respect to the respondent's rates and charges. The contents of such document are as follows:

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), hereinafter referred to as the Act.

I. The respondent is now, and at all times mentioned herein was, registered with the Secretary of Agriculture as a market agency to sell livestock on commission at the Lufkin Livestock Exchange, Inc., Lufkin, Tex., which is now, and at all times mentioned herein was, a posted stockyard subject to the provisions of the Act.

II. In accordance with the requirements of the Act, the respondent has heretofore filed and presently has in effect a schedule of rates and charges for its services at the aforementioned stockyard.

III. On February 12, 1968, the respondent filed a tariff effective February 26, 1968, containing certain increases in the current rates and charges.

IV. Upon an analysis of the information available to the Packers and Stockyards Administration, U.S. Department of Agriculture, there is reason to believe that certain of such increases are unjust, unreasonable, or discriminatory.

V. It is concluded, therefore, that a proceeding under Title III of the Act should be instituted for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in the respondent's schedule of rates and charges as modified by the tariff filed on February 12, 1968, and that pending a hearing and decision in this proceeding, the operation of the modifications of the current schedule of rates and charges should be suspended and the use of such modified rates and charges deferred.

VI. It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of the respondent and of any rule, regulation, or practice affecting said rates and charges.

It is therefore ordered, That the operation and use by the respondent of the modifications of the current schedule of rates and charges filed on February 12, 1968, to become effective on February 26, 1968, are hereby suspended and deferred until the expiration of 30 days beyond the time when such modified rates would otherwise go into effect.

It is further ordered, That notice to the respondent shall be, and is hereby, given that a hearing concerning the matters set forth herein will be held before an Examiner of the Department at a time and place to be specified at a later date, of which the respondent will receive adequate notice. At such hearing the respondent and all other interested persons will have a right to appear

and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

It is further ordered, That any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall give notice thereof by filing a statement to that effect with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 20 days from the date of the publication hereof in the *FEDERAL REGISTER*.

It is further ordered, That a copy hereof be served upon the respondent.

It is further ordered, That this document be published in the *FEDERAL REGISTER*.

Done at Washington, D.C., this 13th day of March 1968.

DONALD A. CAMPBELL,
Administrator, Packers and
Stockyards Administration.

[F.R. Doc. 68-3322; Filed, Mar. 18, 1968;
8:49 a.m.]

[P. & S. Docket No. 3974]

PROSSER LIVESTOCK MARKET, INC.

Rates and Charges

Notice is hereby given that on February 15, 1968, the respondent filed a tariff No. 2 containing certain increases in the current rates and charges, under Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), to become effective on February 26, 1968. The proposed tariff reads as follows:

ITEM NO. I—DEFINITIONS, SERVICES

SECTION 1. *Selling Commission.* a. The selling commission consists of the charge made by the company for the selling services performed in respect to consigned livestock.

SEC. 2. *Yardage.* a. Includes suitable facilities and services for: Receiving and handling, safeguarding against loss, feeding, holding, weighing, delivery and shipment of livestock.

SEC. 3. *Veterinary livestock inspection.* a. Includes inspection services of accredited veterinarians under state and federal livestock sanitary regulations.

SEC. 4. *Feed.* a. All feeding at the market shall be done by the company, and feed shall consist of hay.

ITEM NO. II—CHARGE CLASSIFICATION

SECTION 1. *Selling commission & yardage.*

a. Cattle and calves:

(1) Calves, up to \$9.99—\$0.50 per head.
(2) Calves, \$10 to \$24.99—\$1 per head.
(3) Calves, \$25 to \$59.99—\$2.25 per head.
(4) Cattle, \$60 to \$89.99—\$2.75 per head.
(5) Cattle, \$90 and over, consignments of 30 head, or less—\$3.50 per head.
(6) Cattle, \$90 and over, consignments of 31 head or more—\$2.75 per head.

(7) Cow and calf pairs (Items 6 and 7 do not apply)—\$4.25 per pair.

(8) Stock cows by head (Items 6 and 7 do not apply)—\$3.75 per head.

(9) Dairy cows (Items 6 and 7 do not apply)—3½ percent of the gross proceeds of sale.

(10) Bulls (Items 6 and 7 do not apply):
(a) Bulls 700 to 1,000 pounds—\$5 per head;
(a) Butcher bulls, over 1,000 pounds—\$6 per head; (b) Breeding bulls—\$7 per head.

(11) All registered cattle (Items 6 and 7 do not apply)—4 percent of the gross proceeds of sale.

b. Hogs:

(1) Weaner pigs—4 percent of the gross proceeds of sale.

(2) Feeder pigs—4 percent of the gross proceeds of sale.

(3) Boars, stags, breeding sows and breeding gilts—4 percent of the gross proceeds of sale.

(4) Fat hogs—\$0.80 per head.

(5) Butcher sows—\$0.90 per head.

c. Sheep and goats:

(1) All classes—\$0.60 per head.

d. Horses and mules:

(1) All classes—\$7.50 per head.

SEC. 2. *Veterinary inspection.* a. The schedule of charges on all necessary veterinary services performed by an accredited veterinarian for inspection will be at uniform per head rates, pursuant to company agreement with the veterinarian performing such services.

b. *Visual health inspection:*

(1) Cattle, calves, hogs, horses—\$0.05 per head.

(2) Sheep and goats—\$0.03 per head.

SEC. 3. *Feed.* a. Calves, under 150 pounds—no charge.

b. Calves, 150 pounds through 400 pounds—\$0.30 per head.

c. Steers, heifers and small bulls over 400 pounds—\$0.35 per head.

d. Cows—\$0.45 per head.

e. Bulls over 1,000 pounds—\$0.50 per head.

f. Hay by the bale—\$0.02 per pound.

SEC. 4. *Special or unusual services.* a. Special selling and stockyard services, such as involved in featured registered cattle and calf sales, not usually required in handling livestock for sale and other than specified, will be charged for under special arrangement.

ITEM NO. III—RESALES AND NO SALES

SECTION 1. *Definitions.* a. Resale charges shall apply on all livestock resold without leaving the company livestock market premises.

b. No sale charges shall apply when the consignor declares his consignment no sale on price bid, bids in his consignment, or withdraws the same prior to actual sale.

SEC. 2. *Charge classification.* a. No charges shall apply in respect to all resales.

b. The following schedule of charges shall apply in respect to all no sales:

(1) Cattle, up to \$89.99—\$1 per head.

(2) Cattle, \$90 and over—\$1.50 per head.

(3) Hogs, sheep and goats—\$0.50 per head.

(4) Horses and mules—\$4 per head.

ITEM NO. IV—GENERAL PROVISIONS

SECTION 1. *Code of business standards.*

a. The company subscribes to the Code of Business Standards of Certified Livestock Markets, as adopted by them through their business trade association.

SEC. 2. *Allocation of pens.* a. All pens, chutes and alleys are the property of the company and may not be claimed by any patron for his exclusive use. The management will assign pens and may change such assignment without advance notice.

SEC. 3. *Title to livestock.* a. Title to all animals consigned for sale remains in the consignor until the time sold. Time of sale shall be at the time the highest bid is accepted, unless the sale is conditional or unless proof of title in consignor fails.

Notice is given hereby also that on February 23, 1968, the Packers and Stockyards Administration, U.S. Department of Agriculture, filed a "Complaint, Order of Suspension, and Notice of Hearing" with respect to the respondent's rates and charges. The contents of such document are as follows:

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), hereinafter referred to as the Act.

NOTICES

I. The respondent is now, and at all times mentioned herein was registered with the Secretary of Agriculture as a market agency to sell livestock on commission at the Prosser Livestock Market, Inc., Prosser, Wash., which is now, and at all times mentioned herein was, a posted stockyard subject to the Provisions of the Act.

II. In accordance with the requirements of the Act, the respondent has heretofore filed and presently has in effect a schedule of rates and charges for its services at the aforementioned stockyard.

III. On February 15, 1968, the respondent filed tariff No. 2 effective February 26, 1968, containing certain increases in the current rates and charges.

IV. Upon an analysis of the information available to the Packers and Stockyards Administration, U.S. Department of Agriculture, there is reason to believe that certain of such increases are unjust, unreasonable, or discriminatory.

V. It is concluded, therefore, that a proceeding under Title III of the Act should be instituted for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in the respondent's schedule of rates and charges as modified by tariff No. 2 filed on February 15, 1968, and that pending a hearing and decision in this proceeding, the operation of the modifications of the current schedule of rates and charges should be suspended and the use of such modified rates and charges deferred.

VI. It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of the respondent and of any rule, regulation, or practice affecting said rates and charges.

It is therefore ordered. That the operation and use by the respondent of the modifications of the current schedule of rates and charges filed on February 15, 1968, to become effective on February 26, 1968, are hereby suspended and deferred until the expiration of thirty days beyond the time when such modified rates would otherwise go into effect.

It is further ordered. That notice to the respondent shall be, and is hereby, given that a hearing concerning the matters set forth herein will be held before an Examiner of the Department at a time and place to be specified at a later date, of which the respondent will receive adequate notice. At such hearing the respondent and all other interested persons will have a right to appear and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

It is further ordered. That any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall give notice thereof by filing a statement to that effect with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 20 days from the date of the publication hereof in the *FEDERAL REGISTER*.

It is further ordered. That a copy hereof be served upon the respondent.

It is further ordered. That this document be published in the *FEDERAL REGISTER*.

Done at Washington, D.C., this 13th day of March 1968.

DONALD A. CAMPBELL,
Administrator, Packers and
Stockyards Administration.

[F.R. Doc. 68-3321; Filed, Mar. 18, 1968;
8:49 a.m.]

[P. & S. Docket No. 3971]

PARIS LIVESTOCK COMMISSION CO.

Rates and Charges

In re L. O. Barton, Max Whitford, C. L. Whitford, Robert E. Whitford, Harrell D.

Barton, doing business as Paris Livestock Commission Company, Respondents.

Notice is hereby given that on February 2, 1968, the respondents filed an amendment to their current schedule of rates and charges, under Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), to become effective on February 15, 1968. The proposed amended tariff reads as follows:

ITEM NO. II—CHARGE CLASSIFICATION

SECTION 1. *Selling Commission.* a. Cattle:

- (1) Cattle selling for \$40 and under—\$2.75 per head.
- (2) Cattle selling for over \$40—\$3 per head.
- (3) Bulls, 650 pounds and under—\$3 per head.
- (4) Bulls, over 650 pounds—\$3.75 per head.
- (5) Milk cows—\$3.50 per head.
- (6) Stock cows—\$3.50 per head.
- (7) Pen 22 and 23 veal calves—\$1.75 per head.

b. Hogs:

- (1) Graded hogs—\$0.65 per head.
- (2) Out hogs—\$0.65 per head.
- (3) Boars—\$1.25 per head.
- (4) Pigs and sows—\$1 per unit.

c. Sheep and Goats:

- (1) Lambs and sheep—\$0.40 per head.
- (2) Goats—\$0.25 per head.

d. Horses and mules—\$2 per head.

SEC. 2. *Yardage.* a. Cattle and calves—\$0.25 per head.

b. Hogs:

- (1) Graded hogs—\$0.10 per head.
- (2) Out hogs and boar hogs—\$0.25 per head.

(3) Sow and pigs—\$0.25 per unit.

c. Sheep and goats—\$0.10 per head.

d. Horses and mules—\$0.25 per head.

SEC. 3. *Veterinary inspection.* a. The schedule of charges on all necessary veterinary services performed by an accredited veterinarian for inspection will be at uniform per head rates, pursuant to company agreement with the veterinarian performing such services.

SEC. 4. *Feed.* a. All feed, as fed, shall be charged for at cost f.o.b. the market, plus 10 percent.

SEC. 5. *Special or unusual services.* a. Special selling and stockyard services, such as involved in featured registered cattle and calf sales, not usually required in handling livestock for sale and other than specified, will be charged for under special arrangement.

Notice is given hereby also that on February 14, 1968, the Packers and Stockyards Administration, United States Department of Agriculture, filed a "Complaint, Order of Suspension, and Notice of Hearing" with respect to the respondents' rates and charges. The contents of such document are as follows:

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), hereinafter referred to as the Act.

I. The respondents are now, and at all times mentioned herein were registered with the Secretary of Agriculture as a market agency to buy and sell livestock on commission at the Paris Livestock Commission Co., Paris, Tenn., which is now, and at all times mentioned herein was, a posted stockyard subject to the provisions of the Act.

II. In accordance with the requirements of the Act, the respondents have heretofore filed and presently have in effect a schedule of rates and charges for their services at the aforementioned stockyard.

III. On February 2, 1968, the respondents filed an amendment to their current sched-

ule of rates and charges to become effective February 15, 1968. The amendment contains certain changes in the current rates and charges.

IV. Upon an analysis of the information available to the Packers and Stockyards Administration, United States Department of Agriculture, there is reason to believe that certain of such increases are unjust, unreasonable, or discriminatory.

V. It is concluded, therefore, that a proceeding under Title III of the Act should be instituted for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in the respondents' schedule of rates and charges as modified by the amendment filed on February 2, 1968, and that pending a hearing and decision in this proceeding, the operation of the modifications of the current schedule of rates and charges should be suspended and the use of such modified rates and charges deferred.

VI. It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of the respondents and of any rule, regulation, or practice affecting said rates and charges.

It is therefore ordered. That the operation and use by the respondents of the modifications of the current schedule of rates and charges filed on February 2, 1968, to become effective on February 15, 1968, are hereby suspended and deferred until the expiration of 30 days beyond the time when such tariff would otherwise go into effect.

It is further ordered. That notice to the respondents shall be, and is hereby, given that a hearing concerning the matters set forth herein will be held before an Examiner of the Department at a time and place to be specified at a later date, of which the respondents will receive adequate notice. At such hearing the respondents and all other interested persons will have a right to appear and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

It is further ordered. That any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall give notice thereof by filing a statement to that effect with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., within 20 days from the date of the publication hereof in the *FEDERAL REGISTER*.

It is further ordered. That a copy hereof be served upon the respondent.

It is further ordered. That this document be published in the *FEDERAL REGISTER*.

Done at Washington, D.C., this 13th day of March 1968.

DONALD A. CAMPBELL,
Administrator, Packers and
Stockyards Administration.

[F.R. Doc. 68-3320; Filed, Mar. 18, 1968;
8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services
Administration

DEPARTMENT OF AGRICULTURE 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. 68-00381-33-46040. Applicant: Veterinary Biologics Division ARS, U.S. Department of Agriculture, 313 Fifth Street, Ames, Iowa 50010. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for the detection of extraneous viral contaminants found in live modified virus vaccines. Application received by Commissioner of Customs: February 29, 1968.

Docket No. 68-00419-33-46040. Applicant: University of Pennsylvania, Department of Pharmacology, School of Medicine, Philadelphia, Pa. 19104. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used in localization and study of neurohumoral transmitters, receptor sites, and related enzymes involved in nerve impulse transmission. Application received by Commissioner of Customs: February 29, 1968.

Docket No. 68-00420-33-46040. Applicant: Veterans Administration Hospital, University Drive "C", Pittsburgh, Pennsylvania 15240. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used in the study of effects of the antimetabolites on tumor cells; investigation of the juxta glomerular granules in renal and other forms of hypertension and localization of enzymes by combining histographic and electron microscopic techniques. Application received by Commissioner of Customs: February 29, 1968.

Docket No. 68-00421-01-11000. Applicant: Michigan State University, East Lansing, Mich. 48823. Article: LKB 9000

combined gas chromatograph-single focusing mass spectrometer. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in a wide variety of research that requires mass spectral data for chemical structural elucidations, identifications of trace constituents in complex mixtures from biological sources, determinations of stable isotopic abundance in minute quantities of an organic compound and location of isotopic atom(s) within the compound, and studies of mechanisms of organic reactions. Application received by Commissioner of Customs: February 29, 1968.

Docket No. 68-00422-01-77040. Applicant: State University of New York at Buffalo, Chemistry Department, c/o Office of Facilities Planning, 3258 Main Street, Buffalo, N.Y. 14214. Article: Mass spectrometer, Model RMU-6E and Universal all glass heated inlet system. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for confirmation and determination of structure of organic substances obtained by synthesis and from natural materials. Application received by Commissioner of Customs: February 29, 1968.

Docket No. 68-00423-00-46040. Applicant: Department of Interior, U.S. Geological Survey, 18th and F Streets NW, Washington, D.C. 20242. Article: High resolution diffraction specimen stage for use with Type EM6G electron microscope. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article will be used for mineralogical and crystallographic studies in conjunction with the EM6G electron microscope. Application received by Commissioner of Customs: February 29, 1968.

Docket No. 68-00424-33-46040. Applicant: Michigan State University, Department of Zoology, 220 Natural Science Building, East Lansing, Mich. 48823. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in research and instruction for elucidation of cell fine structure. Application received by Commissioner of Customs: February 29, 1968.

CHARLEY M. DENTON,
Director, Office of Scientific and
Technical Equipment, Busi-
ness and Defense Services
Administration.

[F.R. Doc. 68-3263; Filed, Mar. 18, 1968;
8:45 a.m.]

ST. LOUIS UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00315-33-46040. Applicant: St. Louis University School of Medicine, 1402 South Grand Boulevard, St. Louis, Mo. 63104. Article: Hitachi Perkin-Elmer electron microscope and 70-mm. camera. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in the research projects involving the central nervous system, the eye, bone, and connective tissue around bone. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed resolution of 5 Angstroms. The only known domestic electron microscope is the Model EMU-4 manufactured by the Radio Corporation of America (RCA), which has a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstroms, the better the resolving capabilities.) The applicant requires the highest available resolution for the purposes for which the foreign article is intended to be used and, therefore, the additional resolving capabilities of the foreign article are pertinent to the applicant's purposes. (2) The foreign article has accelerating voltages of 25, 50, 75, and 100 kilovolts, whereas the RCA Model EMU-4 has only two accelerating voltages, 50 and 100 kilovolts. It has been experimentally established that the lower accelerating voltage of the foreign article provides optimum contrast for unstained biological specimens and that the voltage intermediate between 50 and 100 kilovolts provides optimum contrast for negatively stained specimens. Since the accomplishment of the objectives of the applicant requires the use of unstained biological specimens, the additional accelerating voltages of the foreign article are pertinent to the purposes for which the foreign article is intended to be used.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and
Technical Equipment, Busi-
ness and Defense Services
Administration.

