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This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 1466..... Pub. Law 94–262
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Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Title 3—The President

PROCLAMATION 4430

Thomas Jefferson Day, 1976

By the President of the United States of America

A Proclamation

Two hundred years ago the people of our new land struggled to secure for themselves, and for us, freedom from the rule of a distant government. Among the greatest of that inspired group of patriots was Thomas Jefferson.

Author of the Declaration of Independence, first Secretary of State of the new Republic and our third President, his achievements cover the vast range of public service—as lawyer, member of the Virginia House of Delegates, Governor, Minister to France, Vice President, scholar, scientist, architect and founder of the University of Virginia.

Today, less than one hundred days before the 200th Anniversary of the Declaration of Independence, we observe the birthday of Thomas Jefferson, a giant in history who yet today excites scholars, inspires political leaders and continues to grace our history as its most articulate champion of individual freedom.

Pursuant to Proclamation No. 2276 of March 21, 1938, our Nation has formally celebrated the 13th of April in honor of the birthday, in 1743 of this great man. In our Bicentennial Year, it is fitting that we celebrate this day in a special way, as the Congress has requested (H.J. Res. 670).

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby request the observance of Tuesday, April 13, 1976, as Thomas Jefferson Day.

I ask all Americans, in their homes, their schools, and their places of work, to reflect on the life and times of Thomas Jefferson. I urge every American to reflect on the meaning and purpose of the Declaration of Independence and the many other works of Thomas Jefferson and to participate in other appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of April, in the year of our Lord nineteen hundred and seventy-six, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.76-11138 Filed 4-14-76;9:45 am]

EDITORIAL NOTE: For the President's remarks of April 13, 1976, on signing the proclamation and two bills, see the Weekly Compilation of Presidential Documents (vol. 12, no. 16).

PROCLAMATION 4431

Loyalty Day, 1976

By the President of the United States of America

A Proclamation

The idea that a free people—dedicated to the rule of law, freedom of expression, and equality—have the inherent right, ability, and duty to govern themselves, is one that compels our devotion and dedication.

Such allegiance, grounded in a "solemn sense of God's superintending Providence," is the bulwark upon which this Nation was built and has endured for two hundred years.

Recognizing the need for "a special day for the reaffirmation of loyalty to the United States of America and for the recognition of the heritage of American freedom", the Congress, by a joint resolution approved July 18, 1958 (72 Stat. 369, 36 U.S.C. 162), designated May 1 of each year as Loyalty Day.

In our Bicentennial Year, it is especially fitting that we dramatize in a positive way the principles of freedom which have guided us through two centuries.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, call upon the people of the United States and upon patriotic, civic, and educational organizations to observe Saturday, May 1, 1976, as Loyalty Day, with appropriate ceremonies.

I call upon appropriate officials of the Government to display the flag of the United States on all Government buildings on that day in testimony of our loyalty to this Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of April, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.76-11164 Filed 4-14-76;11:45 am]

PROCLAMATION 4432

National Maritime Day, 1976

By the President of the United States of America

A Proclamation

Maritime enterprise is one of the keystones upon which America's economic strength has developed. The spirit and vitality of this great Nation have been linked with the sea for more than 200 years. As we celebrate this Bicentennial year, all Americans should be aware of our proud maritime heritage.

After winning independence, the Founding Fathers considered shipping and trade so crucial to the survival of the new Nation that five of the initial acts passed by the first Congress were designed to foster American trade and maritime development.

Over the years, in war and peace, the American merchant marine has served the Nation. Today, in its position of world leadership, the United States continues to rely on its maritime industries. Shipping, shipbuilding, and the vast flow of trade through our ports contribute to the Nation's economic development and security.

To promote public awareness of our maritime heritage, the Congress, in 1933 (48 Stat. 73, 36 U.S.C. 145) designated the anniversary of the first transatlantic voyage by a steamship, the SS SAVANNAH, on May 22, 1819, as National Maritime Day, and requested the President to issue a proclamation annually in observance of that day.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby urge the people of the United States to honor our American merchant marine on May 22, 1976, by displaying the flag of the United States at their homes and other suitable places, and I request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of April, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.76-11165 Filed 4-14-76;11:45 am]

Executive Order 11912 • April 13, 1976

Delegation of Authorities Relating to Energy Policy and Conservation

By virtue of the authority vested in me by the Constitution and the statutes of the United States of America, including the Energy Policy and Conservation Act (Public Law 94–163, 89 Stat. 871, 42 U.S.C. 6201 *et seq.*), the Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 1901 *et seq.*), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. (a) The Administrator of General Services is designated and empowered to perform without approval, ratification, or other action by the President, the functions vested in the President by section 510 of the Motor Vehicle Information and Cost Savings Act, as amended (89 Stat. 915, 15 U.S.C. 2010). In performing these functions, the Administrator of General Services shall consult with the Secretary of Transportation and the Administrator of the Federal Energy Administration.

(b) The Administrator of the Federal Energy Administration, in consultation with the Administrator of General Services and the Administrator of Energy Research and Development, shall coordinate the overall development of the 10-year plan for energy conservation with respect to Government buildings, as provided by section 381(a)(2) of the Energy Policy and Conservation Act (89 Stat. 939, 42 U.S.C. 6361(a)(2)). The Administrator of the Federal Energy Administration shall also consult with the Secretary of Commerce for the development of appropriate standards and technical criteria included in this plan. The heads of those Federal agencies that have the authority to construct, operate, manage, or lease Federal buildings shall prepare plans for buildings under the custody and control of, or leased by, such agencies. The Administrator of the Federal Energy Administration shall submit such plan to the President for his consideration.

SEC. 2. The Secretary of Commerce is designated and empowered to perform without approval, ratification, or other action by the President, the functions vested in the President by section 103 of the Energy Policy and Conservation Act (89 Stat. 877, 42 U.S.C. 6212). In performing each of these functions, the Secretary of Commerce shall consult with appropriate Executive agencies, as set forth in the provisions of section 5(a) of the Export Administration Act of 1969, as amended (50 U.S.C. App. 2404(a)).

SEC. 3. The Administrator of the Office of Federal Procurement Policy, in the exercise of his statutory responsibility to provide overall direction of procurement policy (41 U.S.C. 405), shall, after consultation with the heads of appropriate agencies, including those responsible for developing energy conservation and efficiency standards, and to the extent he considers appropriate and with due regard to the program activities of the Executive agencies, provide policy guidance governing the application of energy conservation and efficiency standards in the Federal procurement process in accord with section 381(a)(1) of the Energy Policy and Conservation Act (89 Stat. 939, 42 U.S.C. 6361(a)(1)).

SEC. 4. (a) The Administrator of the Federal Energy Administration, in consultation with the heads of appropriate agencies, is hereby authorized and directed to develop for the President's consideration, in accord with section 201 of the Energy

Policy and Conservation Act (89 Stat. 890, 42 U.S.C. 6261), the energy conservation and rationing contingency plans prescribed under sections 202 and 203 of the Energy Policy and Conservation Act (89 Stat. 892, 42 U.S.C. 6262 and 6263).

(b) The Administrator of the Federal Energy Administration shall prepare, with the assistance of the heads of appropriate agencies, for the President's consideration, the annual reports provided by section 381(c) of the Energy Policy and Conservation Act (89 Stat. 939, 42 U.S.C. 6361(c)).

SEC. 5. The Secretary of State is hereby delegated the authority vested in the President by Section 252(c)(1)(A)(iii) of the Energy Policy and Conservation Act (89 Stat. 895, 42 U.S.C. 6272(c)(1)(A)(iii)).

SEC. 6. The Administrator of the Federal Energy Administration is designated and empowered to perform without approval, ratification, or other action by the President, the functions vested in the President by:

(a) Section 251 of the Energy Policy and Conservation Act (89 Stat. 894, 42 U.S.C. 6271), except the making of the findings provided by subparagraph (b)(1)(B) thereof; however in performing these functions, the Administrator shall consult with the Secretary of Commerce with respect to the international allocation of petroleum products which are within the territorial jurisdiction of the United States; and *provided that* the Secretary of Commerce shall promulgate rules, pursuant to the procedures established by the Export Administration Act of 1969, as amended, to authorize the export of petroleum and petroleum products, as may be necessary for implementation of the obligations of the United States under the International Energy Program, and in accordance with the rules promulgated under Section 251 of the Energy Policy and Conservation Act by the Administrator pursuant to this subsection.

(b) Section 253(c) of the Energy Policy and Conservation Act (89 Stat. 898, 42 U.S.C. 6273);

(c) Section 254(a) of the Energy Policy and Conservation Act (89 Stat. 899, 42 U.S.C. 6274(a)), including the receipt of petitions under section 254(a)(3)(B); *provided that,* the authority under section 254(a) may be exercised only after consultation with the Secretary of State;

(d) Section 254(b) of the Energy Policy and Conservation Act (89 Stat. 900, 42 U.S.C. 6274(b)); *provided that,* in determining whether the transmittal of data would prejudice competition or violate the antitrust laws, the Administrator shall consult with the Attorney General, and in determining whether the transmittal of data would be inconsistent with national security interests, he shall consult with the Secretaries of State and Defense, and the heads of such other agencies as he deems appropriate;

(e) Section 523(a)(2)(A) of the Energy Policy and Conservation Act (89 Stat. 962, 42 U.S.C. 6393(a)(2)(A)), but only to the extent applicable to other functions delegated or assigned by this Order to the Administrator of the Federal Energy Administration.

SEC. 7. (a) The Administrator of General Services is designated and empowered to perform without approval, ratification, or other action by the President, the func-

tions vested in the President by section 101(c) of the Defense Production Act of 1950, as amended (89 Stat. 878, 50 U.S.C. App. 2071(c)).

(b) The Administrator of General Services shall redelegate the functions provided by section 101(c)(1) of the Defense Production Act of 1950, as amended, to the Secretary of Commerce.

(c) The Administrator of General Services shall redelegate the functions provided by section 101(c)(3) of the Defense Production Act of 1950, as amended, to the Secretary of Commerce, who shall redelegate those functions, except the findings that the supplies are scarce and that it is necessary to exercise the authority provided by section 101(c)(1), to the Administrator of the Federal Energy Administration.

(d) The Administrator of General Services shall provide for the overall coordination and direction of the functions provided by section 101(c) of the Defense Production Act of 1950, as amended, in a manner similar to the exercise of functions under sections 101(a) and (b) of that Act; except that, the Administrator shall first obtain the approval of the President if the implementation of any authority under section 101(c) of that Act would result in controlling the general distribution of materials in the civilian market, as that phrase is used in section 101(b) of that Act.

SEC. 8. Nothing in this Order shall be deemed or construed to limit the provisions of Executive Order No. 11790 of June 25, 1974, except that any action taken pursuant to the Defense Production Act of 1950, as amended, requiring the allocation of, or priority performance under contracts or orders relating to, supplies of materials and equipment in order to maximize domestic energy supplies shall be taken in accordance with the provisions of section 7 of this Order rather than Executive Order No. 11790.

SEC. 9. All orders, regulations, circulars or other directives issued and all other action taken prior to the date of this order that would be valid under the authority delegated by this Order, are hereby confirmed and ratified and shall be deemed to have been issued under this order.

Gerald R. Ford

THE WHITE HOUSE,
April 13, 1976.

[FR Doc.76-11135 Filed 4-13-76;4:50 pm]

rules and regulations

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Orange Regulation 74, Amendment 6]

[Grapefruit Regulation 76, Amendment 4]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Grade Requirements

Amendment 6 to Regulation 74 lowers the minimum grade requirements applicable to domestic and export shipments of Florida Murcott Honey oranges to U.S. No. 2 Russet on April 9, 1976. Amendment 4 to Regulation 76 lowers the minimum diameter requirement applicable to domestic shipments of pink seedless grapefruit to 3$^{5}/_{16}$ inches on April 9, 1976. The U.S. No. 2 Russet minimum grade requirement specified for domestic and export shipments of Murcott Honey oranges recognizes the lesser quality of such oranges available for fresh shipment from the production area. The specification of such lower minimum diameter requirement for pink seedless grapefruit recognizes the size distribution of much of the pink seedless grapefruit remaining for fresh shipment.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, 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 of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the requirements applicable to Murcott Honey oranges and pink seedless grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) These amendments reflect the Department's appraisal of the current and prospective demand for Florida Murcott Honey oranges by domestic and export outlets. The lower grade requirement specified for domestic and export shipments of Murcott Honey oranges is consistent with the external appearance and remaining supply of such oranges. Fresh shipments of Florida Murcott Honey oranges for the season through April 4, 1976, totaled 2,194 carlots, and there were an estimated 206 carlots remaining for shipment. The lower minimum diameter requirement specified for shipments of pink seedless grapefruit is necessary to satisfy the demand for such fruit by domestic outlets. For the season through April 4, 1976, fresh shipments of Florida grapefruit totaled 23,519 carlots and there were 5,481 carlots estimated to be remaining for fresh shipment.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these amendments until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which these amendments are based became available and the time when these amendments must become effective in order to effectuate the declared policy of the act is insufficient; and these amendments lower requirements applicable to the handling of Murcott Honey oranges and pink seedless grapefruit grown in Florida.

Order. 1. The provisions of paragraph (a)(7) and paragraph (b)(7) of § 905.560 (Orange Regulation 74; 40 F.R. 42318, 49785, 54420, 58446; 41 F.R. 3282, 12215) are amended to read as follows:

§ 905.560 Orange Regulation 74.

(a) * * *

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet;

* * * * *

(b) * * *

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet;

* * * * *

2. The provisions of paragraph (a)(4) of § 905.563 (Grapefruit Regulation 76; 40 F.R. 42317, 49785, 54420, 58446) are amended to read as follows:

§ 905.563 Grapefruit Regulation 76.

(a) * * *

(4) Any seedless grapefruit, other than pink seedless grapefruit, grown in the production area, which are of a size smaller than 3–9/16 inches in diameter, or any pink seedless grapefruit which are of a size smaller than 3–5/16 inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum diameters shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit.

* * * * *

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

Dated, April 9, 1976, to become effective April 9, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.76-10878 Filed 4-14-76;8:45 am]

[Grapefruit Regulation 16—Amendment 2]

PART 944—FRUITS; IMPORT REGULATIONS

Minimum Size Requirement for Imports of Pink Seedless Grapefruit

This amendment lowers the minimum diameter requirement applicable to imported pink seedless grapefruit to 3$^{5}/_{16}$ inches on April 9, 1976. The requirement is the same as that applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

This amendment is consistent with Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This section requires that whenever specified commodities, including grapefruit, are regulated under a federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality or maturity requirements as those in effect for the domestically produced commodity. This regulation fixes the same minimum size requirement on imported pink seedless grapefruit as is effective under Marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida.

Order. In § 944.112 (Grapefruit Regulation 16; 40 F.R. 42529; 49787) the provisions of paragraph (a) are amended to read as follows:

§ 944.112 Grapefruit Regulation 16.

(a) * * *

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than 3$^{13}/_{16}$ inches in diameter except that a tolerance for seeded grapefruit smaller than such minimum size shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit;

(2) Seedless grapefruit shall grade at least Improved No. 2 ("Improved No. 2"

shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color); and

(3) Seedless grapefruit, other than pink seedless grapefruit, shall be of a size not smaller than 3$^{9}/_{16}$ inches in diameter, and pink seedless grapefruit shall be of a size not smaller than 3$^{5}/_{16}$ inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum sizes shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Garpefruit.