MARCH 14, 1968.
[F.R. Doc. 68-8300; Filed, Mar. 18, 1968;
8:47 a.m.]

**WILLIAM H. SINGER MEMORIAL
RESEARCH INSTITUTE**

**Notice of Decision on Application for
Duty-Free Entry of Scientific Article**

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00316-33-46040. Applicant: William H. Singer Memorial Research Institute, Allegheny General Hospital, 320 East North Avenue, Pittsburgh, Pa. 15212. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use of article: The article will be used for several investigations of cell ultrastructure in conjunction with numerous biological and pathological research programs. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed resolution of 5 Angstroms. The only known domestic electron microscope is the Model EMU-4 manufactured by the Radio Corporation of America (RCA), which has a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstroms, the better the resolving capabilities.) To accomplish the purposes for which the foreign article is intended to be used, the applicant requires the highest available resolution. Therefore, the additional resolving capabilities of the foreign article are pertinent to these purposes. (2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provides only two accelerating voltages, 50 and 100 kilovolts. It has been experimentally established that the lower accelerating voltages afford optimum contrast for unstained biological specimens and that the voltages intermediate between 50 and 100 kilovolts afford optimum contrast for negatively stained biological specimens. Since the purposes for which the foreign article is intended to be used involve experiments on unstained biological specimens, the additional accelerating voltages of the foreign article are pertinent to such purposes.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

NOTICES

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and
Technical Equipment, Busi-
ness and Defense Services
Administration.

MARCH 14, 1968.

[F.R. Doc. 68-3301; Filed, Mar. 18, 1968;
8:47 a.m.]

UNIVERSITY OF ARKANSAS

**Notice of Decision on Application for
Duty-Free Entry of Scientific Article**

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00303-00-46040. Applicant: University of Arkansas, Fayetteville, Ark. 72701. Article: Precision resistor for Siemens electron microscope No. C72408-A25-A1. Manufacturer: Siemens AG, West Germany. Intended use of article: Applicant states: "Precision resistor used for stabilization of voltage in microscope." Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed resolution of 5 Angstroms. The only known domestic electron microscope, the Model EMU-4 manufactured by the Radio Corporation of America (RCA), has a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) The additional resolving capabilities provided by the foreign article are pertinent to the purposes for which the article is intended to be used. (2) The foreign article has accelerating voltages of 50, 80, and 100 kilovolts, whereas the RCA Model EMU-4 has only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the voltage intermediate between 50 and 100 kilovolts provides the optimum contrast for negatively stained biological specimens. Since the purposes for which the foreign article is intended to be used involve research on negatively stained specimens, the additional accelerating voltage of the foreign article is pertinent.

The Department of Commerce knows of no similar component which is interchangeable with the foreign article.

CHARLEY M. DENTON,
Director, Office of Scientific and
Technical Equipment, Busi-
ness and Defense Services
Administration.

MARCH 14, 1968.

[F.R. Doc. 68-3302; Filed, Mar. 18, 1968;
8:47 a.m.]

UNIVERSITY OF CHICAGO

**Notice of Decision on Application for
Duty-Free Entry of Scientific Article**

The following is a decision on an application for duty-free entry of a scientific

article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00287-33-46040. Applicant: The University of Chicago (Operator of Argonne National Laboratory), 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Electron microscope, Model JEM-7A with AS-2 stereo stage; ANS-2 charge neutralizer and control box ACW wide field high contrast accessory; WRAY binocular scope; AD-3 diffraction accessory with air lock and spare parts. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for the study of the three components of elementary mitochondrial particles, and the polymerization of ribosomes into helices and the deposition of macromolecules through ribosomal action to form plasma membranes. In addition, development biology studies in RNA (Ribonucleic acid) and DNA (Deoxyribonucleic acid) nucleo proteins and the determination of origins and molecular morphology will be undertaken. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed resolution of 5 Angstroms. The only known domestic electron microscope, the Model EMU-4 manufactured by the Radio Corporation of America (RCA), has a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) The additional resolving capabilities provided by the foreign article are pertinent to the purposes for which the article is intended to be used. (2) The foreign article has accelerating voltages of 50, 80, and 100 kilovolts, whereas the RCA Model EMU-4 has only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the voltage intermediate between 50 and 100 kilovolts provides the optimum contrast for negatively stained biological specimens. Since the purposes for which the foreign article is intended to be used involve research on negatively stained specimens, the additional accelerating voltage of the foreign article is pertinent.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign

article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and
Technical Equipment, Business
and Defense Services
Administration.

[F.R. Doc. 68-3262; Filed, Mar. 18, 1968;
8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration
COCA-COLA CO. FOODS DIVISION

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 8A2269) has been filed by The Coca-Cola Co. Foods Division (Formerly Minute Maid Co.), Post Office Box 2711, Orlando, Fla. 32802, proposing an amendment to § 121.1164 *Synthetic flavoring substances and adjuvants* to provide for the safe use of nootkatone as a synthetic flavoring substance in food.

Dated: March 8, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-3293; Filed, Mar. 18, 1968;
8:47 a.m.]

MONSANTO CO.

Notice of Withdrawal of Petition Regarding Pesticide Chemicals

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), the Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, has withdrawn its petition (PP 8F0642), notice of which was published in the FEDERAL REGISTER of September 30, 1967 (32 F.R. 13734), proposing the establishment of a tolerance of 1.5 parts per million for residues of the herbicide 2-chloro-N-isopropylacetanilide and its metabolites (calculated as 2-chloro-N-isopropylacetanilide) in or on the raw agricultural commodity soybeans.

Dated: March 7, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-3294; Filed, Mar. 18, 1968;
8:47 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 8F0704) has been filed by the Uniroyal Chemical Division of Uniroyal, Inc., Bethany, Conn. 06525, proposing the establishment of tolerances for residues of the plant regulator succinic acid 2,2-dimethyl hydrazide in or on the raw agricultural commodities applies at 30 parts per million and grapes at 10 parts per million.

The analytical method proposed in the petition for determining residues of the plant regulator is a colorimetric method in which the residue is hydrolyzed with 50 percent sodium hydroxide, distilled, and reacted with trisodium pentacyanomamine ferroate to form a specific red color at pH 5.0. The color is measured spectrophotometrically.

Dated: March 6, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-3295; Filed, Mar. 18, 1968;
8:47 a.m.]

WEST VIRGINIA PULP AND PAPER 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 8B2264) has been filed by West Virginia Pulp and Paper Co., 299 Park Avenue, New York, N.Y. 10017, proposing that paragraph (a) (2) (v) of § 121.2592 *Rosins and rosin derivatives* be amended by changing the specification regarding dehydroabietic acid content for disproportionated rosin used in contact with food to read "a minimum dehydroabietic acid content of 35 percent".

Dated: March 8, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-3296; Filed, Mar. 18, 1968;
8:47 a.m.]

Office of the Secretary

DEPUTY GENERAL COUNSEL ET AL.

Delegation of Authority

Notice is hereby given of the amendment to the redelegation of authority appearing in the FEDERAL REGISTER of December 30, 1967, 32 F.R. 21044, section 2 thereof, so that it reads as follows:

2. The authority as official custodian of the files of matters pertaining to compliance proceedings under title VI of the

Civil Rights Act, to certify true copies of any books, records, papers, or other documents of the Department pertaining to such compliance proceedings, to certify that true copies are true copies of the entire file of the Department in any matter pertaining to such compliance proceedings, to certify extracts from any such books, records, papers, or other documents, or to certify the nonexistence of books, records, papers, or other documents on file within the Department in any matter pertaining to such compliance proceedings, and to cause the Seal of the Department to be affixed to such certification to the following employee of the Office of General Counsel:

Hearing Clerk, Department of Health, Education, and Welfare

Dated: March 4, 1968.

ALANSON W. WILLCOX,
General Counsel.

[F.R. Doc. 68-3285; Filed, Mar. 18, 1968;
8:46 a.m.]

AIR POLLUTION CONTROL; INTER-STATE AIR POLLUTION IN KANSAS CITY, KANS.-KANSAS CITY, MO., METROPOLITAN AREA

Conference of Air Pollution Control Agencies; Notice of Date, Time, and Place of Second Session

Whereas pursuant to section 105(c)(1)(C) of the Clean Air Act (42 U.S.C. 1857d(c)(1)(C)), the Secretary of Health, Education, and Welfare on December 28, 1966 (31 F.R. 16732) called a conference of air pollution control agencies in the Kansas City, Kans.-Kansas City, Mo. Metropolitan area, and

Whereas pursuant to such call the first session of said conference, concerned primarily with air pollution caused by smoke, particulates, and other airborne contaminants reducing visibility and affecting flight and tower control conditions, in the vicinity of the Fairfax Airport (Kans.) and the Kansas City Municipal Airport (Mo.) was held January 23 and 24, 1967,

Now, therefore, pursuant to such notice of the Secretary of Health, Education, and Welfare, notice is hereby given of the second session of the conference, which will be concerned primarily with other aspects of air pollution in the bi-State metropolitan area consisting of Wyandotte, Johnson, and Leavenworth Counties in the State of Kansas, and Platte, Clay, Jackson, and Cass Counties in the State of Missouri. The second session will also hear reports of remedial action in accordance with recommendations issued on April 12, 1967 by the Secretary of Health, Education, and Welfare in the light of the discussions at the first session of this conference. Notice that said second session will be convened on Tuesday, April 30, 1968, beginning at 10 a.m., c.d.t., at the Federal Office Building, Room 140, 601 East 12th Street, Kansas City, Mo., is hereby given to the

NOTICES

air pollution control agencies of the following:

State of Kansas—Air Quality Conservation Commission.

State of Missouri—Missouri Air Conservation Commission.

All municipalities, as defined in section 302 (f) of the Clean Air Act (42 U.S.C. 1857 (h), (f), located in the following named counties:

Kansas: Wyandotte, Johnson, and Leavenworth.

Missouri: Platte, Clay, Jackson, and Cass.

Mr. William H. Megonnell is hereby designated as Presiding Officer of the Conference and Mr. Robert L. Harris is hereby designated as the official conference participant for the Department of Health, Education, and Welfare.

A technical report concerning air pollution in the entire bi-State Kansas City, Kans.-Kansas City, Mo., Metropolitan area entitled "Kansas City, Kans.-Kansas City, Mo., Air Pollution Abatement Activities, Phase II. Preconference Investigations" prepared by the National Center for Air Pollution Control is available to interested persons upon request made to the Office of the Presiding Officer, Room 2428, South Building, Department of Health, Education, and Welfare, Washington, D.C. 20201. Interested persons desiring to present their views to the conference with respect to such report and other pertinent information should file, not later than April 25, 1968, a notice of such intention, and, if practicable, five copies of the proposed presentation (and other relevant material) with the Presiding Officer, Room 2428, South Building, Department of Health, Education, and Welfare, Washington, D.C. 20201.

A transcript of the proceedings of this session will be maintained and will be made available on request of any person at the expense of such person.

Dated: March 15, 1968.

WILLIAM H. STEWART,
Surgeon General.

[F.R. Doc. 68-3371; Filed, Mar. 18, 1968;
8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17828; Order E-26512]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of March 1968.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2-3 of the International Air Transport Association (IATA). The agreement has been adopted by mail vote and has been assigned the CAB Agreement No. 20106.

The agreement amends the resolution relating to transatlantic fares to/from the Far East. The amendment clarifies the carriers' intent that, where two levels of fares are in effect for the same class of service during different periods of the year, the lower level of such fares may be used at any time to construct unspecified fares.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement, which incorporates IATA Resolution JT123(Mail 529) 067a, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreement CAB 20106 be approved.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of, or in opposition to, the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify, or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-3298; Filed, Mar. 18, 1968;
8:47 a.m.]

[Docket No. 18650; Order E-26510]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority, March 13, 1968.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated March 6, 1968, as set forth in the attachment hereto,¹ names additional specific commodity rates which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

¹ Attachment not filed as part of original document.

Accordingly, it is ordered, That:

Agreement CAB 20125, R-1 and R-2, be approved, provided approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-3299; Filed, Mar. 18, 1968;
8:47 a.m.]

[Docket No. 19045, etc.]

PAN AMERICAN WORLD AIRWAYS, INC.

Operation of Farmingdale and Teterboro Airports; Notice of Postponement of Hearing

Pursuant to the request of Butler Aviation Co. by letter dated March 14, 1968, agreed to by all of the other parties, the hearing in this proceeding is hereby postponed until 10 a.m., March 20, 1968, in Room 911, Universal Building, Connecticut and Florida Avenues NW, Washington, D.C.

Dated at Washington, D.C., March 15, 1968.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 68-3351; Filed, Mar. 18, 1968;
8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17884, 17885; FCC 68R-103]

BERWICK BROADCASTING CORP. AND P.A.L. BROADCASTERS, INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of Berwick Broadcasting Corp., Berwick, Pa., Docket No. 17884, File No. BPH-5812; P.A.L. Broadcasters, Inc., Pittston, Pa., Docket No. 17885, File No. BPH-5924; for construction permits.

1. This proceeding involves two mutually exclusive applications for construction permits to establish FM broadcast stations, operating on Channel 276A (103.1mHz). Berwick Broadcasting Corp. (Berwick) proposes to locate its station at Berwick, Pa., and P.A.L. Broadcasters,

Inc. (PAL), proposes a station for Pittston, Pa.¹ Presently before the Review Board is a petition to enlarge issues, filed January 15, 1968, by Berwick, requesting an issue to determine whether PAL will realistically serve as a local transmission outlet for Pittston rather than for the larger, nearby city of Wilkes-Barre.²

2. In support of its request, Berwick contends that Pittston (population 12,047 persons) is one of the small communities which makes up the Wilkes-Barre Urbanized Area (population 170,381 persons); that PAL is a licensee of AM Station WBAX at Wilkes-Barre, Pa.; and that Station WBAX assertedly programs to meet the needs and interests of greater Wilkes-Barre area and to serve many groups and/or organizations which make up the Wilkes-Barre complex. It further contends that PAL's transmitter and studios are proposed to be located at a site midway between Wilkes-Barre and Pittston, which will enable it to place the requisite minimum coverage over Pittston while also placing a 3.16 mv/m signal over all of the city of Wilkes-Barre; that PAL proposes AM-FM duplication of a telephone program; and that the Pittston FM operation will be nothing more than an extension of the current WBAX operation in the greater Wilkes-Barre complex. Berwick argues that, notwithstanding the Commission's disinclination to formally apply the AM policy to FM matters, the basic principles of the Commission's policy statement on 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, FCC 65-1153, 2 FCC 2d 1901 (1965), should be applied here in light of the peculiar characteristics of Pittston, its relationship to Wilkes-Barre, PAL's ownership of WBAX and its FM proposal, the PAL service and programing record, and other factors which raise the same issue as that required in the Commission's policy statement. The Broadcast Bureau supports the petition.

3. In opposition, PAL contends that it proposes 15 hours or more a day of separate FM programing for Pittston; that various illustrative programs are designed to meet the needs of Pittston and other small towns north and northeast of Wilkes-Barre; that the four hour or less a day which may be duplicated on WBAX involves a telephone call-in program; and that its application shows that PAL's programing survey was made in the Pittston and other small communities located north or northeast of Wilkes-Barre. PAL further contends that although Berwick questions the use of some of the WBAX 20 employees to help in the operation of its proposed FM station, it overlooks the fact that PAL pro-

poses a completely separate FM staff of seven and to establish news correspondents on a paid basis throughout the Pittston area; and that Berwick admits that Commission's policy statement on suburban communities does not apply to FM proceedings (citing American Colonial Broadcasting Corp., 5 FCC 2d 123, 8 RR 592, (1966)). Finally, as to the location of its transmitter site, PAL notes that Scranton, Pa. (population 11,443 persons), is located approximately 7 miles northeast of Pittston. Berwick, in reply, contends that the PAL FM programing proposals are interchangeable with WBAX's and do not constitute a separate and independent service; that all of the communities listed by PAL are located within an 8-mile radius of Wilkes-Barre; and that it has already distinguished the particular facts in the instant case from the decision in American Colonial Corp., *supra*.

4. The Review Board agrees with PAL's contention that the policy statement, *supra*, does not, on its face, apply to FM broadcast proceedings. Moreover, the policy set forth therein could not be applied, in toto, to FM situations since it permits an applicant who fails to overcome the presumption to amend to specify the larger community as its station location if the proposal meets the technical requirements for the larger community. Such an amendment could not be permitted here because Wilkes-Barre is not an unlisted community within 25 miles of White Haven. See § 73.203 of the rules. Therefore, the Board would not be willing to apply the presumption established in the policy statement to an FM application. However, this is not to say that the public interest considerations underlying the policy statement are not applicable to an FM proceeding. Long before the Commission issued this document, it had expressed concern with applicants who specified a suburban community as their station location when in fact they realistically proposed an outlet for a nearby, larger metropolitan community. See, e.g., Charles J. Lanphier, FCC 61-912, 20 RR 282.³ PAL has offered, and the Board perceives, no valid reason why this problem should be considered in fulfilling the section 307(b) mandate in AM proceedings, but not in FM proceedings. Thus, the objectives of section 307(b) of the Act would be frustrated where an applicant, whether for an AM or FM station, receives a 307(b) preference for providing a local outlet for a community it will not realistically serve. Therefore, the Board is of the opinion that an examination of the pleadings to determine whether a substantial question has been raised as to whether PAL's proposal would realistically provide a local outlet for Wilkes-Barre, rather than for Pittston, is war-

ranted. In this connection, we note that in the American Colonial Broadcasting Corp. case, *supra*, relied on by PAL, the Board indicated that the policy statement does not, on its face, apply to FM proceedings; and refused to specify issues based, in part, on the fact that the allegations which formed the bases of the request were considered by the Commission in a different context in the designation order. However, that case was decided prior to the holding in Atlantic Broadcasting Co. (WUST), FCC 66-1053, 5 FCC 2d 717, wherein the Commission indicated that the Board could consider any matter if it was not "specifically considered by [the Commission] in the context of the issues requested * * *." We therefore do not believe that the American Colonial case is controlling.