* * * * *

It is thereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) this amendment fixes the same requirement for imports of pink seedless grapefruit as is applicable under amended Grapefruit Regulation 76 (§ 905.563) to the shipment of pink seedless grapefruit grown in Florida; and (c) this amendment lowers the minimum size requirement applicable to imported pink seedless grapefruit.

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

Dated: April 9, 1976, to become effective April 9, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 76-10877 Filed 4-14-76;8:45 am]

[Peach Regulation 1]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Regulation by Grade and Size

This regulation sets minimum requirements for peaches grown in Georgia and shipped to points outside the State, other than those in bulk to adjacent markets. The minimum grade requirement is 85% U.S. No. 1, with additional allowances for well-healed hail marks, split pits, and decay, effective April 19 through August 31, 1976. The minimum size requirements are 1¾ inches in diameter during the May 1–9, 1976 period, and 1⅞ inches during the May 10–August 31, 1976 period. These requirements are designed to assure that peaches shipped to fresh markets will be of suitable quality and size in the interest of producers and consumers.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in the State of Georgia, 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 recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that this regulation will tend to effectuate the declared policy of the act.

(2) This regulation is based on the Department's appraisal of the crop and current and prospective market conditions for Georgia peaches. The grade and size requirements provided herein are necessary to prevent the handling, on and after April 19, 1976, of any peaches which do not comply with such requirements, so as to provide good quality fruit in the interest of producers and consumers pursuant to the declared policy of the act. The less stringent size requirements early in the season reflects the fact that earlier-maturing varieties of peaches generally mature at smaller sizes than do later maturing varieties. The exception from grade, size, and inspection requirements for peaches shipped in bulk to adjacent markets follows the custom and pattern of prior years and is designed to permit the movement to those markets of peaches of such quality and sizes as are acceptable in the adjacent markets but are not suitable for distribution in more distant markets in competition with peaches from other areas.

(3) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 19, 1976. The committee held an open meeting on April 2, 1976, after giving due notice thereof, to consider supply and market conditions for fresh peaches grown in Georgia, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such peaches. Shipments of early varieties of peaches are expected to begin on or about April 19, 1976, and this regulation should be applicable, insofar as practicable, to all shipments of peaches in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 918.318 Peach Regulation 1.

Order. (a) No handler shall ship, except peaches in bulk to destinations in the adjacent markets, any peaches which:

(1) During the period April 19 through August 31, 1976, do not grade at least 85 percent U.S. No. 1 quality: *Provided,* That peaches with well-healed hail marks or split pits not scored as serious damage, or peaches with not more than 1 percent decay, may be shipped if they otherwise meet the requirements of the subparagraph.

(2) During the period May 1 through May 9, 1976, are smaller than 1¾ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count of such peaches in any container in such lot, may be smaller than 1¾ inches in diameter.

(3) During the period May 10 through August 31, 1976, are smaller than 1⅞ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1⅞ inches in diameter.

(b) The inspection requirement contained in § 918.64 of this part shall not be applicable to any shipment of peaches in bulk to destinations in the adjacent markets, except for peaches in new containers, during the period April 19, through August 31, 1976.

(c) The maturity regulations contained in § 918.400 of this part are hereby suspended with respect to shipments of peaches to all destinations other than those in the adjacent markets during the period April 19, through August 31, 1976.

(d) When used herein, the terms "handler," "adjacent markets," "peaches," "peaches in bulk," and "ship" shall have the same meaning as when used in the aforesaid amended marketing agreement and order, and the terms "U.S. No. 1" and "diameter" shall have the same meaning as when used in the revised United States Standards for Peaches (7 CFR 51.1210–51.1223).

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

Dated: April 9, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.76-10925 Filed 4-14-76;8:45 am]

[959.316 Amdt. 2]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Handling Regulation

This amendment permits onions to be shipped in an experimental 40-pound carton.

Findings. (a) Pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959), regulating the handling of onions grown in designated counties in South Texas, it is hereby found that the amendment to the handling regulation, hereinafter set forth, will tend to effectuate the declared policy of the act. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The amendment is based upon recommendations and information submitted by the South Texas Onion Committee, established pursuant to said marketing agreement and order, and upon other available information.

The committee on April 7 unanimously voted to allow onions to be shipped in an experimental 40-pound carton, not to exceed 4,000 cartons. This new carton is expected to provide better ventilation than the 50-pound carton and less damage to the onions than the customary 50-pound bag.

On April 9 a ship is scheduled to take on an order of South Texas onions in which the industry plans to include a test shipment of 2,000 forty-pound cartons. This amendment is necessary to allow handlers to make various test shipments of this experimental container, which would otherwise be prohibited.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) this amendment must become effective immediately if producers are to derive any benefits therefrom, (2) compliance with this amendment will not require any special preparation on the part of handlers, (3) information regarding the proposed regulation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of onions grown in the production area.

Regulation, as amended.

In § 959.316 (41 F.R. 4252, 13930) subparagraph (3) of paragraph (f) is amended by adding the following immediately after the second sentence:

§ 959.316 [Amended]

* * * * *

(f) * * *

(3) * * * Also onions may be shipped in 40-pound cartons, but not to exceed 4,000 cartons. * * *

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

Effective Date. Issued April 9, 1976 to become effective upon signing.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-10924 Filed 4-14-76;8:45 am]

[Navel Orange Regulation 376]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period April 16–22, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.676 Navel Orange Regulation 376.

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

(2) The need for this regulation to limit the respective quantities or Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges continues soft, with prices on all sizes quite variable. Prices f.o.b. averaged $3.11 a carton on a reported sales volume of 1,324 carlots last week, compared with an average f.o.b. price of $3.15 per carton and sales of 1,248 carlots a week earlier. Track and rolling supplies at 602 cars were down 45 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) 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 regulation 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 regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 13, 1976.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period April 16, 1976, through April 22, 1976, are hereby fixed as follows:

(i) District 1: 1,271,000 cartons;

(ii) District 2: 249,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: April 14, 1976.

GEORGE H. GOLDSBOROUGH,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-1161 Filed 4-14-76;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[AL-112(444)]

PART 1890m—INTEREST CREDITS ON INSURED RRH AND RCH LOANS

Deletion of Part

Part 1890m, "Interest Credits on Insured RRH and RCH Loans," (37 FR 18709), is deleted from Chapter XVIII of Title 7, Code of Federal Regulations. The policies and conditions under which interest credits will be made on insured

Rural Rental Housing and Rural Cooperative Housing loans are covered in Subpart D of Part 1822 of this Chapter.

(42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Effective date. This deletion shall become effective on April 15, 1976.

Dated April 9, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-10875 Filed 4-14-76;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

CONSTRUCTION PERMIT OR OPERATING LICENSE

Initial Treatment of Application

On September 25, 1974, the Atomic Energy Commission published in the FEDERAL REGISTER (39 FR 34423) proposed amendments of 10 CFR Parts 2, 50, and 51 which were procedural changes pertaining to the initial treatment of an application for a construction permit or facility operating license. Under the proposed procedure a tendered application would be initially reviewed by the staff for completeness. If the application is determined to be complete and acceptable for processing the applicant would be so informed and requested to (a) submit additional copies of the application and environmental report and (b) make direct distribution of additional copies of the documents to Federal, state and local officials.

In accordance with the Energy Reorganization Act of 1974, Pub. L. 93-438, the Nuclear Regulatory Commission which was established January 19, 1975, assumed the licensing and related regulatory functions of the former Atomic Energy Commission.