5. The allegations contained in the subject petition are sufficient to raise a substantial question requiring the enlargement of issues. The undisputed allegations concerning the respective sizes of Pittston and Wilkes-Barre; the fact that Pittston, as well as other communities which PAL is allegedly attempting to serve, are located close to and within the urbanized area of Wilkes-Barre; and the fact that PAL proposes to place a 3.16 mv/m signal over all the city of Wilkes-Barre, are all relevant in this regard. In addition, the factual allegations that PAL owns an AM station in Wilkes-Barre; that an AM staff would be utilized, at least to some extent, to assist in the FM operation; and that there would be some duplication are also significant. Finally, an adverse influence is clearly raised by the allegation that PAL located its transmitter site midway between Pittston and Wilkes-Barre in order to achieve maximum coverage of the Wilkes-Barre area. The fact that Pittston is also located close to Scranton does not, absent some engineering evidence, adequately explain why PAL chose this location. Although PAL has shown, in its opposition, that it conducted a program survey in Pittston and the small communities located nearby, it has not shown that these communities have distinct unsatisfied programing needs, separate and apart from Wilkes-Barre; that it is programing to meet these unsatisfied needs; or that it expects to derive a substantial portion of its revenues from these communities.⁴ Therefore, we do not believe that PAL has, in its opposition, overcome the inference raised by Berwick's factual allegations, and an evidentiary inquiry is necessary.

6. *Accordingly, it is ordered*, That the petition to enlarge issues, filed on January 15, 1968, by Berwick Broadcasting Corp. is granted; and that issues in this proceeding are enlarged by the addition of the following issues: To determine whether the proposal of P.A.L. Broad-

¹ Channel 276 is assigned to White Haven, Pa., and is available for use in either Berwick or Pittston pursuant to the "25 mile" provisions of § 73.203(b) of the rules.

² The following related pleadings are also before the Review Board: (a) Broadcast Bureau's comment, filed Jan. 30, 1968; (b) opposition, filed Feb. 2, 1968, by P.A.L.; (c) supplement to P.A.L.'s opposition, filed Feb. 5, 1968; and (d) reply to opposition, filed Feb. 12, 1968, by Berwick.

³ Also see the Commission's recent action in a report and order regarding the amendment of the table of assignments in § 73.606 of the rules, FCC 68-232, released Mar. 1, 1968, wherein the Commission expressed concern about a television station identifying with a small community within a large metropolitan area, but not actually serving as a local outlet for that community.

⁴ These factors, as indicated in the policy statement, *supra*, are relevant in determining whether an AM applicant is proposing to provide a realistic local transmission service. While we have not applied the policy statement presumption, we see no reason why these same factors cannot be utilized to determine whether an FM applicant is proposing a realistic local transmission service.

NOTICES

casters, Inc., will realistically provide a local transmission facility for its specified station location or for another larger community; and, in light thereof, whether the application of P.A.L. Broadcasters, Inc., should be considered, for purposes of the determination to be made herein under section 307(b) of the Communications Act of 1934, as amended, as a proposal for Pittston or for some other larger community.

7. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein will be on P.A.L. Broadcasters, Inc.

Adopted: March 11, 1968.

Released: March 14, 1968.

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

[F.R. Doc. 68-3306; Filed, Mar. 18, 1968;
8:48 a.m.]

[Docket Nos. 18064-18066; FCC 68-258]

**CLEAR VISION TV COMPANY OF
BESSEMER ET AL.**

**Memorandum Opinion and Order
Instituting Hearing**

In re petitions by Clear Vision TV Company of Bessemer, Bessemer, Brighton, and Brownville, Ala., Docket No. 18064, File No. CATV 100-47; Telvue Cable Alabama, Inc., unincorporated area of Jefferson County south of Birmingham, Ala., Docket No. 18065, File No. CATV 100-238; Jefferson Cablevision Corp., Homewood and Irondale, Ala., Docket No. 18066, File No. CATV 100-242; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Birmingham, Ala., television market.

1. The Commission has before it for consideration the above-captioned petitions which request waiver of the hearing requirements of § 74.1107 of the rules to permit the importation of distant television signals into various communities in the Birmingham television market, currently ranked 40th on the basis of a total net weekly circulation of 444,300. Channel assignments in the market and their status are: 6 (ABC/CBS), *10 (Educ.), 13 (NBC/CBS), 21 (three applications designated for comparative hearing), 42 (ABC/CBS/NBC), *62 (idle), and 68 (CP, proposing independent operation), Birmingham, Ala.; and 17 (idle), 33 (NBC/CBS) and 39 (idle), Tuscaloosa, Ala.

2. Clear Vision TV Company of Bessemer plans to operate in the towns of Bessemer (33,054), Brighton (2,884), and Brownville (534), Ala., which are adjacent communities located about 10 miles from Birmingham. Telvue Cable Alabama, Inc. proposes to serve the unincorporated area of Jefferson County,

⁵ Concurring statement of Review Board Member Nelson and dissenting statement of Board Member Sloane (in which Board Member Pincock joins) filed as part of original document.

Ala., south of Birmingham. Although the exact area in which the system would operate is not clearly delineated, petitioner states that it estimates the population to be served at 7,000. Jefferson Cablevision Corp. seeks to commence operation in Homewood (20,289) and Irondale (3,501), Ala., suburban communities adjacent to Birmingham. All of these systems would carry the local signals of Channels 6 (ABC/CBS), *10 (Educ.), 13 (NBC/CBS), and 42 (ABC/CBS/NBC), all Birmingham stations; the distant signal of Channel 33 (NBC/CBS), Tuscaloosa, Ala.; and other distant signals of network stations.¹ In support of their request petitioners claim that: The systems will aid all stations in the market by improving reception and eliminating the need for set conversion or UHF antennas; the existing network affiliated stations will be protected by the nonduplication provisions of the rules; the systems will have a minimal effect on market stations; and will provide a wider range of attractive programming. All state that they will not engage in pay-TV operations. Clear Vision and Jefferson Cablevision claim, also, that they should be afforded waivers because considerable time, effort and funds were expended by them prior to the adoption of the second report and order in connection with their proposals.

3. Taft Broadcasting Co., licensee of Channel 6, has filed an opposition to each waiver petition. Additionally, Birmingham Television Corp., licensee of Channel 42, has filed an opposition to Clear Vision's proposal, and Steel City Broadcasting Co., permittee of Channel 68, Birmingham, has filed oppositions to Telvue's and Jefferson Cablevision's waiver petitions. They claim: The importation of distant signals into the heart of the market will make independent UHF operation difficult or impossible; there is no shortage of television service in these communities; the cumulative effect of these proposals will be great; operating stations will not be fully protected by the program exclusivity provisions of § 74.1103 since they do not have full network affiliation; and the choice of television services should come from Channels 21, 42 and 68, and not from importation of signals that meet the needs of distant localities. Jefferson Cablevision Corp., holder of a franchise for Homewood and Irondale, Ala., filed an opposition to Telvue's waiver petition claiming there is a legal question as to whether Telvue has the authority to operate its system without a franchise, and therefore, its petition is premature and should

¹ The following distinct signals are proposed to be carried: Clear Vision—Channels 2 (NBC), 5 (CBS), and 11 (ABC), Atlanta, Ga.; Channel 12 (NBC), Montgomery, Ala.; Channel 11 (ABC/NBC/CBS), Meridian, Miss.; and Channel 4 (CBS/NBC), Columbus, Miss.; Telvue—Channels 2 (NBC), 5 (CBS), and 11 (ABC), Atlanta, Ga.; Channels 12 (NBC), and 20 (CBS), Montgomery, Ala.; and Channels 19 (ABC), and 31 (ABC/CBS), Huntsville, Ala.; Jefferson—Channels 2 (NBC), and 5 (CBS), Atlanta, Ga.; Channels 3 (CBS/NBC), and 9 (ABC/NBC), Columbus, Ga.; and Channels 3 (NBC), and 12 (CBS), Chattanooga, Tenn.

be dismissed. Jefferson also urges that operation of the system through a lease-back arrangement with Southern Bell, without authorization from the Commission, may constitute a violation of section 214, and, therefore, the petition should, in any event, be held in abeyance until the section 214 question is answered. Petitioner filed a reply stating that no franchise is needed for his operation; and the section 214 proceeding presently pending before the Commission has no relevance to its waiver petition.

4. The proposals to carry the Tuscaloosa UHF station will be permitted since Tuscaloosa is within the Grade A of Birmingham. The remaining waiver requests will be denied. The possibility of supplying additional network services has attraction, but we believe the long range design of the top-100 market rule—the preservation of UHF potential—outweighs the immediate attraction of a grant of petitioners' proposals. This is especially so where, as here, there is active UHF interest and the CATV proposals would commence operation within the very area which new UHF stations will have to rely upon most heavily for economic support. Cosmos Cablevision Corp., 6 FCC 2d 223, 9 RR 2d 255. As to Jefferson Cablevision's challenge to the authority of Telvue to operate its system without a franchise, since a hearing is necessary to determine the impact of the CATV proposals in this market, we will also consider simultaneously, as part of the cumulative picture, Telvue's proposal. The section 214 issue is under consideration in a separate proceeding (Docket 17333) and the issues in that proceeding are broad enough to include the activities of Telvue and Southern Bell.

Accordingly, it is ordered, That the provisions of § 74.1107 of the rules are waived in order to permit petitioners to carry the Tuscaloosa station.

It is further ordered, That the remaining requests for waiver of the hearing provisions of § 74.1107 of the rules are denied; and pursuant to sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, and § 74.1107 of the Commission's rules, a consolidated hearing is ordered as to said matters on the following issues:

1. To determine the present and proposed penetration and extent of CATV service in the Birmingham market.

2. To determine the effects of current and proposed CATV service in the Birmingham market upon existing, proposed and potential television broadcast stations in the market.

3. To determine (a) the present policy and proposed future plans of petitioners with respect to the furnishing of any service other than the relay of the signals of broadcast stations; (b) the potential for such services; and (c) the impact of such services upon television broadcast stations in the market.

4. To determine in light of the above whether the proposal is consistent with the public interest.

Clear Vision TV Company of Bessemer, Telvue Cable Alabama, Inc., Jefferson Cablevision Corp., Taft Broadcasting Co.,

Birmingham Television Corp., and Steel City Broadcasting Co., are made parties to this proceeding and, to participate, must comply with the applicable provisions of § 1.221 of the Commission's rules. The burden of proof is upon the petitioners. A time and place for the hearing will be specified in another order.

Adopted: March 6, 1968.

Released: March 13, 1968.

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

[F.R. Doc. 68-3307; Filed, Mar. 18, 1968;
8:48 a.m.]

[Docket No. 18038; FCC 68M-421]

DALE W. FLEWELLING

Order Continuing Hearing

In the matter of revocation of the license of Dale W. Flewelling, Docket No. 18038; for FM Broadcast Station KXRQ, Sacramento, Calif.

Pursuant to a hearing conference on March 11, 1968: *It is ordered*, That there will be a further hearing conference in this proceeding on April 22, 1968, 9 a.m., in the Commission's offices, Washington, D.C.;

It is further ordered, That the hearing herein now scheduled for April 16, 1968, in Sacramento, Calif., be and the same is hereby continued without date.

Issued: March 11, 1968.

Released: March 12, 1968.

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

[F.R. Doc. 68-3308; Filed, Mar. 18, 1968;
8:48 a.m.]

[Docket Nos. 17915-17917; FCC 68M-426]

**GRAPHIC PRINTING CO., INC.,
ET AL.**

**Order Regarding Extension of
Procedural Dates**

In re applications of The Graphic Printing Co., Inc., Portland, Ind., Docket No. 17915, File No. BPH-5788; Glenn West, Portland, Ind., Docket No. 17916, File No. BPH-5820; Soundvision Broadcasting, Inc., Portland, Ind., Docket No. 17917, File No. BPH-5899; for construction permits.

The Hearing Examiner having under consideration a letter request filed on March 11, 1968, by counsel for the Graphic Printing Co., Inc., asking for a 1-month extension of scheduled procedural dates in view of imminent submis-

¹ Commissioners Hyde, Chairman; and Lee absent; concurring and dissenting statement of Commissioner Bartley filed as part of original document; Commissioners Cox and Johnson concurring in the result except that portion which authorizes carriage of the Tuscaloosa station; Commissioner Loevinger concurring in the result.

sion of a joint request for approval of an agreement between parties for dismissal of the Graphic application;

It appearing, that counsel for the other parties have informally consented to the requested extension of procedural dates, and that "good cause" is shown for the postponement in dates which could result in an earlier resolution of the proceeding:

Accordingly, it is ordered, That the letter request for a 1-month extension of procedural dates filed March 11, 1968 by counsel for the Graphic Printing Co., Inc., is granted, and the pertinent dates are extended as follows:

Procedure	From	To
Exchange of Proposed Exhibits	Mar. 12	Apr. 12
Notifications re Lay Witnesses	Mar. 19	Apr. 19
Notification re Engineering Witnesses	Mar. 22	Apr. 22

It is further ordered, On the Hearing Examiner's own motion, that the hearing heretofore scheduled for March 26 is postponed to May 14, 1968, at 10 a.m., in the offices of the Commission, Washington, D.C.

Issued: March 12, 1968.

Released: March 12, 1968.

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

[F.R. Doc. 68-3310; Filed, Mar. 18, 1968;
8:48 a.m.]

[Docket Nos. 17778, 17779; FCC 68M-422]

**GRAYSON TELEVISION CO., INC.,
AND HERCULES BROADCASTING
CO.**

Order Continuing Hearing

In re applications of Grayson Television Co., Inc., Sacramento, Calif., Docket No. 17778, File No. BPCT-3698; Hercules Broadcasting Co., Sacramento, Calif., Docket No. 17779, File No. BPCT-3812; for construction permit for new television broadcast station (Channel 15).

Pursuant to a hearing conference on March 11, 1968: *It is ordered*, That there will be a further hearing conference in this matter on April 22, 1968, 9 a.m., in the Commission's offices, Washington, D.C.;

It is further ordered, That the hearing now scheduled for March 19, 1968, in Washington, D.C., is cancelled, and the hearing scheduled for April 16, 1968, in Sacramento, Calif., be and the same is hereby continued without date.

Issued: March 11, 1968.

Released: March 12, 1968.

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

[F.R. Doc. 68-3309; Filed, Mar. 18, 1968;
8:48 a.m.]

[Docket Nos. 17624, 17625; FCC 68M-408]

**FRED KAYSBIER AND SIERRA BLANCA
BROADCASTING CO. (KRRR)**

Order Scheduling Hearing

In re applications of Fred Kaysbier, Alamogordo, N. Mex., Docket No. 17624, File No. BP-16965; Edward D. Hyman, trading as Sierra Blanca Broadcasting Co. (KRRR), Ruidoso, N. Mex., Docket No. 17625, File No. BP-17487; for construction permits:

It is ordered, That H. Gifford Irion shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on June 4, 1968, at 10 a.m.; and that a prehearing conference shall be held on April 30, 1968, commencing at 10 a.m.: *And it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: March 6, 1968.

Released: March 13, 1968.

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

[F.R. Doc. 68-3311; Filed, Mar. 18, 1968;
8:48 a.m.]

[Docket Nos. 18046, 18047; FCC 68M-427]

**KFPW BROADCASTING CO. AND
BROADCASTERS UNLIMITED**

Order Scheduling Hearing

In re applications of George T. Hernreich trading as KFPW Broadcasting Co., Fort Smith, Ark., Docket No. 18046, File No. BPCT-3937; Cleve L. Cotner, Mike Meyer, Carle Robbins, Ernest S. Stephens, and Gilbert Forsgren doing business as Broadcasters Unlimited, Fort Smith, Ark., Docket No. 18047, File No. BPCT-3963; for construction permit for new television broadcast station (Channel 24):

It is ordered, That Forest L. McClenning shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on May 27, 1968, at 10 a.m.; and that a prehearing conference shall be held on April 30, 1968, commencing at 10 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: March 6, 1968.

Released: March 13, 1968.

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

[F.R. Doc. 68-3312; Filed, Mar. 18, 1968;
8:48 a.m.]

[Docket No. 17899, etc.; FCC 68M-420]

**RISNER BROADCASTING, INC., AND
LEE MACE**

**Order Scheduling Prehearing
Conference**

In re applications of Risner Broadcasting, Inc., Lebanon, Mo., Docket No.

NOTICES

17899, File No. BPH-5207; Risner Broadcasting, Inc., Lebanon, Mo., Docket No. 18043, File No. BP-17031; Lee Mace, Bagnell, Mo., Docket No. 18044, File No. BP-17122; for construction permits.

In light of the Commission's order released March 8, 1968 (FCC 68-223), designating the Risner FM and AM applications and the Mace AM application for consolidated hearing: *It is ordered*, That the procedural schedule, including the hearing date of April 30, 1968, set in the Risner FM matter (FCC 68M-285), is canceled; and that a prehearing conference is scheduled for April 11, 1968, at 9 a.m.

Issued: March 11, 1968.

Released: March 13, 1968.

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

[F.R. Doc. 68-3313; Filed, Mar. 18, 1968;
8:48 a.m.]