After consideration of the comments received and other factors involved, the Nuclear Regulatory Commission has adopted the proposed amendments. The text of the rule set forth below is the same as the text of the proposed rule except for the following:

(a) Proposed § 2.101(a)(3)(iii) would have required the applicant to make direct distribution of additional copies of the application and environmental report to Federal and State officials, and other interested persons in accordance with written instructions furnished to the applicant by the staff. A sentence has been added to § 2.101(a)(3)(iii) that "Such written instructions will be furnished as soon as practicable after all or any part of the application, or environmental report, is tendered".

(b) Paragraph 2.101(a)(3)(iii) would have required that the copies of the application and environmental report submitted to the staff and distributed by the applicant be completely assembled documents, identified by docket number. Language has been added that "Subsequently distributed amendments to applications, however, may include revised pages to previous submittals and, in such cases, the recipients will be responsible for inserting the revised pages".

(c) A sentence has been added also to § 2.101(a)(4) that "Distribution of the additional copies shall be deemed to be complete as of the time the copies are deposited in the mail or with a carrier prepaid for delivery to the designated addressees".

(d) Changes to § 2.101(a)(5) have been made to conform with the amendments of § 2.101(a) published on September 25, 1974 (39 FR 34394) to allow applicants to submit the information required by Part 50 in three parts.

(e) Paragraph 50.30(c)(1)(i) has been changed to specify that 30 copies of the safety analysis report and 10 copies of the general information shall be retained by the applicant for direct distribution, or submitted upon request, in accordance with instructions by the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate. The proposed rule did not indicate the number of copies to be retained for this purpose. Additional copies may be required for applications having a unique design or with unusual or multiple sites.

(f) Section 51.40 currently requires that applicants covered by § 51.5(a) submit a total of 200 copies of the environmental report. This number has been reduced to a total of 150 copies. Paragraph 51.40(b) requires that applicants for a license to construct and operate a production or utilization facility (including amendments to such applications) shall submit 41 copies of the environmental report and retain an additional 109 copies to be submitted upon request or distributed in accordance with written instructions issued by the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate. The number of copies of the environmental report to be submitted with a petition for rule making has been reduced from 80 to 50 copies. Conforming amendments have been made to §§ 51.20(f) and 51.21.

One commenter noted the significant cost, handling, and storage problems involved when dealing with page copy of safety analysis reports and environmental reports, and suggested that the Commission change its requirements to permit most of the required copies of reports to be submitted in microform. The staff has underway a study to determine the feasibility of adopting a computerized automatic retrieval system using microform, and this suggestion will be considered in the conduct of that study.

Noting that § 2.101(a)(5) provided that docketing can be accomplished if one part of the application is complete, a commenter questioned whether the procedure for direct distribution would apply where one part of the application would be complete. It is the intent of the rule that the provision for direct distribution apply to each part of the application which is complete.

It was also suggested that copies be made available on a purchase basis to the interested individuals concerned. The copies to be distributed in accordance with instructions by the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards are limited to Federal, State, and local officials and the public through the Technical Information Center, and it would not be appropriate to charge for such copies.

A number of commenters objected to the revised procedure as an unwarranted shift of the administrative support function from the staff to the applicant.

The revised procedure would result in some savings to the Commission and some additional costs to the applicants. Aside from these considerations, it is the Commission's view that the revised procedure is a step in the right direction of removing the NRC from the business of serving as a distribution center for applicants' documents. Further, the revised procedure is more efficient than the present procedure since the majority of copies of applications and amendments received by the NRC are repackaged and distributed outside the NRC. Direct distribution by the applicant of the additional copies of the application and environmental report would result in recipients outside the NRC receiving the documents from 8 to 10 days earlier than under the present procedure.

One commenter expressed the view that a tendered application should be formally docketed at the time the staff determines it is complete and acceptable. The Commission considers, however, that the application should not be formally docketed until the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, has received the required copies of the application and environmental report since a full review of these documents by the technical staff cannot begin until the required number of copies are received.

The amendments set forth below amend Parts 2 and 50 with respect to the initial treatment of an application for a construction permit, or operating license, for a production or utilization facility, or an application for amendment of a construction permit or operating license. If it is determined that the tendered application, including any environmental report required by Part 51 of the Commission's regulations, is complete and acceptable for processing, the applicant will be informed of this determination and requested to (a) submit to the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, additional copies of the application and environmental report and (b) make direct distribution of additional copies of the documents to Federal, State, and local officials in accordance with requirements of the Commission's regulations and written instructions furnished by the staff.

The application and environmental report will be formally docketed upon receipt by the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards of the re-

quired copies of the application and environmental report. Within ten (10) days after docketing the applicant must provide an affidavit that distribution of the additional copies to Federal, State and local officials has been completed in accordance with regulatory requirements and instructions by the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards. Distribution of the additional copies of the application and environmental report shall be deemed to be complete as of the time the copies are deposited in the mail or with a carrier prepaid for delivery to the designated addressees.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and sections 552 and 553 of Title 5 of the United States Code, as amended, the following amendments of Title 10, Chapter I, Code of Federal Regulations, Parts 2, 50, and 51 are published as a document subject to codification.

PART 2—RULES OF PRACTICE

1. Section 2.101 is revised to read as follows:

§ 2.101 Filing of application.

(a) (1) An application for a license or an amendment to a license shall be filed with the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as prescribed by the applicable provisions of this chapter. A prospective applicant may confer informally with the staff prior to the filing of an application.

(2) Each application for a license for a facility, or for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee, will be assigned a docket number. However, to allow a determination as to whether an application for a construction permit or operating license for a production or utilization facility is complete and acceptable for docketing, it will be initially treated as a tendered application after it is received and a copy of the tendered application will be available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. Generally, that determination will be made within a period of thirty (30) days.

(3) If the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, determines that a tendered application for a construction permit or operating license for a production or utilization facility, and/or any environmental report required pursuant to Part 51 of this chapter, or part thereof as provided in paragraph (a) (5) of this section, are complete and acceptable for docketing, a docket number will be assigned to the application or part thereof, and the applicant will be notified of the determination. With respect to the tendered application and/or environmental report or part thereof that is acceptable for docketing, the applicant will be requested to (i) submit to the Director of Nuclear Reactor Regulation or Director of Nuclear Material safety and Safeguards, as appropriate, such additional copies as the regulations in Parts 50 and 51 require; (ii) serve a copy on the chief executive of the municipality in which the facility is to be located or, if the facility is not to be located within a municipality, on the chief executive of the county; and (iii) make direct distribution of additional copies to Federal, State, and local officials in accordance with the requirements of this chapter and written instructions furnished to the applicant by the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate. Such written instructions will be furnished as soon as practicable after all or any part of the application, or environmental report, is tendered. The copies submitted to the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, and distributed by the applicant shall be completely assembled documents, identified by docket number. Subsequently distributed amendments to applications, however, may include revised pages to previous submittals and, in such cases, the recipients will be responsible for inserting the revised pages.

(4) The tendered application for a construction permit or operating license for a production or utilization facility will be formally docketed upon receipt by the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, of the required additional copies. Distribution of the additional copies shall be deemed to be complete as of the time the copies are deposited in the mail or with a carrier prepaid for delivery to the designated addressees. The date of docketing shall be the date when the required copies are received by the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate. Within ten (10) days after docketing the applicant shall submit to the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, an affidavit that distribution of the additional copies to Federal, State, and local officials has been completed in accordance with requirements of this chapter and written instructions furnished to the applicant by the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate. Amendments to the application and environmental report shall be filed and distributed and an affidavit shall be furnished to the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, in the same manner as for the initial application and environmental report. If it is determined that all or any part of the tendered application and/or environmental report is incomplete and therefore not acceptable for processing, the applicant will be informed of this determination, and the respects in which the document is deficient.