[Docket Nos. 18061, 18062; FCC 68-245]

**WRIS, INC., AND ROANOKE-VINTON
RADIO, INC.**

**Order Designating Applications for
Consolidated Hearing on Stated
Issues**

In re applications of WRIS, Inc., Salem, Va., Docket No. 18061, File No. BPH-6069, Requests: 93.5 mcs, No. 228; 3 kw; 83 feet; Roanoke-Vinton Radio, Inc., Vinton, Va., Docket No. 18062, File No. BPH-6079, Requests: 93.5 mcs, No. 228; 2.89 kw; 99 feet; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. The respective proposals are for different communities. Consequently, it will be necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. WRIS, Inc., proposes duplication of the daytime programming of its companion AM station while Roanoke-Vinton proposes independent operation. Therefore, evidence regarding program duplication will be admissible under the contingent comparative issue. When duplicated programming is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programming inquiry—Jones T. Sudbury 8 FCC 2d 360, FCC 67-614, (1967).

4. According to its application, Roanoke-Vinton Radio would require \$34,450 to construct and operate for 1 year without revenue, and it shows a total of

\$39,000 available to cover these costs. Nevertheless, a question about its financial ability exists because Roanoke-Vinton Radio has not shown that the \$16,000 specified for first-year operation would be sufficient to cover operation of its proposed FM station with independent programming. Accordingly, it will be necessary to determine the amount required for first-year operation and whether Roanoke-Vinton has funds available to cover any additional amount shown to be required.

5. Except as indicated below, each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make a statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

6. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the amount reasonably required by Roanoke-Vinton Radio for first-year operating costs and in light of this amount, whether it has sufficient funds available to finance construction and first-year operation and thus demonstrate its financial qualifications.

2. To determine the areas and populations which would receive FM service of 1 mv/m or greater intensity from the respective proposals and the availability of other FM services of 1 mv/m or greater intensity in such areas.

3. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

4. To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would better serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

7. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

8. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner pre-

scribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 6, 1968.

Released: March 13, 1968.

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

[F.R. Doc. 68-3314; Filed, Mar. 18, 1968;
8:48 a.m.]

[Docket Nos. 18061, 18062; FCC 68M-441]

**WRIS, INC., AND ROANOKE-VINTON
RADIO, INC.**

Order Scheduling Hearing

In re applications of WRIS, Inc., Salem, Va., Docket No. 18061, File No. BPH-6069; Roanoke-Vinton Radio, Inc., Vinton, Va., Docket No. 18062, File No. BPH-6079; for construction permits:

It is ordered, That H. Gifford Irion shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on May 31, 1968, at 10 a.m.; and that a prehearing conference shall be held on April 29, 1968, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: March 13, 1968.

Released: March 14, 1968.

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

[F.R. Doc. 68-3315; Filed, Mar. 18, 1968;
8:48 a.m.]

[Docket Nos. 18048, 18049; FCC 68M-438]

WSTE-TV, INC. (WSTE)

Order Scheduling Hearing

In re applications of WSTE-TV, Inc. (WSTE), Fajardo, P.R.; Docket No. 18048, File No. BMPCT-5777, for extension of time within which to construct; and Docket No. 18049, File No. BMPCT-6029, for modification of construction permit (Channel 13):

It is ordered, That Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on June 3, 1968, at 10 a.m.; and that a prehearing conference shall be held on April 29, 1968, commencing at 10 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: March 6, 1968.

Released: March 14, 1968.

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

[F.R. Doc. 68-3316; Filed, Mar. 18, 1968;
8:48 a.m.]

¹ Chairman Hyde absent.

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES AND CHINA NAVIGATION CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW, Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the *FEDERAL REGISTER*. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. J. Morris, Manager, Rates and Conferences, American President Lines, 601 California Street, San Francisco, Calif. 94108.

Agreement No. 9591-2, between American President Lines and China Navigation Co., Ltd., modifies the basic transhipment agreement between the parties by changing the division of the through

revenue to 21/54ths to the originating carrier and 33/54ths to the delivering carrier.

Dated: March 15, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-3317; Filed, Mar. 18, 1968; 8:49 a.m.]

LYKES BROS. STEAMSHIP CO., INC., AND CHINA NAVIGATION CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW, Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the *FEDERAL REGISTER*. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. A. E. Gilman, Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans, La. 70112.

Agreement No. 9589-1 between Lykes Bros. Steamship Co., Inc. (Lykes), and China Navigation Co., Ltd. (CNC), modifies the basic transhipment agreement between the parties by changing the apportionment of the through rates from 5/12ths for CNC and 7/12ths for Lykes to 21/54ths for CNC and 33/54ths for Lykes. The agreement also eliminates the guaranteed minimum proportions of \$25 to CNC and \$35 to Lykes.

Dated: March 15, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-3318; Filed, Mar. 18, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI68-493 etc.]

MOBIL OIL CORP. ET AL.

Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates¹

MARCH 8, 1968.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

¹ Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supple- ment 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	
RI68-493	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001. Attn: H. H. Beeson, Esq.	66	² 25 66 26	United Gas Pipe Line Co. (Eugene Island Area, Offshore Louisiana).	\$34,677	2-7-68 2-7-68	² 3-9-68 ² 3-9-68 (Accepted) 8-9-68		\$19.5472	\$16.75	
RI68-494	Leach Brothers, Inc., 135 South La Salle St., Chicago, Ill. 60603.	1	¹⁰ 3	United Gas Pipe Line Co. (North La Ward Field, Jackson County, Tex.) (R.R. District No. 2).	\$11,522	2-12-68	² 3-31-68	8-31-68	\$12.14.1792	\$10.11.18.28	
RI68-495	Forest Oil Corp., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205. Attn: C. R. Eyster, Esq.	15	¹⁴ 4 ¹⁵ 5	Colorado Interstate Gas Co. (Patrick Draw Area, Sweetwater County, Wyo.).	\$4,395 \$901	2-15-68 2-15-68	² 3-17-68 ² 3-17-68	8-17-68 8-17-68	¹⁰ 14.5 ¹⁰ 16.0	¹¹ 14.15.5 ¹¹ 14.16.17.0	
RI68-496	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	32	¹⁴ 5 ¹⁶ 6 209	Arkansas Louisiana Gas Co. (Chickasha Field, Grady County, Okla.) (Oklahoma "Other" Area).	\$4,578 \$1,321 (?)	2-15-68 2-15-68 2-15-68	² 3-17-68 ² 3-17-68 ² 4-1-68	8-17-68 8-17-68 9-1-68	¹⁰ 14.5 ¹⁰ 16.0 ¹⁰ 13.0	¹¹ 14.15.5 ¹¹ 14.16.17.0 ¹¹ 12.14.01556	RI68-184.
	do.	32	¹⁴ 5 ¹⁶ 6	Arkansas Louisiana Gas Co. (Northwest Beaver Pool, Grady County, Okla.) (Oklahoma "Other" Area).	\$91	2-15-68	² 4-1-68	9-1-68	\$13.0	\$11.12.14.01556	RI68-2.
	do.	285	6	Arkansas Louisiana Gas Co. (Richland Pool, Stephens County, Okla.) (Oklahoma "Other" Area).	(?)	2-15-68	² 4-1-68	9-1-68	\$13.01556	\$11.12.14.01556	RI68-2.

See footnotes at end of table.

NOTICES

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	
R168-497--	Ashland Oil & Refining Co., Post Office Box 18625, Oklahoma City, Okla. 73118.	162	6	Arkansas Louisiana Gas Co. (Star and Southwest Lacy Fields, Kingfisher County, Okla.) (Oklahoma "Other" Area).	2,815	2-12-68	⁹ 3-14-68	8-14-68	¹⁰ 15.0 ₁ 16.8	¹¹ 17.815 ₁₂ 17.815	RI67-39.
R168-498--	Langford Drilling Co., 906 City National Bldg., Wichita Falls, Tex. 76301.	1	5	Lone Star Gas Co. (Grayson County, Tex.) (R.R. District No. 9).	3,564	2-9-68	⁹ 3-11-68	8-11-68	14.49	¹¹ 16.56	
R168-499--	The Stevens County Oil & Gas Co., Suite B-LL Colorado Derby Bldg., Wichita, Kans. 67202.	27	2	Panhandle Eastern Pipe Line Co. (Panoma-Council Grove Field, Seward, Morton and Stevens Counties, Kans.).	200	2-14-68	⁹ 4-1-68	9-1-68	¹⁰ 14.0	¹¹ 15.22 ₁₂ 15.0	

² Contract dated Nov. 1, 1967, provides, among other things, for cancellation of the basic contract dated Feb. 8, 1951, as amended, and for a new pricing schedule which is the basis for the rate proposed herein.

³ The stated effective date is the first day after expiration of the statutory notice.

⁴ Renegotiated rate increase.

⁵ Pressure base is 15.025 p.s.i.a.

⁶ Subject to a downward B.t.u. adjustment.

⁷ Settlement rate as approved by Commission order issued May 5, 1964, as amended, in Docket Nos. G-12193 et al. Moratorium on filing rate increases expired on Jan. 1, 1967.

⁸ Based on latest Form 2 on file.

⁹ The stated effective date is the effective date requested by Respondent.

¹⁰ Redetermined rate increase.

¹¹ Pressure base is 14.65 p.s.i.a.

Mobil Oil Corp. (Mobil) requests that its proposed rate increase be permitted to become effective as of March 7, 1968. Langford Drilling Co. (Langford) requests a retroactive effective date of July 1, 1963, 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 Mobil and Langford's rate filings and such requests are denied.

Humble Oil & Refining Co. (Humble) requests that should the Commission suspend its rate filings that the suspension periods be shortened to 1 day. Good cause has not been shown for granting Humble's request for limiting to 1 day the suspension periods with respect to its rate filings and such request is denied.

Concurrently with the filing of its rate increase, Mobil submitted a contract amendment dated November 1, 1967, designated as Supplement No. 25 to Mobil's FPC Gas Rate Schedule No. 66, which provides for its proposed rate increase. We believe that it would be in the public interest to accept for filing Mobil's proposed contract amendment to become effective as of March 9, 1968, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

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).

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

The Commission finds:

(1) Good cause has been shown for accepting for filing Mobil's contract amendment dated November 1, 1967, designated as Supplement No. 25 to Mobil's FPC Gas Rate Schedule No. 66, and for per-

mitting such supplement to become effective as of March 9, 1968, the date of expiration of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated rate supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplement set forth in paragraph (1) above).

The Commission orders:

(A) Mobil's contract amendment dated November 1, 1967, designated as Supplement No. 25 to Mobil's FPC Gas Rate Schedule No. 66, is accepted for filing and permitted to become effective on March 9, 1968, the expiration date of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated rate supplements (except the supplement set forth in paragraph (A) above).

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

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspen-

¹² Initial service rate.

¹³ Includes Agreement dated Feb. 1, 1968, providing for a redetermined rate for the 5-year period commencing Mar. 31, 1968.

¹⁴ Applicable to gas-well gas only.

¹⁵ Periodic rate increase.

¹⁶ Applicable to casinghead gas only.

¹⁷ No current deliveries.

¹⁸ Includes 0.01556-cent tax reimbursement.

¹⁹ Filing from initial certificated rate to first set periodic plus tax reimbursement.

²⁰ Applicable to acreage recently added to Respondent's rate schedule by Commission order dated Feb. 6, 1968.

²¹ Favored-nation rate increase.

²² Applicable only to gas produced from below the base of the Chase Group and above the top of the Morrowan Series.

sion have expired, unless otherwise ordered by the Commission.

(E) 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 April 24, 1968.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-3259; Filed, Mar. 18, 1968;
8:45 a.m.]

[Docket No. G-10158 etc.]

FRED W. SHIELD ET AL.

Notice of Applications for Certificates,
Abandonment of Service and Petitions To Amend Certificates¹

MARCH 12, 1968.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests 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 or 1.10) on or before April 4, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the

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

Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given. Provided, however, that pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all per-

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI64-545 (CI63-1360) CI64-684 E 3-1-68	Sinclair Oil & Gas Co.	Natural Gas Pipeline Co. of America, Thomas Area, Dewey and Custer Counties, Okla.	16.0	14.65
CI64-1076 E 3-1-68	Salmon Corp. (successor to Piney Point Petroleum), Suite 230, 823 South Detroit Ave., Tulsa, Okla. 74120	Tennessee Gas Pipeline Co., a division of Tennessee, Inc., Deckers Prairie Field, Montgomery County, Tex.	17.16947	14.65
CI65-228 D 2-28-68	Baca Gas Gathering System, Inc., Flank, Greenwood, and Midway Fields, Baca County, Colo.	Baca Gas Gathering System, Inc., Flank, Greenwood, and Midway Fields, Baca County, Colo.	(*)	-----
CI65-229 C 3-4-68 CI65-1145 C 3-7-68 CI66-942	Horizon Oil & Gas Co. of Texas (Operator) et al., Pan American Petroleum Corp.	Baca Gas Gathering System, Inc., Flank and unnamed fields, Baca County, Colo. Arkansas Louisiana Gas Co., Wilburton Field, Latimer County, Okla. Northern Natural Gas Co., Tangier Field, Woodward County, Okla. Panhandle Eastern Pipe Line Co., Lerado Field, Reno County, Kans.	12.0 15.0 19.55	14.65 14.65 14.65
CI66-1061 E 3-4-68	White Hawk Oil Co. (successor to Natural Gas & Oil Corp.), 620 National Bank of Tulsa Bldg., Tulsa, Okla.	White Hawk Oil Co. (successor to Natural Gas & Oil Corp.), 620 National Bank of Tulsa Bldg., Tulsa, Okla.	13.0	14.65
CI66-1067 E 3-4-68 CI67-90 C 2-29-68	do. do. do.	Panhandle Eastern Pipe Line Co., Wil Pool Field, Edwards County, Kans. Arkansas Louisiana Gas Co., acreage in Sequoyah County, Okla.	15.0 14.5	14.65 14.65
CI67-797 E 3-1-68	Amax Petroleum Corp., 507 Enterprise Bldg., Tulsa, Okla. 74103	Tennessee Gas Pipeline Co., a division of Tennessee, Inc., Random Field, Fort Bend County, Tex. Tennessee Gas Pipeline Co., a division of Tennessee, Inc., Carmichael Field, Jackson County, Tex.	14.6 15.3333	14.65 14.65
CI67-1008 E 3-1-68	Salmon Corp. (successor to Piney Point Petroleum), et al.	United Gas Pipe Line Co., Northwest Corpus Field, Nueces County, Tex.	15.0	14.65
CI67-1015 E 3-1-68	Salmon Corp. (successor to Piney Point Petroleum), et al. (successor to Sun Oil Co.), Post Office Box 1404, Houston, Tex. 77001	Texas Eastern Transmission Corp., Bomber Field, Goliad County, Tex.	12.0	14.65
CI68-1001 (CI67-153) F 2-15-68	Getty Oil Co. (Operator) et al. (successor to Sun Oil Co.), Post Office Box 1404, Houston, Tex. 77001	Panhandle Eastern Pipe Line Co., Northwest Oklahoma Field, Woodward County, Okla.	10.17.0	14.65
CI68-1049 F 2-27-68	Aikman Bros. Corp., Operator (successor to Northern Natural Gas Producing Co.), c/o Charles J. McPherson, attorney at law, 711 Bank of the Southwest Bldg., Amarillo, Tex. 79106	Northern Natural Gas Co., Larabee Field, Stevens County, Kans.	16.0	14.65
CI68-1051 F 2-27-68	A. M. Metz Estate, Route 2, Cairo, W. Va. 26387	Consumers Gas Utility Co., Grant District, Ritchie County, W. Va.	(11)	-----
CI68-1052 A 2-29-68	Bartwell Production Co., Post Office Box 1748, Shreveport, La. 71102.	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	15.0	14.65
CI68-1053 A 2-29-68	Harry F. Buck, et al., 1004 Graves Bldg., Oklahoma City, Okla. 73102.	Arkansas Louisiana Gas Co., South Quinton Field, Latimer County, Okla.	15.0	14.65
CI68-1054 B 3-1-68	Fairman Drilling Co., Box 288, Dubois, Pa. 15801.	The Sylva Corp., Boon Mountain Field, Clearfield County, Pa.	Depleted	-----
CI68-1055 B 3-1-68	do. do.	United Natural Gas Co., Penfield Field, Clearfield County, Pa.	Depleted	-----
CI68-1057 A 3-1-68	Aztec Oil & Gas Co.	El Paso Natural Gas Co., Blanoo-Picot Cliffs Poo, San Juan County, N. Mex.	12.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

NOTICES

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI65-229 C 3-4-68	Horizon Oil & Gas Co. of Texas (Operator) et al., Pan American Petroleum Corp.	Baca Gas Gathering System, Inc., Flank and unnamed fields, Baca County, Colo. Arkansas Louisiana Gas Co., Wilburton Field, Latimer County, Okla. Northern Natural Gas Co., Tangier Field, Woodward County, Okla. Panhandle Eastern Pipe Line Co., Lerado Field, Reno County, Kans.	12.0 15.0 19.55	14.65 14.65 14.65
CI66-1061 E 3-4-68	White Hawk Oil Co. (successor to Natural Gas & Oil Corp.), 620 National Bank of Tulsa Bldg., Tulsa, Okla.	White Hawk Oil Co. (successor to Natural Gas & Oil Corp.), 620 National Bank of Tulsa Bldg., Tulsa, Okla.	13.0	14.65
CI66-1067 E 3-4-68	do. do. do.	Panhandle Eastern Pipe Line Co., Wil Pool Field, Edwards County, Kans. Arkansas Louisiana Gas Co., acreage in Sequoyah County, Okla.	15.0 14.5	14.65 14.65
CI67-797 E 3-1-68	Amax Petroleum Corp., 507 Enterprise Bldg., Tulsa, Okla. 74103	Tennessee Gas Pipeline Co., a division of Tennessee, Inc., Random Field, Fort Bend County, Tex. Tennessee Gas Pipeline Co., a division of Tennessee, Inc., Random Field, Jackson County, Tex.	14.6 15.3333	14.65 14.65
CI67-1008 E 3-1-68	Salmon Corp. (successor to Piney Point Petroleum), et al.	United Gas Pipe Line Co., Northwest Corpus Field, Nueces County, Tex.	15.0	14.65
CI67-1015 E 3-1-68	Salmon Corp. (successor to Piney Point Petroleum), et al. (successor to Sun Oil Co.), Post Office Box 1404, Houston, Tex. 77001	Texas Eastern Transmission Corp., Bomber Field, Goliad County, Tex.	12.0	14.65
CI68-1001 (CI67-153) F 2-15-68	Getty Oil Co. (Operator) et al. (successor to Sun Oil Co.), Post Office Box 1404, Houston, Tex. 77001	Panhandle Eastern Pipe Line Co., Northwest Oklahoma Field, Woodward County, Okla.	10.17.0	14.65
CI68-1049 F 2-27-68	Aikman Bros. Corp., Operator (successor to Northern Natural Gas Producing Co.), c/o Charles J. McPherson, attorney at law, 711 Bank of the Southwest Bldg., Amarillo, Tex. 79106	Northern Natural Gas Co., Larabee Field, Stevens County, Kans.	16.0	14.65
CI68-1051 F 2-27-68	A. M. Metz Estate, Route 2, Cairo, W. Va. 26387	Consumers Gas Utility Co., Grant District, Ritchie County, W. Va.	(11)	-----
CI68-1052 A 2-29-68	Bartwell Production Co., Post Office Box 1748, Shreveport, La. 71102.	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	15.0	14.65
CI68-1053 A 2-29-68	Harry F. Buck, et al., 1004 Graves Bldg., Oklahoma City, Okla. 73102.	Arkansas Louisiana Gas Co., South Quinton Field, Latimer County, Okla.	15.0	14.65
CI68-1054 B 3-1-68	Fairman Drilling Co., Box 288, Dubois, Pa. 15801.	The Sylva Corp., Boon Mountain Field, Clearfield County, Pa.	Depleted	-----
CI68-1055 B 3-1-68	do. do.	United Natural Gas Co., Penfield Field, Clearfield County, Pa.	Depleted	-----
CI68-1057 A 3-1-68	Aztec Oil & Gas Co.	El Paso Natural Gas Co., Blanoo-Picot Cliffs Poo, San Juan County, N. Mex.	12.0	15.025

NOTICES

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI68-1058 A 2-29-68	Sinclair Oil & Gas Co.	Transcontinental Gas Pipe Line Corp., Block 159 of Block 169 Field, Ship Shoal Area, Offshore La.	20.5	15.025
CI68-1059 A 2-28-68	Foster Petroleum Corp., Post Office Box 729, Bartlesville, Okla. 74003.	Panhandle Eastern Pipe Line Co., South Peak Field, Roger Mills County, Okla.	15.0	14.65
CI68-1060 A 2-28-68	do	do	15.0	14.65
CI68-1061 A 3-4-68	Flag Oil Corp. of Delaware, Post Office Box 23, Midland, Tex. 79701.	Michigan Wisconsin Pipe Line Co., LaVerne Field, Ellis County, Okla.	18.31	14.65
CI68-1062 A 3-4-68	Sesco Production Co. (Operator) et al., Post Office Box 6102, Longview, Tex. 75601.	Lone Star Gas Co., Northeast Henderson (Travis Peak) Field, Rusk County, Tex.	15.0	14.65
CI68-1063 A 3-4-68	Cayman Corp., Post Office Box 2099, Palos Verdes Peninsula, Calif. 90274.	Colorado Interstate Gas Co., Adams Ranch, Meade County, Kans.	16.0	14.65
CI68-1064 B 3-4-68	Conservation Oil & Gas Co., Parkersburg National Bank, 514 Market St., Parkersburg, W. Va. 26101.	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	Uneconomical	-----
CI68-1065 B 3-4-68	McNeill Oil & Gas Co., c/o Mr. Clifford McCray, agent, Smithville, W. Va. 26178.	Consolidated Gas Supply Corp., Murphy and Union Districts, Ritchie County, W. Va.	Uneconomical	-----
CI68-1066 B 3-4-68	Warren L. Taylor et al., c/o James J. Caron, agent, 6415 West 84th Pl., Los Angeles, Calif. 90052.	Consolidated Gas Supply Corp., Hamilton and Beaver Districts, Nicholas County, W. Va.	Uneconomical	-----
CI68-1067 B 3-4-68	Knapp Oil & Gas Co., c/o W. H. Mossor, agent, Box 204, Harrisville, W. Va. 26362.	Consolidated Gas Supply Corp., New Milton District, Doddridge County, W. Va.	Uneconomical	-----
CI68-1068 B 3-4-68	Smith Drilling Contractors, Inc. et al., Rural Delivery no. 1, Box 66, Chester, W. Va. 26034.	Consolidated Gas Supply Corp., Meade District, Tyler County, W. Va.	Uneconomical	-----
CI68-1069 B 3-4-68	Neal Rudder et al., Box 126, Belpre, Ohio 45714.	Consolidated Gas Supply Corp., Central District, Doddridge County, W. Va.	Uneconomical	-----
CI68-1070 A 3-4-68	Maynard Buck et al., 318 Lincoln Ave., Cadiz, Ohio 43907.	United Fuel Gas Co., acreage in Kanawha County, W. Va.	27.5	15.325
CI68-1071 A 3-4-68	Union Oil Co. of California (Operator) et al., Union Oil Center, Los Angeles, Calif. 90017.	Michigan Wisconsin Pipe Line Co., Creole Field, West Cameron Area, Offshore Louisiana.	21.25	15.025
CI68-1072 (G-8204) F 2-26-68	Gail Nutter et al. (successor to Ervin Stump et al.), Grantsville, W. Va. 26147.	Consolidated Gas Supply Corp., Sherman District, Calhoun County, W. Va.	20.0	15.325
CI68-1073 B 2-29-68	Sinclair Oil & Gas Co.	Arkansas Louisiana Gas Co., Waskom Field, Harrison County, Tex.	Depleted	-----

¹ Purchaser does not have a low-pressure system servicing the area of production.

² Cover letter dated Jan. 30, 1968, states Applicant agrees to accept authorization for additional acreage containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.

³ Rate in effect subject to refund in Docket No. RI65-351.

⁴ Includes 1.75-cent tax reimbursement.

⁵ Deletes 205 acre tract (S. E. Smith Lease).

⁶ Adds acreage acquired from Marion Corp. and Baille W. Vinson. Subject acreage was previously acquired by Marion Corp. from Mobil Oil Corp., Docket No. CI63-1300.

⁷ Price currently being collected subject to refund in Docket No. RI66-349.

⁸ Gas has never been delivered from subject leases and leases have terminated.

⁹ Includes 2.55 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

¹⁰ Subject to upward and downward B.t.u. adjustment.

¹¹ Gas is no longer being sold in Interstate commerce.

¹² Applicant states its willingness to accept certificate conditioned at 15 cents per Mcf, plus proportional B.t.u. adjustment.

¹³ Includes 1.31 cents upward B.t.u. adjustment.

[F.R. Doc. 68-3257; Filed, Mar. 18, 1968; 8:45 a.m.]

[Project No. 2102]

WARRIOR RIVER ELECTRIC COOPERATIVE ASSOCIATION

Notice of Application for Surrender of License for Unconstructed Project

MARCH 13, 1968.

Public notice is hereby given that application for surrender of license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Warrior River Electric Cooperative Association (correspondence to: L. Gordon Turner, Manager, Warrior River Electric Cooperative Association, 209 Building Six, Office Park Circle, Birmingham, Ala. 35223) for un-

constructed Project No. 2102, to be located on Locust Fork of Black Warrior River, Blount County, Ala., in the vicinity of Oneonta.

The proposed project would have consisted of two developments, each compromised of a dam, storage reservoir, powerhouse, and appurtenant facilities.

A license was issued for the proposed project for a period of 50 years, effective as of June 1, 1955. According to the application, the licensee has been unable to proceed with actual construction of the project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in ac-

cordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 1, 1968. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-3265; Filed, Mar. 18, 1968; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

CENTRAL BANKING SYSTEM, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Central Banking System, Inc., Oakland, Calif., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of Central Valley National Bank, Oakland, Calif., and the First National Bank of Fresno, Fresno, Calif.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222-4(a)(1) of Federal Reserve Regulation Y (12 CFR 222.4(a)(1)), an application by Central Banking System, Inc., Oakland, Calif., for the Board's prior approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of Central Valley National Bank, Oakland, Calif., and the First National Bank of Fresno, Fresno, Calif.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of receipt of the application and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 26, 1967 (32 F.R. 13468), which provided an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement¹ of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the thirtieth calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of San Francisco.

NOTICES

Dated at Washington, D.C., this 11th day of March 1968.

By order of the Board of Governors.²

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-3266; Filed, Mar. 18, 1968;
8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry and Withdrawal From Warehouse for Consumption

MARCH 18, 1968.

On June 2, 1967, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of Mexico concerning exports of cotton textiles and cotton textile products from Mexico to the United States. The agreement provides annual limitations on exports of all cotton textiles and cotton textile products from Mexico to the United States for the successive 12-month periods beginning May 1, 1967, and extending through April 30, 1971.

Entries into the United States for consumption and withdrawals from warehouse for consumption of cotton textile products in Categories 28 through 64, produced or manufactured in Mexico and exported to the United States from Mexico on or after May 1, 1967, have exceeded the Group limit provided for in the agreement. Consultations with the Government of Mexico concerning these exports are now in progress. A subject of such consultations will be provision for the entry of goods affected by the directive published below.

Accordingly, there is published below a letter of March 15, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that as soon as possible after March 14, 1968, and until further notice entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 28 through 64, produced or manufactured in Mexico and exported to the United States from Mexico during the period beginning May 1, 1967, and extending through April 30, 1968, be prohibited, subject to arrangements between the two governments initiated at the request of the Government of Mexico that may provide for the entry of particular shipments pursuant to paragraph 12 of the bilateral

cotton textile agreement. Any goods so entered will be charged against the Group limit for the next agreement year.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

WASHINGTON, D.C. 20230
March 15, 1968

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on June 13, 1967, by the Chairman, President's Cabinet Textile Advisory Committee, regarding imports of cotton textiles and cotton textile products produced or manufactured in Mexico.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textile done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible after March 14, 1968, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 28 through 64, produced or manufactured in Mexico and which have been exported to the United States from Mexico during the period beginning May 1, 1967, and extending through April 30, 1968.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the *FEDERAL REGISTER*.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce, Chairman,
President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68-3425; Filed, Mar. 18, 1968;
10:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2885]

BORG-WARNER CORP. (DELAWARE)

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 13, 1968.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Borg-Warner Corp. (Delaware), File No. 7-2885.

Upon receipt of a request, on or before March 28, 1968, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBoIS,
Secretary.

[F.R. Doc. 68-3272; Filed, Mar. 18, 1968;
8:45 a.m.]

[File No. 1-4672]

CAMEO-PARKWAY RECORDS, INC.

Order Suspending Trading

MARCH 13, 1968.

The common stock, 10 cents par value, of Cameo-Parkway Records, Inc., Philadelphia, Pa., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Cameo-Parkway Records, Inc., 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 American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 14, 1968, through March 23, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBoIS,
Secretary.

[F.R. Doc. 68-3273; Filed, Mar. 18, 1968;
8:45 a.m.]

² Voting for this action: Vice Chairman Robertson, and Governors Mitchell, Daane, Brimmer, and Sherrill. Absent and not voting: Chairman Martin, and Governor Maisel.

NOTICES

[70-4602]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Proposed Issue and Sale
of Bonds and Debentures at Com-
petitive Bidding

MARCH 13, 1968.

Notice is hereby given that Indiana & Michigan Electric Co. ("I&M"), 2100 Spy Run Avenue, Fort Wayne, Ind. 46801, an electric utility subsidiary company of American Electric Power Co., Inc. ("AEP"), 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 transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

I&M proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, \$35 million principal amount of its first mortgage bonds, ---- percent series due 1998. The bonds will be dated as of the first day of the month in which they are issued. The interest rate of the bonds (which will be a multiple of one-eighth of 1 percent) and the price to be paid to I&M (which will be not less than 100 percent nor more than 102 1/4 percent of the principal amount thereof, excluding accrued interest) will be determined by the competitive bidding. The bonds will be issued under the mortgage and deed of trust, dated as of June 1, 1939, between I&M and Irving Trust Co., New York, N.Y., and E. J. McCabe (successor individual trustee), as trustees, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated as of the first day of the month in which the bonds are issued.

I & M also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, \$15 million aggregate principal amount of ---- percent sinking fund debentures due 1998. The debentures will be dated as of the first day of the month in which they are issued. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price to be paid to I & M (which shall be not less than 100 percent nor more than 102 1/4 percent of the principal amount thereof, excluding accrued interest) will be determined by the competitive bidding. The debentures will be issued under an Agreement, dated as of June 1, 1961, between I & M and United States Trust Co. of New York, as trustee, as heretofore supplemented and as to be further supplemented by a supplemental agreement to be dated as of the first day of the month in which the debentures are issued.

The net proceeds from the sale of the bonds and debentures, together with capital contributions from AEP in the amount of \$10 million, made pursuant to prior authorization, will be used to finance construction and to prepay up to

\$34,500,000 of short-term notes payable to banks issued for such purpose. Any remaining balance will be used for general corporate purposes. Construction expenditures for 1968 are estimated at \$73,508,000.

The application states that the issue and sale of the bonds and debentures are subject to authorization by the Public Service Commission of Indiana, the State commission of the State in which I & M is organized and doing business, and by the Michigan Public Service Commission, the State commission of the State in which I & M is qualified to and is doing business. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses relating to the proposed transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than April 16, 1968, request in writing that a hearing be held on 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 if the Commission should order a hearing thereon. 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 (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 advise 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. 68-3274; Filed, Mar. 18, 1968;
8:46 a.m.]WYOMING NUCLEAR CORP.
Order Suspending Trading

MARCH 13, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Wyoming Nuclear Corp., North Hollywood, Calif., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 14, 1968, through March 16, 1968, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DUBoIS,
Secretary.[F.R. Doc. 68-3275; Filed, Mar. 18, 1968;
8:46 a.m.]INTERSTATE COMMERCE
COMMISSION

[Notice 568]

MOTOR CARRIER TEMPORARY
AUTHORITY APPLICATIONS

MARCH 14, 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 1872 (Sub-No. 67 TA), filed March 7, 1968. Applicant: ASHWORTH TRANSFER, INC., 1526 South 600 West Street, Salt Lake City, Utah 84104. Applicant's representative: Keith E. Taylor, 520 Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) (1) Such commodities, as require special equipment and handling by reason of their unusual weight, bulk, or length, and in connection therewith, materials and supplies not of unusual weight, bulk, or length, used or to be used in construction, road building, mining, telephone, or demolition projects, in truck loads of not less than 4,000 pounds, and (A) (2) commodities which do not require the use of special equipment or handling, other than such "materials and supplies" as set forth in paragraph 1 hereof, when moving in the same shipment, on the same

bill of lading and for the same consignee as commodities which, because of size or weight, require the use of special equipment, between points in Montana, Nevada, Utah, and Wyoming, points in Arizona, north and west of the Colorado River, points in Colorado, on and west of U.S. Highway 85, and points in that part of Idaho, south of, but not including Idaho County, Idaho. Note: Applicant presently holds the authority in (1) above and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above.

(B) (1) *Such commodities as require special handling or special equipment by reason of weight or size, in truck loads, and;* (B) (2) *commodities which do not require the use of special equipment when moving in the same shipment, on the same bill of lading and for the same consignee as commodities which because of size or weight require the use of special equipment, between points in Utah, Nevada, Idaho, Montana, Wyoming, Colorado, and Arizona.* Such service authorized above is subject to the following restrictions: Service is not authorized between points served by railroad, where both origin and destination are located on a railroad line; service is not authorized to or from points in Nye, Esmeralda, and Mineral Counties, Nev.; service is not authorized to or from railheads in Nevada where origin or destination is a point in Nevada; service is not authorized between points in Nevada, on the one hand, and, on the other, points in Arizona and Idaho. Note: Applicant presently holds the authority in (1) above and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. (C) (1) *Such commodities as require special handling or special equipment by reason of weight or size, explosives, lumber, building materials, and mining equipment and supplies, and*

(C) (2) *Commodities which do not require special handling or the use of special equipment when moving in the same shipment, on the same bill of lading and for the same consignee as commodities which because of size or weight require special handling or the use of special equipment, between Salt Lake City, Utah, and points in Utah within 50 miles of Salt Lake City, Utah, on the one hand, and, on the other, points in Teton, Lincoln, Sublette, and Uinta Counties, Wyo., points in Nevada, and points in Idaho, except points north of the Salmon River.* Note: Applicant presently holds the authority in (1) above and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above. (D) (1) *Commodities, the transportation of which, because of size or weight, require the use of special equipment, and materials, supplies, and equipment used in telephone and power pole lines, and* (D) (2) *commodities which do not require the use of special equipment when moving in the same shipment, on the same bill of lading and for the same consignee as commodities which, because of size or weight require the use of special equipment, between points in Utah, on the one hand, and, on the other, points in New Mexico.* Note: Applicant presently holds the authority in (1) above and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above.