(5) An applicant for a construction permit for a nuclear power reactor subject to § 51.5(a) of this chapter may submit the information required by applicants by Part 50 of this chapter in three parts. One part shall be accompanied by the information required by § 50.30(f) of this chapter, another part shall include any information required by §§ 50.34(a) and 50.34a of this chapter and a third part shall include any information required by § 50.33a. One part may precede or follow other parts by no longer than six (6) months except that the part including information required by § 50.33a shall be submitted in accordance with time periods specified in § 50.33a. If it is determined that any one of the parts as described above is incomplete and not acceptable for processing, the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, will inform the applicant of this determination and the respects in which the document is deficient. Such a determination of completeness will generally be made within a period of thirty (30) days. Except for the part including information required by § 50.33a, whichever part is filed first shall also include the fee required by §§ 50.30 (e) and 170.21 of this chapter and the information required by §§ 50.33, 50.34 (a) (1), and 50.37 of this chapter. The Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, will accept for docketing an application for a construction permit for a nuclear power reactor subject to § 51.5(a) of this chapter where one part of the application as described above is complete and conforms to the requirements of Part 50 of this chapter. Additional parts will be docketed upon a determination by the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, that they are complete.

(b) After the application has been docketed, each applicant for a license for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee shall serve a copy of the application and environmental report, as appropriate, on the chief executive of the municipality in which the activity is to be conducted or, if the activity is not to be conducted within a municipality, on the chief executive of the county.

(c) The notice published in the FEDERAL REGISTER announcing docketing of the antitrust information part of the application for a facility license under section 103 of the Act, except for those applications described in § 2.102(d) (2), will state that:

(1) The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in Appendix L to Part 50 of this chapter;

(2) Upon receipt and acceptance for docketing of the remaining portions of the application dealing with radiological health and safety and environmental

matters, notices of receipt will be published in the FEDERAL REGISTER including an appropriate notice of hearing; and

(3) Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views within sixty (60) days after publication of the notice announcing receipt of the antitrust information to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Antitrust and Indemnity Group.

(d) The Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, will give notice of the docketing of the public health and safety, common defense and security, and environmental parts of an application for a license for a facility, or for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee, to the Governor or other appropriate official of the State in which the facility is to be located or the activity is to be conducted, and will cause to be published in the FEDERAL REGISTER a notice of docketing of the application which states the purpose of the application and specifies the location at which the proposed activity would be conducted.

(e) The notice published in the FEDERAL REGISTER of docketing of the application for a facility operating license under section 104b of the Act will, when appropriate, also state that any person who intervened or sought, by timely written notice to the Commission or the Atomic Energy Commission, to intervene in the construction permit proceeding for the facility to obtain a determination of antitrust considerations or to advance a jurisdictional basis for such determination may, within twenty-five (25) days after the date of publication, submit a written petition for leave to intervene and a request for a hearing on the antitrust aspects of the application.

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

2. Paragraphs 50.30(a), 50.30(b), 50.30(c)(1), and 50.30(c)(3) are amended to read as follows:

§ 50.30 Filing of applications for licenses; oath or affirmation.

(a) *Place of filing.* Each application for a license, including where appropriate a construction permit, or amendment thereof, and each amendment of such application, and correspondence, reports, or other written communications from the applicant to the Commission pertaining to such application, for a nuclear reactor, testing facility or other utilization facility, should be filed with the Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Each application for a license, including where appropriate a construction permit, or amendment thereof, and each amendment of such application, and correspondence, reports, or other written communications from the applicant to the Commission pertaining to such application, for a fuel reprocessing plant or other production facility, should be filed with the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Communications, reports, correspondence, and applications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C. or at 7920 Norfolk Avenue, Bethesda, Maryland.

(b) *Oath of affirmation.* Each application for a license, including whenever appropriate a construction permit, or amendment thereof, and each amendment of such application should be executed in three signed originals by the applicant or duly authorized officer thereof under oath or affirmation.

(c) *Number of copies of application.* (1) Each filing of an application for a license to construct and operate a production or utilization facility (including amendments to such applications) should include three signed originals and the following number of copies:

(i) For an application for a license for a facility described in § 50.21(b) or § 50.22, or a testing facility: Fifteen (15) copies of that portion of the application containing the information required by §§ 50.33 and 50.37 (general information) and forty (40) copies of that portion of the application containing any of the information required by §§ 50.34 and 50.34a (safety analysis report); an additional ten (10) copies of the general information and thirty (30) copies of the safety analysis report or part thereof shall be retained by the written instructions of the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate. The Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards may request additional copies of applications and the safety analysis report where the design is of a unique nature or for applications submitted pursuant to 10 CFR Part 50, Appendices M, N, and O.

(ii) For an application for an amendment to a license for a facility described in § 50.21(b) or § 50.22, or a testing facility: Nineteen (19) copies of that portion of the application containing the information required by § 50.33 (general information) and 40 copies of that portion of the application containing the information required by §§ 50.34 and 50.34a (safety analysis report);

(iii) For an application for a license for any other facility, or an amendment to a license for such facility: Nineteen (19) copies of that portion of the application containing the information required by §§ 50.33 and 50.37 (general information) and that portion of the application containing the information required by §§ 50.34 and 50.34a (safety analysis report);

(iv) For an application for a license for a production or utilization facility: Forty-one (41) copies of any applicant's environmental report required by Part 51 of this chapter.

* * * * *

(3) The copies required by paragraphs (b) and (c) (1) and (2) of this section need not be filed until that part of the application has been assigned a docket number or docketed pursuant to § 2.101(a) of this chapter. The following number of copies shall be filed to enable the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, to determine whether the application is sufficiently complete to permit the assignment of a docket number or docketing as appropriate.

(i) Fifteen (15) copies of that portion of the application containing any of the information required by §§ 50.34 and 50.34a (safety analysis report);

(ii) Ten (10) copies of that portion of the application containing the general information required by § 50.33; and

(iii) Twenty (20) copies of any environmental report required by Part 51 of this chapter.

PART 51—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

3. Paragraph 51.20(f) is amended to read as follows:

§ 51.20 Applicant's Environmental Report—Construction Permit Stage.

* * * * *

(f) Number of copies. Each applicant for a permit to construct a production or utilization facility covered by § 51.5(a) shall submit the number of copies, as specified in § 51.40, of the Environmental Report required by § 51.5(a).

§ 51.21 [Amended]

4. Section 51.21 is amended by deleting the words "shall submit with its application two hundred (200) copies of a separate document" and substituting therefor "shall submit with its application the number of copies, as specified in § 51.40, of a separate document."

5. Section 51.40 is amended to read as follows:

§ 51.40 Environmental reports.

(a) Except as provided in paragraph (b) of this section, applicants for permits, licenses, and orders, and amendments thereto and renewals thereof, covered by § 51.5(a) shall submit to the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, 150 copies of an environmental report which discusses the matters described in § 51.20. Petitioners for rule making covered by § 51.5(a) shall submit to the Director of Standards Development fifty (50) copies of an environmental report which discusses the matters described in § 51.20.

(b) Applicants for a license to construct and operate a production or utilization facility (including amendments to such applications) covered by § 51.5(a) shall submit to the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, in accordance with § 50.30(c)(1)(iv) of Part 50 of this chapter, forty-one (41) copies of an environmental report which discusses the matters de-

scribed in § 51.20. The applicant shall retain an additional 109 copies of the environmental report for distribution to Federal, State, and local officials in accordance with written instructions issued by the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate.

Effective date. These amendments become effective on May 17, 1976.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Secs 201, 301, Pub. L. 93-438, 88 Stat. 1242, 88 Stat. 1248, (42 U.S.C. 5841, 5871)).