regular routes, transporting: *Fertilizer, fertilizer materials, and blends thereof, in bulk, and in bags and containers, from points in Hale County, Tex., to points in Nevada.* Note: Applicant does not intend to tack, for 150 days. Supporting shipper: Occidental Chemical Co., Post Office Box 1185, Houston, Tex. 77001. 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 107456 (Sub-No. 15 TA), filed March 7, 1968. Applicant: HARRY L. YOUNG & SONS, INC., 542 West 600 South Street, Post Office Box 1104, Salt Lake City, Utah 84110. Applicant's representative: Keith E. Taylor, 520 Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities, which, because of size or weight, require special handling or special equipment, and* (2) *commodities which do not require special handling or the use of special equipment when moving in the same shipment, on the same bill of lading and for the same consignee as commodities which, because of size or weight, require special handling or the use of special equipment, between Salt Lake City, on the one hand, and, on the other, points in Arizona, Idaho, Montana, Nevada, and California.* Note: Applicant presently holds the authority in (1) above and is not requesting any extension of territory. Applicant is seeking only an extension of authority in (2) above, for 180 days. Note: Applicant intends to tack its authority with other authority listed in appendix 1 herein, and to interline in all States as is now done under its present authority as also listed in appendix 1. Supporting shippers: There are approximately 10 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: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 76065 (Sub-No. 17 TA), filed March 7, 1968. Applicant: EHRLICH-NEWMARK TRUCKING CO., INC., 248 West 35 Street, New York, N.Y. 10001. Applicant's representative: Martin Werner, 2 West 45 Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, loose, on hangers, from Richmond, Va., to Washington, D.C., Baltimore, Md., Wilmington, Del., Philadelphia, Pa., New York, N.Y., and Secaucus, N.J., for 150 days.* Supporting shipper: Friedman-Marks, 1400 West Marshall Street, Richmond, Va. 23220. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 107064 (Sub-No. 63 TA), filed March 7, 1968. Applicant: STEERE TANK LINES, INC., Post Office Box 2998, Dallas, Tex. 75221, 2808 Fairmount Street, Dallas, Tex. 75201. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over ir-

No. MC 113495 (Sub-No. 32 TA), filed March 7, 1968. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 5266, Nashville, Tenn. 37206, Nashville, Tenn. 37213. Applicant's representative: E. T. Gregory (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment; winches; compaction and roadmaking equipment, rollers, self-propelled and non-self-propelled; mobile cranes; and highway freight trailers, and* (2) *parts, attachments, and accessories for the commodities described in (1) above, between the plantsites of the Hyster Co. located at or near Danville, Kewanee, and Peoria, Ill., on the one hand, and, on the other, points in Tennessee, Virginia, West Virginia, and North Carolina.* Restriction: Restricted to traffic originating at or destined to the

NOTICES

above-named plantsites, for 180 days. Supporting shipper: Hyster Co., 2902 Northeast Clackamas, Portland, Oreg. 97208. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 124813 (Sub-No. 53 TA), filed March 7, 1968. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from Depue, Ill., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin; and from Riverdale and Colfax, Ill., to points in Indiana, Michigan, Missouri, Ohio, and Wisconsin; and from Des Moines, Iowa, to points in Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: The New Jersey Zinc Co., 160 Front Street, New York, N.Y. 10038. Send protests to: Ellis L. Annett, District Supervisor Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 126780 TA (Notice of Filing of Petition to Add Shipper), dated January 25, 1968. Petitioner: MACK E. BURGESS, doing business as BUILDERS TRANSPORT, Great Falls, Mont. Petitioner's representative: Howard C. Burton, 504 Strain Building, Great Falls, Mont. 59401. Petitioner holds authority in No. MC 126780 TA, to conduct operations as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt roofing and siding products*, from Tacoma, Wash., and points within 15 miles thereof, to points in Montana; *lumber, millwork, and plywood*, from Elliott, Wash., and points within 100 miles of Elliott, and from Pullman, Wash., and points within 150 miles of Pullman, except points in Montana, and from Rainbow, Oreg., to points in Montana; and *returned shipments* of the above commodities, from points in Montana, to the above-named origins and points in the above-described origin areas, restricted to service on behalf of Joseph Adair Lumber Co., Lumber Yard Supply Co., and Grpgan Robinson Lumber Co. The above authority was originally granted for 180 days beginning May 10, 1965, and has since been extended indefinitely pending final determination of the corresponding permanent authority application in No. MC 126780 (Sub-No. 1). By the instant petition, petitioner requests permission to add Georgia-Pacific Corp., of Great Falls, Mont., as an additional contracting shipper. Any person or persons desiring to object, may, within 15 days from the date of this publication in the FEDERAL REGISTER, send such protests to District Supervisor Paul J. Labane, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 126884 (Sub-No. 3 TA), filed March 7, 1968. Applicant: FROST TRUCKING CO., INC., 677 Washington Street, New York, N.Y. 10014. Applicant's representative: George Olsen, 69 Tonelle Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books and paper*, between points in New York and New Jersey, for 150 days. Supporting shippers: Franklin Watts, Inc., 575 Lexington Avenue, New York, N.Y.; A-Betta Book Service, 175 Pearl Street, Brooklyn, N.Y. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y.

No. MC 128205 (Sub-No. 7 TA) (Correction), filed February 26, 1968, published FEDERAL REGISTER, issue March 6, 1968, and republished as corrected this issue. Applicant: BULKMATIC TRANSPORT COMPANY, 4141 West George Street, Schiller Park, Ill. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, (1) from Depue, Ill., to points in Ohio, Illinois, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Kansas, Missouri, Nebraska, North Dakota, and South Dakota; (2) from Riverdale and Colfax, Ill., to points in Indiana, Michigan, Missouri, Ohio, and Wisconsin; and (3) from Des Moines, Iowa, to points in Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. NOTE: The purpose of this republication is to give correct address of supporting shipper. Supporting shipper: M. K. Scheuing, Supervisor-Motor Carrier Transportation, The New Jersey Zinc Co., 160 Front Street, New York, N.Y. 10038. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 129658 (Sub-No. 1 TA) (Correction), filed February 29, 1968, published FEDERAL REGISTER, issue of March 8, 1968, and republished as corrected, this issue. Applicant: MARKO TRUCKING CORPORATION, 1804 Baldwin Court, Trenton, Mich. 48183. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exothermic materials and rimming agents*, on flat bed equipment, from McKees Rocks, Pa. to points in Michigan, Ohio, Indiana, and Illinois, under continuing contract or contracts with Metallurgical Exoproducts Corp. of McKees Rocks, Pa., for 180 days. Supporting shipper: Metallurgical Exoproducts Corporation, Post Office Box 193, McKees Rocks, Pa. NOTE: The purpose of this republication is to show that applicant seeks to operate as a *contract carrier* and not as a *common carrier*, as previously published in error. Send protests to: Gerald J. Davis, District Supervisor, Interstate Commerce

Commission, Bureau of Operations, 1110 Broderick Tower Building, 10 Witherell Street, Detroit, Mich. 48226.

No. MC 129745 TA, filed March 7, 1968. Applicant: B & R TRUCKING COMPANY, INC., Post Office Box 128, Altenburg, Mo. 63732. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood chips*, loose or in bulk, from Altenburg, Mo., to Alton, Ill., Calvert City and Wickliffe, Ky., and (2) *waste wood*, on pallets on open trucks, from Pinckneyville, Ill., to Altenburg, Mo., for 180 days. Supporting shipper: National Distillers Products Co., division of National Distillers & Chemical Corp., 99 Park Avenue, New York, N.Y. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 324B, 1520 Market Street, St. Louis, Mo. 63103.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-3303; Filed, Mar. 18, 1968;
8:47 a.m.]

[Notice 108]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 14, 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-70189. By order of March 8, 1968, the Transfer Board approved the transfer to Elinor L. Pope and Alfred R. Jackson, a partnership, doing business as Jackson's Transfer & Storage Co., Rocky Ford, Colo., of the certificate of registration in No. MC-57975 (Sub-No. 2) issued February 4, 1964, to Ronald M. Jackson, doing business as Jackson's Transfer & Storage, Rocky Ford, Colo., evidencing a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the service authorized by certificate of public convenience and necessity public utilities commission No. 244, granted by decision No. 1549, dated January 6, 1928, as extended by decision No. 2768, dated February 28, 1930, issued by the Public Utilities Commission of the State of Colorado. John P. Thompson, 450 Capitol Life Building, Denver, Colo. 80203, attorney for applicants.

No. MC-FC-70214. By order of March 11, 1968, the Transfer Board approved

NOTICES

4715

the transfer to Larmer Transfer Co., a corporation, Salem, Oreg., of the operating rights in certificate No. MC-114331 issued August 19, 1960, to Salem Sand & Gravel Co., a corporation, Salem, Oreg., authorizing the transportation, over irregular routes, of heavy machinery and other commodities, the transportation of which because of size or weight requires the use of special equipment, and related machinery parts, equipment, and supplies between points in Marion, Polk, Benton, Lincoln, and Linn Counties, Oreg., on the one hand, and, on the other, points in Modoc, Siskiyou, Del Norte, Humboldt, Trinity, Shasta, and Lassen Counties, Calif. William B. Adams, 624 Pacific Building, Portland, Oreg. 97204, attorney for applicants.

No. MC-FC-70279. By order of March 8, 1968, the Transfer Board approved the transfer to Ascot Van Lines, Inc., De Witt, N.Y., of the operating rights in certificate No. MC-81959 issued March 31, 1950, to Rimback Storage Co., a corporation, Millburn, N.J., authorizing the transportation, over irregular routes, of household goods between points in New Jersey and New York, on the one hand, and, on the other, points in New Hampshire, Connecticut, Massachusetts, New York, New Jersey, Vermont, Pennsylvania, Maryland, Virginia, North Carolina, Rhode Island, Ohio, Alabama, Illinois, Delaware, Georgia, and the District of Columbia; between points in Pennsylvania and Connecticut, on the

one hand, and, on the other, points in Massachusetts, Connecticut, Pennsylvania, Maryland, Ohio, Illinois, and the District of Columbia; between points in New York, on the one hand, and, on the other, points in Indiana and Michigan; and between points in Massachusetts, on the one hand, and, on the other, points in Georgia and the District of Columbia. Alvin Altman, 1776 Broadway, New York, N.Y. 10019, and Robert J. Gallagher, 66 Central Street, Wellesley, Mass. 02181, attorneys for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-3304; Filed, Mar. 18, 1968;
8:47 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—MARCH

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during March.

3 CFR	Page	7 CFR—Continued	Page	10 CFR	Page
PROCLAMATIONS:				PROPOSED RULES:	
3831	3619	950	4515	150	4109, 4377, 4631
3832	4091	980	4106, 4365		
3833	4167	1125	4515		
3834	4363	1464	3633		
3835	4397	1474	4452		
EXECUTIVE ORDERS:		PROPOSED RULES:			
5903 (revoked by PLO 4371)	3636	52	4335		
6697 (revoked by PLO 4371)	3636	68	4375		
6868 (modified by EO 11401)	4459	907	3639, 4417, 4629		
7784-A (see EO 11401)	4459	908	3641		
8033 (see EO 11401)	4459	929	4188		
8647 (revoked in part by PLO 4374)	4333	932	4107		
8652 (revoked in part by PLO 4376)	4333	950	4188		
9344 (see EO 11401)	4459	953	4517		
9916 (see EO 11401)	4459	966	4188		
10128 (see EO 11401)	4459	989	3641		
10830 (amended by EO 11398)	4169	991	4417		
11074 (revoked by EO 11398)	4169	1001	4419		
11248 (amended by EO 11400)	4507	1002	4419		
11398	4169	1003	4419		
11399	4245	1004	4419		
11400	4507	1005	4581		
11401	4459	1015	4419		
5 CFR		1016	4419		
213	4399, 4451, 4615	1033	4581		
307	4615	1034	4581		
315	4615	1035	4581		
550	4399	1040	4261, 4517		
1700	4615	1041	4680		
7 CFR		1043	4268		
52	4104	1046	4581		
208	4616	1049	4581		
401	4399	1073	4474, 4585		
601	4309	1106	4586		
722	4451	1125	4191		
905	4514, 4561	1126	4586		
906	4247	1132	4586		
907	4247, 4514	1201	4629		
908	4247, 4514	8 CFR			
909	4617	211	4561		
910	4105, 4365, 4399, 4617, 4655	235	4562		
913	4105, 4365	238	4562		
944	4561	343a	4562		
948	4452	9 CFR			
		97	4248		
		PROPOSED RULES:			
		51	4260		
		201	4682		

16 CFR	Page	26 CFR	Page	39 CFR—Continued	Page
13	4097	PROPOSED RULES:		PROPOSED RULES:	
	4135, 4136, 4249, 4250, 4405, 4618, 4655.	1	4414	151	3639
15	4137, 4250, 4511			155	4199
500	4718				
503	4723				
PROPOSED RULES:					
	244				
17 CFR		4271			
200	4369				
201	4369				
230	4369				
260	4369				
270	4369				
PROPOSED RULES:					
	230				
	240				
	3651, 4209, 4632				
	250				
	4209				
18 CFR					
159	4665				
260	4460				
PROPOSED RULES:					
	607				
	3639				
19 CFR					
1	3633, 3634				
8	4406				
10	4373, 4461				
16	4461				
18	4406				
32	4323				
PROPOSED RULES:					
	4				
	4679				
	25				
	4260				
20 CFR					
614	3635				
PROPOSED RULES:					
	405				
	4629				
21 CFR					
2	4462				
14	4656				
27	4574				
31	4098				
120	4138, 4172, 4326, 4407, 4658				
121	4098, 4138, 4173, 4327, 4408, 4575, 4576, 4618, 4659.				
141	4099				
141a	4099				
141d	4101				
145	4099				
146d	4101				
166	3635				
281	4462				
PROPOSED RULES:					
	1				
	4420				
	3				
	4144				
	28				
	4587				
24 CFR					
221	4620				
26 CFR					
102	4139				
1600	4329				
29 CFR					
18	4660				
34	4660				
PROPOSED RULES:					
	11				
	4468				
30 CFR					
54	4677				
128	4576				
316	4256				
401	4257				
402	4257				
403	4257				
405	4257				
406	4257				
32 CFR					
156	4462				
293	4618				
803	4512				
809a	4462				
1001	4173				
1002	4176				
1003	4176				
1004	4177				
1005	4178				
1006	4178				
1007	4179				
1009	4179				
1015	4185				
1018	4185				
1054	4185				
1060	4185				
1606	4677				
32A CFR					
PROPOSED RULES:					
OIA (Ch. X):					
OI Reg. 1			4628		
33 CFR					
117	4373, 4576, 4674				
204	4463, 4464				
207	4464				
208	4464				
36 CFR					
200	4139				
PROPOSED RULES:					
	7				
	4679				
38 CFR					
1	4140				
17	4140				
39 CFR					
Ch. I	3635, 4141, 4185, 4310, 4465				
124	4512				
126	4251				
151	4251				
155	4252				
221	3635				
246	4465				
39 CFR—Continued					
PROPOSED RULES:					
	151				
	3639				
	155				
41 CFR					
6-3	4674				
7-1	4252				
7-6	4252				
9-7	4253				
9-8	4253				
9-16	4253				
11-1	3636				
39-1	4185				
39-10	4676				
101-47	4408				
109-40	4140				
42 CFR					
73	4620				
43 CFR					
3100	4465				
3120	4465				
PUBLIC LAND ORDERS:					
2546 (revoked in part by PLO					
4377)					
4317 (corrected by PLO 4376)					
4371	4336				
4372	4333				
4373	4332				
4374	4333				
4375	4333				
4376	4333				
4377	4332				
4378	4400				
4379	4513				
46 CFR					
526	4626				
PROPOSED RULES:					
	514				
47 CFR					
0	3637				
2	4258				
21	4577				
25	3638				
73	4102, 4186, 4187, 4408				
74	4258, 4408				
89	4103				
93	4103				
97	4466				
PROPOSED RULES:					
	73				
	4110, 4202, 4204-4206, 4378, 4474, 4694.				
49 CFR					
1000	4370				
1041	4467				
1048	4626				
PROPOSED RULES:					
	173				
	178				
	1048				
50 CFR					
28	4104				
32	4104				
33	4104, 4187, 4259, 4513				

FEDERAL REGISTER

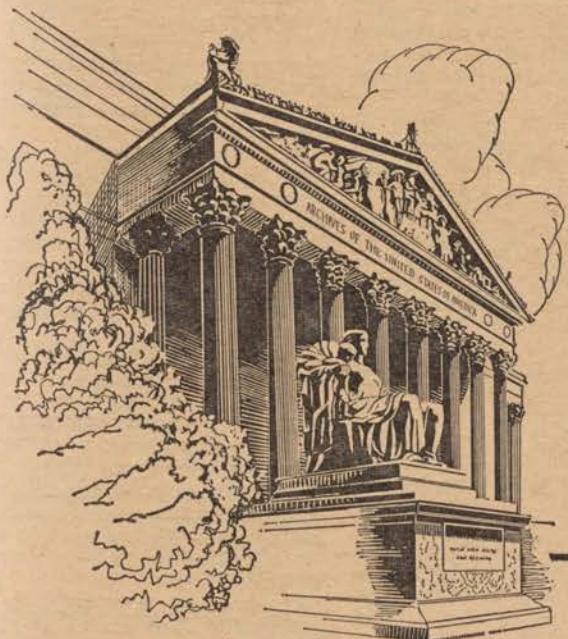
VOLUME 33 • NUMBER 54

Tuesday, March 19, 1968 • Washington, D.C.

PART II

Federal Trade Commission

•
FAIR PACKAGING AND
LABELING ACT



RULES AND REGULATIONS

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENT OF GENERAL POLICY OR INTERPRETATION AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 500—REGULATIONS UNDER SECTION 4 OF THE FAIR PACKAGING AND LABELING ACT

In the matter of promulgating the enforcement regulations (16 CFR Part 500) with respect to the requirements of the Fair Packaging and Labeling Act (Public Law 89-755) to (1) set forth the requirements regarding statements which shall appear on the labels of consumer commodities as defined in section 10 of that Act, excepting food, drugs, devices, cosmetics and certain additional commodities which are subject to regulation by other Federal agencies, and to (2) establish an exemption procedure for such commodities:

In response to the notice of proposed rule making in the above identified matter published in the *FEDERAL REGISTER* of June 27, 1967 (32 F.R. 9109), over 130 comments were submitted by Federal and State officials, private citizens, and representatives of industry. These comments have been duly considered. The Committee on Laws and Regulations of the National Conference of Weights and Measures has been consulted and the opinions of other State officials have been solicited on many provisions of the proposal, since it is the intent of the Act as stated in section 12, to supersede any and all laws of the States or political subdivisions thereof insofar as they may now or hereafter provide for the labeling of the net quantity of contents of the package of any consumer commodity covered by this Act which are less stringent than or require information different from the requirements of section 4 of this Act or regulations promulgated pursuant thereto and because it is a matter of traditional State interest. Discussions of the proposals were also had with other Federal officials. Information presented to the Federal Trade Commission from these and other sources has been carefully reviewed and evaluated. The Federal Trade Commission's decisions on the major issues raised in the proposal and responses thereto are as follows:

1. Proposed § 500.1 is revised to make clear that in addition to those commodities which are contained in a package, the Act also applies to consumer commodities which are merely labeled. This revision reflects the language of section 3(a) of the Act which provides that it is unlawful to distribute in commerce any consumer commodity bearing a non-conforming label "if such commodity is contained in a package, or if there is affixed to that commodity a label". The word "packaged" which modified the words "consumer commodities" in the proposed section of the regulations has been deleted to reflect this fact. The sec-

tions which contain similar phrases elsewhere in these regulations have been revised in like fashion.