Dated at Washington, D.C. this 8th day of April 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-10910 Filed 4-14-76;8:45 am]

Title 12—Banks and Banking

CHAPTER VI—FARM CREDIT ADMINISTRATION

PART 600—ORGANIZATION AND FUNCTION

Miscellaneous Amendments

The Farm Credit Administration publishes herewith amendments to its regulations to update and restate the organization and functions of the Farm Credit Administration and its major operating units. These amendments would (1) show the changed address of the agency, (2) describe the responsibilities of the Deputy Governors, and (3) explain the functions of the other administrative units of the Farm Credit Administration. Since the amendments relate to agency organization, it is found that notice of proposed rulemaking is unnecessary to the public interest and that these amendments are effective on the date of publication in the FEDERAL REGISTER.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising §§ 600.1, 600.4, and 600.5 as follows:

§ 600.1 Farm Credit Administration.

The Farm Credit Administration is an independent agency in the executive branch of the Government. It consists of the Federal Farm Credit Board, the Governor, and other officers and employees. The central offices of the Farm Credit Administration are located in Suite 4000, 490 L'Enfant Plaza East, SW., Washington, D.C. Its mailing address is Farm Credit Administration, Washington, DC 20578. The hours of business are 8 am-4:30 pm Monday through Friday, excluding holidays.

§ 600.4 Deputy Governors.

The Governor of the Farm Credit Administration is assisted in executing his responsibilities by Deputy Governors appointed by him. The Governor and the Deputy Governors comprise the Executive Staff of the Farm Credit Administration.

(a) The Office of Credit and Operations, headed by a Deputy Governor, regulates and supervises the extension and administration of credit by, and the operating policies and practices of, the banks and associations of the Farm Credit System.

(b) The Office of Finance and Research, headed by a Deputy Governor, regulates and supervises the financing activities of the Farm Credit banks and their Fiscal Agency, and conducts current and long-range research in the areas of agricultural credit and finance.

(c) The Office of Administration, headed by a Deputy Governor, provides resources and services to enable other units of the Farm Credit Administration to carry out their responsibilities in supervision, finance, and examination, and supervises information and personnel programs of the banks and associations of the Farm Credit System.

(d) The Office of General Counsel, headed by a Deputy Governor and General Counsel, provides legal services for the Federal Farm Credit Board, the Governor, and staff, and provides leadership to legal counsel for the Farm Credit banks in interpreting the Farm Credit Act of 1971 and regulations and bylaws issued to implement the Act.

(e) The Office of Examination, headed by a Deputy Governor and Chief Examiner, examines and audits the banks and associations of the Farm Credit System, and, in limited instances, investigates alleged violations of Federal criminal statutes and conflicts of interest regulations which relate to System institutions.

§ 600.5 Other administrative units.

(a) In the Office of Credit and Operations are the following divisions, each of which is headed by a Director:

(1) Supervisory Division which supervises bank and association activities in credit and operations and serves as the primary contact point with the banks in all areas except funding, personnel, and information.

(2) Review Division which reviews all information pertaining to bank management and directors, and provides the internal audit and control of the Office of Credit and Operations.

(3) Technical Services Division which provides technical support to the Supervisory and Review Divisions on activities which can be coordinated best on a Systemwide basis.

(b) In the Office of Finance and Research are the following divisions, each of which is headed by a Director:

(1) Finance Division which monitors, coordinates, evaluates and maintains ongoing financial supervision of the financing activities of the System.

(2) Research Division which plans, coordinates and conducts current and long-range studies in financing the Farm Credit System and in areas of agricultural credit to farmers, cooperatives, and rural home owners.

(c) In the Office of Administration are the following divisions, each of which is headed by a Director:

(1) Personnel Division which plans, develops and administers agency personnel programs; provides guidance on administration of System personnel programs; reviews and approves district retirement programs; and reviews and approves salary ranges for bank employees.

(2) Administrative Division which plans, directs, and participates in FCA budget development, supervises all administrative services including FCA accounting, voucher auditing, payroll, procurement, supplies, general files, mail, messenger, space utilization, and supervises district director elections.

(3) Information Division which plans and implements FCA public information programs, produces information materials including news releases, annual reports, broadcast tapes, visual materials, publications, exhibits, and others, and assists and helps coordinate information programs of the Farm Credit System.

(d) In the Office of Examination are the following Regional Offices, each of which is headed by a Regional Manager to carry out a program of examinations and audits in four of the twelve Farm Credit districts:

District name	District No.	District States
(1) Columbia, S.C., Regional Office:		
Springfield	1	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey.
Baltimore	2	Pennsylvania, Delaware, Maryland, Virginia, West Virginia, District of Columbia, and Puerto Rico.
Columbia	3	North Carolina, South Carolina, Georgia, and Florida.
New Orleans	5	Alabama, Mississippi, and Louisiana.
(2) St. Louis, Mo., Regional Office:		
Louisville	4	Ohio, Indiana, Kentucky, and Tennessee.
St. Louis	6	Illinois, Missouri, and Arkansas.
Wichita	9	Oklahoma, Kansas, Colorado, and New Mexico.
Houston	10	Texas.
(3) Bloomington, Minn., Regional Office:		
St. Paul	7	Michigan, Wisconsin, Minnesota, and North Dakota.
Omaha	8	Iowa, Nebraska, South Dakota, and Wyoming.
Berkeley	11	California, Nevada, Utah, Arizona, and Hawaii.
Spokane	12	Washington, Oregon, Montana, Idaho, and Alaska.

W. M. HARDING,
Governor,
Farm Credit Administration.

[FR Doc.76-10888 Filed 4-14-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER V—REGIONAL ACTION PLANNING COMMISSIONS

PART 581—INTERAGENCY EVALUATION, REVIEW AND COORDINATION OF PROGRAMS AND PROJECTS

Adoption of Interim Regulations

On February 19, 1976, there were published in the FEDERAL REGISTER (41 FR 7499) interim regulations implementing the requirements of Attachment A, Part

1, "Project Notification and Review System," of the Office of Management and Budget (OMB) Circular No. A–95. The interim regulations, adding new Part 581 to Chapter V, Title 13 of the Code of Federal Regulations, would enunciate the responsibilities of the Federal Cochairman of the Title V Regional Commissions in implementing Attachment A, Part 1, of OMB Circular A–95. Interested persons were given the opportunity to submit comments on or objections to the interim regulations not later than March 15, 1976.

No written comments or objections have been received, and the interim regulations are hereby adopted without change and are set forth below.

Effective date: This part becomes effective on April 29, 1976.

Signed at Washington, D.C., on March 30, 1976.

JOHN W. EDEN,
Acting Special Assistant to the Secretary for Regional Economic Coordination.

Sec.

581.1 Authority and purpose.
581.2 Action by the Federal Cochairman.
581.3 Applications for commission assistance.
581.4 Consultation and review.
581.5 Action by the applicant.
581.6 Action by the regional commission.
581.7 Exemptions.

AUTHORITY: 42 U.S.C. 3181 et seq. (42 U.S.C. 3211); Executive Order 11386, dated December 28, 1967; Department of Commerce Organization Order 15–5 (August 30, 1975); OMB Circular A–95.

§ 581.1 Authority and purpose.

The purpose of this part is to enunciate the responsibilities of the Federal Cochairmen in implementing Attachment A, Part 1, "Project Notification and Review System," of OMB Circular A–95 in the exercise of their responsibilities in the granting of funds and the approval of projects under section 505(a)(2) of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3185(a)(2)) for technical and planning assistance including administrative expense grants to substate planning and development organizations. The Technical and Planning Assistance program numbers for each regional commission published in the "Catalog of Federal Domestic Assistance" are as follows:

Name of Commission:	*Catalog No.*
Coastal Plains Regional Commission	28.002
Four Corners Regional Commission	38.002
New England Regional Commission	48.002
Ozarks Regional Commission	52.002
Upper Great Lakes Regional Commission	63.002
Old West Regional Commission	75.002
Pacific Northwest Regional Commission	76.002

§ 581.2 Action by the Federal Cochairman.