2. Proposed § 500.2(d) is revised to permit the use of transparent wrappers or containers which do not bear written, printed, or graphic matter obscuring required label information. The Commission is of the opinion that the reprinting of required label information on transparent wrappers is unnecessary for the protection of consumers and would be unduly burdensome to manufacturers utilizing such materials.

3. Proposed § 500.2(h) is revised to provide that the principal display panel of a label appearing on a cylindrical surface is that 40 percent of the circumference which is most likely to be displayed, presented or shown, or examined under normal and customary conditions of display for retail sale. The Commission is of the opinion that the principal display panel of such cylindrical containers was not adequately defined in the proposed regulations. The revision makes clear that the principal display panel of a cylinder may not be construed to be so large as to permit the placement of required information in an obscure position. In the interest of clarity, the section is further revised to provide a definition for the principal display panel of decorative containers, containers having a capacity of $\frac{1}{4}$ ounce or less, and display cards to which the immediate container of the commodity is affixed.

4. Proposed § 500.4(c) (3) is revised to permit a statement of function as an appropriately descriptive designation in the absence of names now or hereafter specified in, or required by, any applicable federal law or regulation and in the absence of a common or usual name of a commodity. The Commission is of the opinion that in certain instances a statement of function would be more accurate in informing the consumer as to the nature of the product than would a strictly generic term.

5. Proposed § 500.4(d) is revised to permit, in designated circumstances, the ingredients utilized in the manufacture of a product, but not present in the final product due to conversion or transformation into a different entity, to appear in the specification of identity. The Commission is of the opinion that the inclusion of such ingredients in the specification of identity, when present in substantial or significantly effective amounts, will serve to more fully inform the consumer and facilitate the making of value comparisons.

6. Proposed § 500.5(c) is revised to require that the statement of the place of business include street addresses unless shown in a current city or telephone directory and the ZIP Code in all cases. The Commission is of the opinion that the ZIP Code is an essential part of a manufacturer's address, but that requiring street addresses in addition to the ZIP Code would constitute an unreasonable burden on manufacturers, packers and distributors. The revision reflects requests for further clarification as to what constitutes an adequate mailing address under the Act.

7. Proposed § 500.6(b) is revised to permit printed label information to appear at the left or right of the declaration of net quantity on the principal display panel, so long as such information is separated by a space at least equal to twice the width of the letter "N" of the style of type used in the net quantity statement. The section is further revised to require the printing of such information within the bottom 30 percent of the area of the label. The Commission is of the opinion that to absolutely prohibit other label information from appearing to the right or left of the net quantity statement on the principal display panel would be unduly burdensome on manufacturers and that the requirement as revised is sufficient to properly inform and protect the interests of the consuming public. The Commission takes notice of the views of State officials and others to the effect that uniform requirements should be established by the promulgating authorities under the Act.

8. Proposed § 500.7 is revised to provide for statement of quantity in terms of cubic measurement when appropriate.

9. Proposed § 500.8(b) is revised to require that in the case of petroleum products the declaration shall express the volume at 60° Fahrenheit (15.6° Centigrade) in accordance with commonly accepted standards for measurement of such products.

10. Proposed § 500.11 is expanded into two sections, §§ 500.11 and 500.12, in the final order. The new section, § 500.12, alters the requirements for measurement statements as to bidimensional commodities by providing, in cited cases, that area measure be stated in addition to the declarations of length and width. The Commission is of the opinion that while dual declarations of length and width can be required under the Act, such statements would not effectively facilitate consumer value comparisons, but that a statement of area measure in lieu of dual declarations of length and width will provide useful and necessary value comparison information.

11. Proposed § 500.14 is redesignated § 500.16 and revised to require, except in cited cases, the use of certain standard common fractions: Halves, quarters, eighths, sixteenths, or thirty-seconds. The Commission is of the opinion that requiring the use of such fractions is necessary for realistic value comparisons by consumers.

12. Proposed § 500.15 is redesignated § 500.17 and revised to permit statements of net quantity to be blown, embossed, or molded on a glass or plastic surface when all label information is so formed. The Commission is of the opinion that permission for such labeling allows certain desirable manufacturing economies to be realized and will not work to the disadvantage of consumer interests recognized in the Act.

13. Proposed § 500.16(c) is redesignated § 500.18(b) and revised to require different type sizes than those proposed. The Commission takes notice to the views of State officials and others to the effect that uniform requirements should be established by the promulgating authorities under the Act.

14. Proposed § 500.18(a) is redesignated § 500.22(a) and revised to provide that in the case of commodities designed to be delivered from containers under pressure, the statement of net quantity shall declare the net quantity that will be expelled when instructions for use are followed. The Commission is of the opinion that a statement reflecting the net quantity of the contents that will be expelled when the instructions for use are followed is at present the best method for insuring accurate value comparisons. The Commission will work with the Food and Drug Administration, State officials, and industry in seeking practical and acceptable methods of analysis for determining net weight for pressurized containers.

15. Proposed § 500.23 is redesignated § 500.25 and the redesignated section describes the effective date of the order, and makes provisions for packages and labels in stock on the effective date of the regulation, and further provides for products subject to stays because of filing of objections or exemption proceedings.

Therefore, based on consideration of the comments received, the above-mentioned consultations and other relevant information the Federal Trade Commission concludes that the proposed regulations should be issued, with revisions and additions as set forth below. Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sec. 4, 6, 80 Stat. 1297, 1299, 1300; 15 U.S.C. 1453, 1454, 1455): *It is ordered*, That the regulations, as amended, be adopted as follows:

SCOPE

Sec. 500.1 Scope of the regulations in this part.

DEFINITIONS

500.2 Terms defined.

GENERAL REQUIREMENTS

500.3 Prohibited acts, coverage, general labeling requirements, exemption procedure.

IDENTITY

500.4 Statement of identity.

NAME AND PLACE OF BUSINESS

500.5 Name and place of business of manufacturer, packer, or distributor.

NET QUANTITY OF CONTENTS

500.6 Net quantity of contents declaration, location.

500.7 Net quantity of contents, method of expression.

500.8 Units of weight and measure.

500.9 Units of weight, how expressed.

500.10 Units of fluid measure, how expressed.

500.11 Measurement of commodity length, how expressed.

500.12 Measurement of commodities by length and width, how expressed.

500.13 Measurement of commodities by area measure only, how expressed.

500.14 Statements of cubic measure and dry measure.

500.15 Units of count, more than one ply.

500.16 Fractions.

500.17 Conspicuousness.

500.18 Type size in relationship to the area of the principal display panel.

500.19 Abbreviations.

Sec.	
500.20	Supplemental statements.
500.21	Metric equivalent.
500.22	Net quantity, average quantity, permitted variations.
500.23	Representations of servings, uses, applications.

ADMINISTRATIVE INTERPRETATION

500.24	Interpretations.
500.25	Filing of objections and effective date.

AUTHORITY: The provisions of this Part 500 issued under secs. 4, 6, 80 Stat. 1297, 1299, 1300; 15 U.S.C. 1453, 1454, 1455.

SCOPE

§ 500.1 Scope of the regulations in this part.

The regulations in this part establish requirements for labeling of consumer commodities as hereinafter defined with respect to identity of the commodity; the name and place of business of the manufacturer, packer, or distributor; the net quantity of contents; and net quantity of servings, uses, or applications represented to be present.

DEFINITIONS

§ 500.2 Terms defined.

As used in this part, unless the context otherwise specifically requires:

(a) The term "Act" means the "Fair Packaging and Labeling Act" (Public Law 89-755, approved Nov. 3, 1966; 80 Stat. 1296 et seq.; 15 U.S.C. 1451 et seq.).

(b) The term "regulation" or "regulations" means regulations promulgated by the Commission pursuant to sections 4, 5, and 6 of the Act (15 U.S.C. 1453, 1454, 1455).

(c) The term "consumer commodity" or "commodity" means any article, product, or commodity of any kind or class which is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for purposes of personal care or in the performance of services ordinarily rendered within the household, and which usually is consumed or expended in the course of such consumption or use. For purposes of the regulations in this part the term "consumer commodity" does not include any food, drug, device or cosmetic as defined by section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321); any meat or meat product, poultry or poultry product, or tobacco or tobacco product, any commodity subject to packaging or labeling requirements imposed by the Secretary of Agriculture pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, or the provisions of the eighth paragraph under the heading "Bureau of Animal Industry" of the Virus-Serum-Toxin Act (21 U.S.C. 151-157); any beverage subject to or complying with packaging or labeling requirements imposed under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.); any commodity subject to the provisions of the Federal Seed Act (7 U.S.C. 1551-1610).

(d) The term "package" means any container or wrapping in which any consumer commodity is enclosed for use in

the delivery or display of that commodity to retail purchasers. For purposes of the regulations in this part the term "package" does not include shipping containers or wrappings used solely for the transportation of any consumer commodity in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof unless used in retail display; shipping containers or outer wrappings used by retailers to ship or deliver any commodity to retail customers if such containers and wrappings bear no printed matter pertaining to any particular commodity; or containers subject to the provisions of the Act of August 3, 1912 (37 Stat. 250, as amended; 15 U.S.C. 231-233), the Act of March 4, 1915 (38 Stat. 1186, as amended; 15 U.S.C. 234-236), the Act of August 31, 1916 (39 Stat. 673, as amended; 15 U.S.C. 251-256), or the Act of May 21, 1928 (45 Stat. 685, as amended; 15 U.S.C. 257-2571); or transparent wrappers or containers which do not bear written, printed, or graphic matter obscuring any part of the label information required by this part.

(e) The term "label" means any written, printed, or graphic matter affixed to or appearing upon any consumer commodity or affixed to or appearing upon a package containing any consumer commodity; except that (1) an inspector's tag or other nonpromotional matter affixed to or appearing upon a consumer commodity shall not be deemed to be a label requiring the repetition of label information required by this part, and, (2) for the purposes of the regulations in this part the term "label" does not include written, printed, or graphic matter affixed to or appearing upon commodities, or affixed to or appearing upon containers or wrappers for commodities sold or distributed to industrial or institutional users.

(f) The term "person" includes any firm, corporation or association.

(g) The term "commerce" means (1) commerce between any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, and any place outside thereof, and (2) commerce within the District of Columbia or within any territory or possession of the United States, not organized with a legislature, but shall not include exports to foreign countries.

(h) The term "principal display panel" means that part of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale. The principal display panel must be large enough to accommodate all the mandatory label information required to be placed thereon by this part without obscuring designs, vignettes, or crowding. This definition does not preclude utilization of alternate principal display panels on the label of a package, but alternate principal display panels must duplicate the information required to be placed on the principal display panel by this part. This definition does not preclude utilization of the container closure as the surface bearing the prin-

RULES AND REGULATIONS

cial display panel if that label location is the one most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale. The principal display panel of a label appearing on a cylindrical surface is that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale. The principal display panel of a consumer commodity marketed in a decorative type container, or a container having a capacity of $\frac{1}{4}$ ounce or less, may be considered to be a tear-away tag or tape affixed to the container and bearing the mandatory label information as required by this part, but the type size of the net quantity of contents statement shall be governed by the dimensions of the container itself. The principal display panel of a consumer commodity marketed on a display card to which the immediate container of the commodity is affixed may be considered to be the display panel of the card, and the type size of the net quantity of contents statement is governed by the dimensions of the display card.

(i) The term "random packaged" means a package which is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights, that is, packages with no fixed weight pattern.

GENERAL REQUIREMENTS

§ 500.3 Prohibited acts, coverage, general labeling requirements, exemption procedure.

(a) No person engaged in the packaging or labeling of any consumer commodity for distribution in commerce, and no person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution in commerce of any packaged or labeled consumer commodity, shall distribute or cause to be distributed in commerce any such commodity if such commodity is contained in a package, or if there is affixed to that commodity a label, which does not conform to the provisions of the Act and of the regulations in this part.

(b) Persons engaged in business as wholesale or retail distributors of consumer commodities shall be subject to the Act and the regulations in this part to the extent that such persons are engaged in the packaging or labeling of consumer commodities, or prescribe or specify by any means the manner in which such consumer commodities are packaged or labeled.

(c) Each consumer commodity, unless it has been exempted through proceedings under section 5(b) of the Act (15 U.S.C. 1454(b)), shall, upon being prepared for distribution in commerce or for sale at retail, and before being distributed in commerce or offered for sale at retail, be labeled in accordance with the requirements of the Act and of the regulations in this part.

(d) Each consumer commodity, unless it has been exempted through proceed-

ings under section 5(b) of the Act, shall bear a label specifying the identity of the commodity; the name and place of business of the manufacturer, packer, or distributor; the net quantity of contents; and the net quantity per serving, use, or application, where there is a label representation as to the number of servings, uses, or applications obtainable from the commodity.

(e) Regulations will be promulgated by the Commission exempting particular consumer commodities from one or more of the requirements of section 4 of the Act and the regulations thereunder to the extent and under such conditions as are consistent with the declared policy of the Act whenever the Commission finds that, because of the nature, form, or quantity of the particular consumer commodity, or for other good and sufficient reasons, full compliance with all the requirements otherwise applicable is impracticable or is not necessary for the adequate protection of consumers. Proceedings for the promulgation of such exempting regulations may be commenced by the Commission upon its own initiative or pursuant to petition filed with the Secretary by any interested person or group stating reasonable grounds for the proposed exemption, pursuant to § 1.15 of this chapter of the Commission's general procedures.

IDENTITY

§ 500.4 Statement of identity.

(a) The principal display panel of a consumer commodity shall bear a specification of the identity of the commodity.

(b) Such specification of identity shall comprise a principal feature of the principal display panel, shall be in such type size and so positioned as to render it easily read and understood by the consumer, and shall be in lines generally parallel to the base on which the package or commodity rests as it is designed to be displayed.

(c) Such specification of identity shall be in terms of:

(1) The name now or hereafter specified in or required by any applicable Federal law or regulation; or in the absence thereof,

(2) The common or usual name of the commodity; or in the absence thereof,

(3) The generic name or in other appropriately descriptive terms such as a specification which includes a statement of function.

(d) The specification of identity shall not be false, misleading, or deceptive in any respect. Ingredients or components which are not present in the commodity in a substantial or significantly effective amount may not be mentioned in the specification of identity; except that a component present in a formulation in substantial and effective amounts, but not present in the final product due to conversion or transformation into a different entity (which different entity is present in the final product), may be mentioned in the specification of identity.

NAME AND PLACE OF BUSINESS

§ 500.5 Name and place of business of manufacturer, packer, or distributor.

(a) The label of a consumer commodity shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor. Where the consumer commodity is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such commodity; such as "Manufactured for _____," "Distributed by _____," or any other wording that expresses the facts.

(b) The requirement for declaration of the manufacturer, packer, or distributor shall in the case of a corporation be deemed to be satisfied only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used.

(c) The statement of the place of business shall include the street address, city, State, and Zip Code; however the street address may be omitted if it is shown in a current city directory or telephone directory.

(d) If a person manufactures, packs, or distributes a consumer commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such consumer commodity was manufactured or packed or is to be distributed, unless such statement would be misleading.

(e) Standard abbreviations may be used in complying with the requirements of this section.

NET QUANTITY OF CONTENTS

§ 500.6 Net quantity of contents declaration, location.

(a) The label of a consumer commodity shall bear a declaration of the net quantity of contents separately and accurately stated on the principal display panel.

(b) The declaration of net quantity shall appear as a distinct item on the principal display panel, shall be separated (by at least a space equal to the height of the lettering used in the declaration) from other printed label information appearing above or below the declaration and, shall not include any term qualifying a unit of weight, measure, or count such as "jumbo quart," "full gallon," "when packed," "minimum," or words of similar import. The declaration of net quantity shall be separated (by at least a space equal to twice the width of the letter "N" of the style of type used in the net quantity statement) from other printed label information appearing to the left or right of the declaration. It shall be placed on the principal display panel within the bottom 30 percent of the area of the label panel in lines generally parallel to the base on which the package or commodity rests as it is designed to be displayed: *Provided, That* (1) on consumer commodities having a

principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the declaration of net quantity of contents meets the other requirements of this part and (2) packages containing multicomponents shall bear, prominently and conspicuously, an accurate statement of the net quantity of contents (by weight, measure, or count) of each component, but the requirements as to, separation, location, and type size, specified in this subchapter are waived with respect thereto.

§ 500.7 Net quantity of contents, method of expression.

The net quantity of contents shall be expressed in terms of weight, measure, numerical count, or a combination of numerical count and weight, size, or measure (for example numerical count and sheet dimensions of writing paper, numerical count and net weight per bar of multiunit packages of bar soap, etc.), so as to give accurate information regarding the net quantity of contents thereof, and thereby facilitate value comparisons by consumers. The net quantity of contents statement shall be in terms of fluid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semisolid, or viscous, or a mixture of solid and liquid. If there is a firmly established general consumer usage and trade custom of declaring the contents of a liquid by weight, or a solid, semisolid, or viscous product by fluid measure, numerical count, and/or size, or (as in the case of lawn and plant care products) by cubic measure, it may be used, when such declaration provides sufficient information to facilitate value comparisons by consumers. The declaration may appear in more than one line of print or type.

§ 500.8 Units of weight and measure.

(a) Statements of weight shall be in terms of avoirdupois pound and ounce.

(b) Statements of fluid measure shall be in terms of the U.S. gallon of 231 cubic inches and quart, pint, and fluid ounce subdivisions thereof and shall (except in the case of petroleum products, for which the declaration shall express the volume at 60° Fahrenheit (15.6° Centigrade)) express the volume at 68° Fahrenheit (20° Centigrade).

(c) Statements of linear measure shall be in terms of yards, feet, and inches.

(d) Statements of measure of area shall be in terms of square yards, square feet, and square inches.

(e) Statements of dry measure shall be in terms of the U.S. bushel of 2,150.42 cubic inches and peck, dry quart, and dry pint subdivisions thereof.

(f) Statements of cubic measure shall be in terms of the cubic yard, cubic foot, and cubic inch.

§ 500.9 Units of weight, how expressed.

(a) The term "net weight" shall be used in stating the net quantity of contents in terms of weight. With the exception of random packages, if the statement of quantity is in terms of weight, it

shall be identified as such in each instance and expressed as follows:

(1) If less than 1 pound, in terms of ounces. (Example: "Net Weight 12 oz.")

(2) If at least 1 pound but less than 4 pounds, in ounces followed in parentheses by a declaration in whole pounds, with any remainder in terms of ounces or common or decimal fractions of the pound. (Examples: "Net Wt. 24 oz. (1 lb. 8 oz.)" or "Net Wt. 24 oz. (1 1/2 lb.)" or "Net Wt. 24 oz. (1.5 lb.)")

(3) If 4 pounds or more, in terms of whole pounds, with any remainder in terms of ounces or common or decimal fractions of the pound. (Examples: "Net Weight 5 pounds 4 ounces" or "Net Wt. 5 1/4 lbs." or "Net Wt. 5.25 lbs.")

(b) If the net quantity of contents declaration appears on a random package, it may, when the net weight exceeds 1 pound, be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places. When the net weight does not exceed 1 pound, the declaration on the random package may be in terms of decimal fractions of the pound in lieu of ounces. (Examples: "Net Wt. 0.75 lb." and "Net Weight 1.05 pounds".) Such decimal declaration shall be exempt from the type size, dual declaration and placement requirements of section 4(a) of the Act if the accurate statement of net weight is presented prominently and conspicuously on the principal display panel of the package.

(c) It is sufficient to distinguish avoirdupois ounce from fluid ounce through association of terms. (Examples: "Net Wt. 6 oz." vs. "6 fl. oz." or "Net Contents 6 fl. oz.")

§ 500.10 Units of fluid measure, how expressed.

(a) Use of the terms "net" or "net contents" is optional.

(b) Declaration of net quantity of contents in terms of fluid measure shall be identified as such in each instance and expressed as follows:

(1) If less than 1 pint, in terms of fluid ounces. (Example: "Net Contents 8 fl. oz.")

(2) If at least 1 pint but less than 1 gallon, in terms of fluid ounces followed in parentheses by a declaration of the largest whole unit (quarts, quarts and pints, or pints, as appropriate), with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart. (Examples: "Net 32 fl. oz. (1 qt.)" or "Net contents 56 fluid oz. (1 quart 1 1/2 pints)" or as "Net 56 fluid oz. (1 qt. 1 pt. 8 oz.)", but not in terms of quart and ounce such as "Net 56 fluid oz. (1 quart 24 ounces)".)

(3) If 1 gallon or more, in terms of the largest whole unit (gallons followed by common or decimal fractions of a gallon or by the next smaller whole unit or units viz, quarts and pints) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart. (Examples: "Net contents 2 1/2 gal.", "Contents 2.5 gal.", or "Net contents 2 gallons 2 quarts" but not as "2 gallons 4 pints".)

§ 500.11 Measurement of commodity length, how expressed.

Declaration of net quantity in terms of commodity length shall be expressed as follows:

(a) If less than 1 foot, in terms of inches and fractions thereof.

(b) If at least 1 foot but less than 4 feet, in terms of inches followed in parentheses by a declaration in the largest whole unit (a yard or foot) with any remainder in terms of inches or common or decimal fractions of the foot or yard.

(c) If 4 feet or more, in terms of feet followed in parentheses by a declaration of yards and common or decimal fractions of the yard, or in terms of feet followed in parentheses by a declaration of yards with any remainder in terms of feet and inches.

§ 500.12 Measurement of commodities by length and width, how expressed.

For bidimensional commodities (including roll-type commodities) measured in terms of commodity length and width the declaration of net quantity shall be expressed as follows:

(a) If less than 1 square foot, in terms of linear inches and fractions thereof.

(b) If at least 1 square foot but less than 4 square feet, in terms of square inches followed in parentheses by a declaration of the length and width in the largest whole unit (a yard or foot) with any remainder in terms of inches or common or decimal fractions of the foot or yard; except that no declaration in square inches is required for a bidimensional commodity with a width of four inches or less, and a dimension of less than 2 feet may be stated in inches within the parenthetical. Commodities consisting of usable individual units (e.g. paper napkins) while requiring a declaration of unit area need not declare the total area of all such individual units.

(c) If 4 square feet or more, in terms of square feet followed in parentheses by a declaration of the length and width in the largest whole units (yards or feet) with any remainder in terms of inches or common or decimal fractions of the foot or yard; except that no declaration in square feet is required for (1) a bidimensional commodity with a width of 4 inches or less, (2) a dimension of less than 2 feet may be stated in inches within the parenthetical and (3) commodities for which the length and width measurements are critical in terms of end use if such commodities clearly present the actual length and width measurements on the label.

§ 500.13 Measurement of commodities by area measure only, how expressed.

Declaration of net quantity for commodities measured in terms of area measure only shall be expressed as follows:

(a) If less than 1 square foot, in terms of square inches and fractions thereof.

(b) If at least 1 square foot but less than 4 square feet, in terms of square inches followed in parentheses by a declaration in square feet with any remainder in terms of square inches or

RULES AND REGULATIONS

common or decimal fractions of the square foot.

(c) If 4 square feet or more, in terms of the largest appropriate whole unit (square yards, square yards and square feet, or square feet) with any remainder in terms of square inches or common or decimal fractions of the square foot or square yard.

§ 500.14 Statements of cubic measure and dry measure.

Statements of cubic measure and dry measure do not require a dual declaration of net quantity of contents, but shall be expressed in terms most appropriate to the providing of accurate information as to the net quantity of contents, and to the facilitating of value comparisons by consumers. When the content declaration on a commodity sold in compressed form is stated in terms of cubic measure there may also be a statement indicating the amount of material from which the final product was compressed. Such statement shall not exceed the actual amount of material that can be recovered.

§ 500.15 Units of count, more than one ply.

If the commodity is in distinct usable units made up of one or more components or ply, the statement of net quantity of contents shall (in addition to complying with the requirements of linear and area measurement declaration for each unit as specified in § 500.12) include the number of ply and the total number of usable units. (Examples: "100 2-ply facial tissues, 8½ inches x 10 inches.") For the purposes of this section, roll type commodities (e.g. paper towels), irrespective of perforations, shall not be considered to be usable units, and shall be labeled in terms of total area measurement and the number of ply. Such area measurement, however, shall be supplemented by a count statement and the dimensions of a single unit.

§ 500.16 Fractions.

A statement of net quantity of contents of any consumer commodity may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds; except that if there exists a firmly established general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places. If a statement includes small fractions, smaller variations in the actual size or weight of the commodity will be permitted, as provided in § 500.22, than in cases where larger fractions or whole numbers are used.

§ 500.17 Conspicuousness.

The statement of net quantity of contents shall appear in conspicuous and easily legible boldface type or print in distinct contrast (by typography, layout, color, embossing, or molding) to other

matter on the package; except that a statement of net quantity blown, embossed, or molded on a glass or plastic surface is permissible when all label information is so formed on the surface.

§ 500.18 Type size in relationship to the area of the principal display panel.

(a) The statement of net quantity of contents shall be in letters and numerals in a type size established in relationship to the area of the principal display panel of the package or commodity and shall be uniform for all packages or commodities of substantially the same size. For this purpose, "area of the principal display panel" means the area of the side or surface that bears the principal display panel, which area shall be:

(1) In the case of a rectangular package or commodity where one entire side properly can be considered to be the principal display panel side, the product of the height times the width of that side;

(2) In the case of a cylindrical or nearly cylindrical container or commodity, 40 percent of the product of the height of the container or commodity times the circumference; and

(3) In the case of any otherwise shaped container or commodity, 40 percent of the total surface of the container or commodity: *Provided however*, That where such container or commodity presents an obvious "principal display panel" such as the top of a triangular or oval shaped container, the area shall consist of the entire top surface. In determining the area of the principal display panel, exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles and jars.

(b) With area of principal display panel defined as above, the type size in relationship to area of that panel shall comply with the following specifications:

(1) Not less than $\frac{1}{16}$ inch in height on packages the principal display panel of which has an area of 5 square inches or less.

(2) Not less than $\frac{1}{8}$ inch in height on packages the principal display panel of which has an area of more than 5 but not more than 25 square inches.

(3) Not less than $\frac{3}{16}$ inch in height on packages the principal display panel of which has an area of more than 25 but not more than 100 square inches.

(4) Not less than $\frac{1}{4}$ inch in height on packages the principal display panel of which has an area of more than 100 square inches, except not less than $\frac{1}{2}$ inch in height if the area is more than 100 square inches.

(c) Where the statement of net quantity of contents is blown, embossed, or molded on a glass or plastic surface rather than by printing, typing, or coloring, the lettering sizes specified in paragraph (b) of this section shall be increased by $\frac{1}{16}$ of an inch.

(d) Letter heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards.

(e) The ratio of height to width of a letter shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide).

(f) When fractions are used, each component shall meet one-half the minimum height standards.

§ 500.19 Abbreviations.

The following abbreviations and none other may be employed in the required net quantity declaration:

Inch—in.	Pound—lb.
Foot or foot—ft.	Quart—qt.
Fluid—fl.	Square—sq.
Liquid—liq.	Weight—wt.
Ounce—oz.	Yard—yd.
Gallon—gal.	Avoirdupois—avdp.
Pint—pt.	Cubic—cu.

(Periods and plural forms shall be optional.)

§ 500.20 Supplemental statements.

Nothing contained in the regulations in this part shall prohibit supplemental statements, at locations other than the principal display panel, describing in nondeceptive terms the net quantity of contents: *Provided*, That such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity contained in the package. (Examples of prohibited language are: "Giant Quart," "Full Gallon," "When Packed," "Minimum," or words of similar import.) Required dual declarations and combination declarations of net quantity of contents (for example, a combination of net weight plus numerical count, numerical count plus dimensions of the commodity, etc.) are not regarded as supplemental net quantity statements and shall be located on the principal display panel. Dilution directions or other similar directions for use are not regarded as supplemental net quantity statements and may be located on the principal display panel. Size characterizations in compliance with standards promulgated under section 5(c)(1) of the Act may appear on the principal display panel.

§ 500.21 Metric equivalent.

A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental net quantity statement and an accurate statement of the net quantity of contents in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels. Standard metric abbreviations may be used.

§ 500.22 Net quantity, average quantity, permitted variations.

(a) The statement of net quantity of contents shall accurately reveal the quantity of the commodity in the container exclusive of wrappers and other material packed therewith: *Provided*, That in the case of a commodity packed in a container designed to deliver the commodity under pressure, the statement shall declare the net quantity of the contents that will be expelled when

the instructions for use are followed. The propellant is included in the net quantity statement.

(b) Variations from the stated weight or measure shall be permitted when caused by ordinary and customary exposure, after the commodity is introduced into interstate commerce, to conditions which normally occur in good distribution practice and which unavoidably result in change of weight or measure.

(c) Variations from the stated weight, measure or numerical count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages which occur in good packaging practice: *Provided*, That such variations shall not be permitted to such extent that the average of the quantities in the packages comprising a shipment or other delivery of the commodity is below the quantity stated, and no unreasonable shortage in any package will be permitted, even though overages in other packages in the same shipment or delivery compensate for such shortage. Variations from stated quantity of contents shall not be unreasonably large.

§ 500.23 Representations of servings, uses, applications.

(a) The label of any packaged consumer commodity which bears a representation as to the number of servings, uses, or applications of such commodity contained in such package shall bear in immediate conjunction therewith, and in letters the same size as those used for such representation, a statement of the net quantity (in terms of weight, measure, or numerical count) of each such serving, use, or application: *Provided*, That such statement may be expressed in terms that differ from terms used in the required statement of net contents (e.g., cupful, tablespoonful, etc.), when such differing terms describe a constant quantity. Such statement may not be misleading in any particular.

(b) Representations as to the total amount of object or objects to which the commodity may be applied or upon which or in which the commodity may be used, will not be considered to be representations as to servings, uses, or applications, if such amount is expressed in terms of standard units of weight, measure, size, or count.

(c) If there exists a voluntary product standard promulgated pursuant to the procedures found in Part 10, Title 15, Code of Federal Regulations, by the Department of Commerce, quantitatively defining the meaning of the terms "serving," "use," or "application" with respect to a particular consumer commodity, then any label representation as to the number of servings, uses, or applications in such packaged consumer commodity shall correspond with such quantitative definition. (Copies of published standards will be available upon request from the National Bureau of Standards, Department of Commerce, Washington, D.C. 20234.)

ADMINISTRATIVE INTERPRETATION

§ 500.24 Interpretations.

The regulations in this part are necessarily general in application and requests for formal rulings, statements or policy or interpretations shall be addressed to the Secretary of the Commission for consideration. Statements of policy or interpretation binding on the Commission will be published in the *FEDERAL REGISTER* (including the policy statement accompanying the issuance of the regulations in this part). However, technical questions not involving policy consideration may be answered by the staff.

§ 500.25 Filing of objections and effective date.

(a) 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 Secretary, Federal Trade Commission, Washington, D.C. 20580, written objections thereto, specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. Objections will be deemed sufficient to warrant the holding of a public hearing only: (1) If they establish that the objector will be adversely affected by the order; (2) if they specify with particularity the provisions of the order to which objection is taken; and (3) if they are supported by reasonable grounds which are not deemed by the Commission may be adequate to justify the relief sought. Anyone who files objections which are not deemed by the Commission sufficient to warrant the holding of a public hearing will be promptly notified of that determination.

(b) Nothing in the regulations in this part shall preclude the orderly disposal of packages in inventory (including labeled packages) or with the trade as of the effective date of the regulations in this part.

(c) As soon as practicable after the time for filing objections has expired, the Commission will publish a notice in the *FEDERAL REGISTER* specifying those parts of the order which have been stayed by the filing of objections or, if no objections sufficient to warrant the holding of a public hearing have been filed, stating the fact. This order shall become effective (1) January 1, 1969, for all new packages, new label designs, and labels being reordered and (2) July 1, 1969, for all packages introduced into interstate commerce, except as to any provisions that may be stayed by the filing of proper objections. (Secs. 4, 6, Stat. 1297, 1299, 1300, 15 U.S.C. 1453, 1455.)

Issued: March 14, 1968.

By direction of the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-3360; Filed, Mar. 18, 1968;
8:49 a.m.]

PART 503—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

The Federal Trade Commission published in the *FEDERAL REGISTER* on June 27, 1967 (32 F.R. 9109), its proposed regulations under section 4 of the Fair Packaging and Labeling Act regarding mandatory label information for consumer commodities. The orders acting on this proposal appear in this issue of the *FEDERAL REGISTER*. In response to the notice of proposed rule making over 130 comments were placed in the public file. Many of these comments were concerned, in whole or in part, with matters pertaining to product coverage. The Commission is of the opinion that the views expressed and questions raised necessitate the issuance of the statement of policy as set forth below.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 4, 6, 10, 80 Stat. 1297, 1299, 1300, 1301; 15 U.S.C. 1453, 1455, 1456) Subchapter E is amended by adding thereto the following new part and section:

§ 503.1 Matters pertaining to coverage under the Fair Packaging and Labeling Act.

(a) The Commission has received a substantial number of letters and briefs commenting adversely upon the definition for "consumer commodity" published in the initial proposed regulations (§ 500.2(c) of this chapter), in that the proposed definition did not amplify the definition for "consumer commodity" supplied by the Congress in section 10(a) of the Fair Packaging and Labeling Act (Public Law 89-755).

(b) A question has been raised as to whether the initial regulations implementing section 4 of the Act apply to commodities sold or distributed to industrial users. Section 500.2(e) of the regulations implementing section 4 provides in substance that these regulations are not applicable to commodities sold or distributed to industrial or institutional users.

(c) (1) As questions arise as to specific product coverage, the Commission will express its views, formally or informally as appropriate. Interpretative rulings in such instances will be made public, and can be expected to contribute to the development of a further pattern demonstrating the boundaries of product coverage by application of the definition to a variety of specific instances.

(2) The Commission will consider questions and requests for findings with respect to the coverage of commodities under the Act in light of the definition for "consumer commodity" found in section 10(a) of the Act and in light of the congressional policy stated in section 2 of the Act. The Commission will also consider requests for exemption in light of the criteria stated in section 5(b) of the Act.

(d) Comments relating to the status under the Act of the following commodities or classes of commodities have been received by the Commission in response

RULES AND REGULATIONS

to the issuance of the initial proposed regulations:

Ammunition.
Antifreeze.
Automotive chemical products.
Automotive replacement parts.
Brooms.
Elastic fabric (braided, knitted, woven).
Fertilizers (home specialty type).
House fixtures.
Ink containers.
Liquified petroleum gas.
Lubricants for home use.
Mops.
Motor oil.
Paint.
Plastic table cloths, plastic shelf paper.
Safety flares.
Sewing thread.
Shoelaces.
Solvents and cleaning fluids for home use.
Stationery and other paper products including greeting cards and gift wrapping.
Toys.
Waxes for home use.
Wool, fur, and textile products.

The Commission will rule upon and respond to these comments as promptly as possible and appropriate, either with respect to a determination of whether products are covered, or whether, if covered, initiation of exemption proceedings is warranted.

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By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

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