The Federal Cochairman of each regional commission shall recommend that the provisions of OMB Circular A–95, as set forth in this part, be complied with in the processing of technical assistance projects and programs and administrative expense grants to substate planning and development organizations.

§ 581.3 Applications for commission assistance.

(a) Applicants to a regional commission for technical and planning assistance and for administrative expense grants to substate planning and development organizations must comply with the appropriate provisions of Attachment A, Part 1, of OMB Circular A–95.

(b) If a proposed technical and planning assistance activity is statewide or multistate in nature, prior notification shall be sent to the appropriate State clearinghouses. Demonstration projects, other technical planning assistance projects, and administrative expense grants to substate planning and development organizations, which have specific local impact shall be sent for review and comment to the appropriate areawide clearinghouse of jurisdiction as well as the appropriate State clearinghouse.

§ 581.4 Consultation and review.

OMB Circular A–95 provides that State and areawide clearinghouses may have up to 30 days after receipt of a project notification in which to inform appropriate State and local agencies that may be affected by the proposed project and arrange, if necessary, to consult with the applicant. Clearinghouses may establish cooperative procedures with applicants for further review of projects if necessary. If questions still remain unresolved, the clearinghouse may have an additional 30 days for review of the completed application.

§ 581.5 Action by the applicant.

(a) Any agency of State or local government or any non-profit organization applying for assistance to a regional commission for a new project or a major modification to an existing project involving technical and planning assistance or administrative expense grants to substate planning and development organizations will be required to notify both State and areawide planning and development clearinghouses in the jurisdiction in which the project is to be located. (Applications from federally recognized Indian tribes are not subject to these requirements. However, they may voluntarily participate.)

(b) In the case of an application for an activity that is statewide or broader in nature and does not have specific applicability to nor effect on areawide or local planning and programs, the notification need be sent only to the appropriate State clearinghouses.

(c) Notification will include a summary description of the project for which assistance is being sought. The summary description will contain the following information, as appropriate and to the extent available:

(1) Identity of the applicant agency or organization.

(2) The geographic location of the project to be assisted. A map should be provided, if appropriate.

(3) A brief description of the proposed project by type, purpose, general size of scale, estimated cost, beneficiaries or other characteristics which will enable the clearinghouses to identify agencies of State or local government having plans, programs, or projects that might be affected by the proposed project.

(4) A statement as to whether or not the applicant has been advised by the regional commission from which assistance is being sought that it will be required to submit environmental impact information in connection with the proposed project.

(5) The Federal program title and number of the regional commission from which assistance is being sought as indicated in Attachment D of the latest "Catalog of Federal Domestic Assistance." (The "Catalog" is issued annually in the spring and is updated during the year.)

§ 581.6 Action by the regional commission.

(a) The Federal Cochairman, through his immediate office or through the regional commission, shall insure that all applications for assistance have been submitted to appropriate clearinghouses at the earliest possible time for review prior to approval by the regional commission.

(b) Applications that do not carry evidence of clearinghouse review will be returned to the applicant with instructions to furnish such evidence. All applications must contain a State Application Identifier (SAI) number. This is mandatory for use in notifying clearinghouses of action taken on the application.

(c) The Federal Cochairman, through his immediate office or through the regional commission, shall insure that appropriate clearinghouses are notified of the final disposition of an application. Such notification should take place within 7 working days if possible but in no event more than 15 calendar days. The standard multipurpose form, SF 424, as prescribed by Federal Management Circular 74–7, will be used for this purpose.

(d) Where a clearinghouse has recommended that an application not be approved or approved only with specific and/or major substantive changes, and the regional commission subsequently approves the application without such changes, the Federal Cochairman, through his immediate office or through the regional commission, shall insure that the clearinghouse is furnished a written explanation of the action taken in addition to the completed standard multipurpose form SF424.

(e) Where a clearinghouse has recommended against approval of a project on the grounds that it conflicts with or duplicates a Federal or federally assisted project, the Federal Cochairman, through his immediate office or through the regional commission, shall insure that the agency assisting the project is consulted prior to approval of the application by the regional commission.

§ 581.7 Exemptions.

Projects exempted from these procedures include:

(a) Projects initiated by the regional commission, except for those having a significant impact on a specific local area.

(b) Administrative expense grants requested by substate planning and development organizations which are themselves areawide clearinghouses.

(c) Projects estimated to cost $5000 or less.

(d) Amendments to the grant which do not involve substantive changes in the project's scope of work.

(e) Assistance to organizations and institutions for the provision of education or training not designed to meet the needs of specific individual states or localities.

(f) Assistance to educational institutions for activities that are part of a school's regular academic program and are not related to local programs of health, welfare, employment, or other social service agencies.

[FR Doc.76-10892 Filed 4-14-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15588; Amdt. 39-2580]

PART 39—AIRWORTHINESS DIRECTIVES

Scottish Aviation Limited, Beagle B-121 "PUP," Series 1, 2 and 3 Airplanes

There has been a report of a failure of a flap actuating lever on a Beagle B-121 "PUP" airplane that could have resulted in the loss of control of the airplane. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require periodic inspections and replacement of parts, as necessary, on the port and starboard flap actuating lever assemblies on Beagle B-121 "PUP" series 1, 2, and 3 airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).)

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SCOTTISH AVIATION LTD. (BEAGLE AIRCRAFT LTD.). Applies to Model B-121 "PUP," Series 1, 2, and 3 airplanes, certificated in all categories.

Compliance is required as indicated.

To prevent a failure of the flap actuating lever and the consequent loss of airplane control, accomplish the following:

(a) For airplanes with less than 400 hours total time in service on the effective date of this AD, comply with paragraph (d) of this AD within the next 25 hours time in service after the effective date of this AD or before the accumulation of 400 hours total time in service, whichever occurs later, unless already accomplished. Repeat the inspection required by paragraph (d) of this AD before the accumulation of 800 hours total time in service and, thereafter, at intervals not to exceed 100 hours time in service from the last inspection.

(b) For airplanes with 400 or more hours total time in service but less than 800 hours total time in service on the effective date of this AD, comply with paragraph (d) of this AD within the next 25 hours time in service after the effective date of this AD, unless already accomplished. Repeat the inspection required by paragraph (d) of this AD before the accumulation of 800 hours total time in service, unless already accomplished within the previous 75 hours time in service, and thereafter at intervals not to exceed 100 hours time in service from the last inspection.

(c) For airplanes wih 800 or more hours total time in service on the effective date of this AD, comply with paragraph (d) of this AD within the next 25 hours time in service, after the effective date of this AD unless already accomplished within the previous 75 hours time in service, and thereafter at intervals not to exceed 100 hours time in service from the last inspection.

(d) Comply with the following:

(1) Remove wing root fillets to gain access to the flap actuating lever assemblies.

(2) Remove split pins, nuts, and washers and bolts that attach the flap actuating rods to the port and starboard flap actuating lever assemblies.

(3) Inspect the flap actuating lever assemblies. P/Nos. BE.45.10181/9 (port) and BE.45.10181/15 (starboard) for cracks, using a dye-penetrant method, or an FAA-approved equivalent means.

(NOTE: During the inspections conducted in accordance with paragraph (d)(3) of this AD particular attention should be directed to the actuating rod attachment boss).

(4) If a crack is found in any part of the flap actuating lever assembly as a result of any inspection required by this AD, before further flight, replace the cracked part with a new part of the same part number, or an FAA-approved equivalent, and continue to inspect the flap actuating lever assemblies in accordance with paragraph (d) of this AD at the intervals established in paragraph (a), (b) or (c) of this AD, as applicable.

(5) Re-attach the flap actuating rods to the flap actuating lever assemblies using new split pins.

(6) Re-rig flaps.

(7) Re-install wing root fillets.

(8) Perform a functional check of the flap operation.

(Scottish Aviation Ltd. Mandatory Service Bulletin No. B-121/61, Issue 2 dated April 17, 1975, and Beagle "PUP" Series Service Manual No. 121/02/3.68 pertain to this subject.)

This amendment becomes effective April 29, 1976.

Issued in Washington, D.C. on April 7, 1976.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.76-10542 Filed 4-14-76;8:45 am]

[Docket No. 76-EA5; Amendment 39-2571]

PART 39—AIRWORTHINESS DIRECTIVES

Dehavilland Aircraft

Correction

In FR Doc. 76-9568, appearing at page 14365, in the issue of Monday, April 5, 1976, make the following change; on page 14365, remove the FR Doc. number now appearing first in the document and insert Docket No. 76-EA5; Amendment 39-2571.

[Docket No. 14777; Amdt. No. 93-34]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

Subpart I—Locations at Which Special VFR Weather Minimums Do Not Apply

Correction

Restoration of Special VFK at Oakland, California; Correction

In FR Doc. 76-10033, appearing at page 14879, in the issue of Thursday, April 8, 1976, make the following change; on page 14880 in the first column, remove the first full paragraph and insert the following:

Comments were received from industry representatives, general aviation users, pilot organizations, business concerns, and an aeronautical consultant. One commenter, assuming the absence of a precise plan of operation, suggested that a decision in the matter should be deferred for 180 days during which time ATC and certain airspace users could continuously monitor the weather and air traffic conditions in the areas affected by the proposed action, and prepare a specific and precise plan of operation comprising contingency provisions to avoid interference between IFR and special VFR aircraft, and to avoid traffic conflicts that may arise from particular local conditions. Contrary to the assumption of the commenter, the FAA does have an orderly method of handling special VFR traffic. ATC provides separation between special VFR aircraft, and between IFR and special VFR aircraft. If it should appear that safe separation cannot be provided to special VFR traffic without interfering with IFR traffic or otherwise affecting the safety of other operations, special VFR clearances will not be issued. The FAA believes that present procedures for handling special VFR traffic are adequate and that a further evaluation of weather and traffic conditions at Oakland is unnecessary. Special VFR flights are now conducted in the vast majority of control zones without derogation of safety. Consideration of that broad issue does not appear to be needed in connection with this action.

[Airspace Docket No. 76-GL-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Renumbering of VOR Airways

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to renumber certain existing airway segments northwest of Chicago, Ill., to provide continuity in the designation of V-8.

Since the renumbering of airways without airspace or route changes is a minor matter upon which the public is not particularly interested, notice and public procedure thereon are unnecessary. However, since it is necessary that

sufficient time be allowed to permit appropriate changes to be made to aeronautical charts, this amendment will become effective July 15, 1976.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 g.m.t., July 15, 1976, as hereinafter set forth.

§ 71.123 (41 FR 307) is amended as follows:

1. In V-8 "to Davenport, Iowa. From Chicago Heights, Ill.; via" is deleted and "Moline, Ill.; Joliet, Ill.; Chicago Heights, Ill.;" is substituted therefor.

2. In V-38 "From Iowa City, Iowa, Moline, Ill.; Joliet, Ill.; INT Joliet 173° and Peotone, Ill., 281° radials; Peotone; including a S alternate from Moline to Peotone via INT Moline 082° and Peotone 281° radials;" is deleted and "From Moline, Ill., via INT Moline 082° and Peotone, Ill., 281° radials; Peotone;" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on April 9, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-10868 Filed 4-14-76;8:45 am]

[Docket No. 15583; Amdt. No. 1016]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, S.W., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating amending, or canceling the following VOR-VOR/DME SIAPs, *effective June 3, 1976.*

Lewiston, ID—Lewiston-Nez Perce County Arpt., VOR Rwy 8, Amdt. 3
Marfa, TX—Marfa Muni. Arpt., VOR Rwy 30, Amdt. 2
Paris, TX—Cox Field, VOR Rwy 35, Amdt. 5

* * * *effective May 27, 1976.*

Key West, FL—Key West Int'l Arpt., VOR-B, Amdt. 4
Chicago (West Chicago), IL—DuPage County Arpt., VOR Rwy 10, Amdt. 4
Marshalltown, IA—Marshalltown Muni. Arpt., VOR Rwy 12, Amdt. 1
Marshalltown, IA—Marshalltown Muni. Arpt., VOR Rwy 30, Amdt. 2
Baltimore, MD—Baltimore-Washington, Int'l Arpt., VOR Rwy 33L, Original
Fergus Falls, MN—Fergus Falls Muni.-Einer Mickelson Field, VOR Rwy 17, Original
Fergus Falls, MN—Fergus Falls Muni.-Einer Mickelson Field, VOR Rwy 35, Amdt. 4
Willmar, MN—Willmar Muni. Arpt., VOR Rwy 10, Amdt. 6
Willmar, MN—Willmar Muni. Arpt., VOR Rwy 28, Amdt. 1
Vineland, NJ—Kroelinger Arpt., VOR Rwy 28, Amdt. 5
Charlotte, NC—Douglas Muni. Arpt., VOR Rwy 36, Amdt. 7
Baraboo, WI—Baraboo Wisconsin Dells Arpt., VOR-A, Amdt. 5
Hartford, WI—Hartford Muni. Arpt., VOR-A, Amdt. 1
Racine, WI—Horlick-Racine Arpt., VOR Rwy 4, Amdt. 2
Racine, WI—Horlick-Racine Arpt., VOR Rwy 22, Amdt. 4
Waukesha, WI—Waukesha County Arpt., VOR-A, Amdt. 9

* * * *effective April 1, 1976.*

Ontario, CA—Ontario Int'l Arpt., VOR Rwy 25 (TAC), Amdt. 1

* * * *effective March 31, 1976.*

Modesto, CA—Modesto City-County/Harry Sham Field, VOR Rwy 10L/R, Amdt. 5
Modesto, CA—Modesto City-County/Harry Sham Field, VOR Rwy 28L/R, Amdt. 6

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective April 1, 1976.*

Sarasota (Bradenton), FL—Sarasota-Bradenton Arpt., LOC(BC) Rwy 13, Amdt. 2, cancelled

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective May 27, 1976.*

Key West, FL—Key West Int'l Arpt., NDB-A, Amdt. 7
McRae, GA—Telfair-Wheeler Arpt., NDB Rwy 20, Amdt. 4
Boone, IA—Boone Muni. Arpt., NDB Rwy 14, Amdt. 3
Keokuk, IA—Keokuk Muni. Arpt., NDB Rwy 13, Amdt. 7
Knoxville, IA—Knoxville Muni. Arpt., NDB Rwy 15, Amdt. 2
Knoxville, IA—Knoxville Muni. Arpt., NDB Rwy 33, Amdt. 1
LeMars, IA—LeMars Muni. Arpt., NDB Rwy 18, Amdt. 3
Marshalltown, IA—Marshalltown Muni. Arpt., NDB Rwy 12, Amdt. 4
Webster City, IA—Webster City Muni. Arpt., NDB Rwy 32, Amdt. 3
New Ulm, MN—New Ulm Muni. Arpt., NDB Rwy 13, Amdt. 1
Racine, WI—Horlick-Racine Arpt., NDB Rwy 22, Amdt. 10
Waukesha, WI—Waukesha County Arpt., NDB Rwy 10, Amdt. 5

* * * *effective May 20, 1976.*

Idabel, OK—Idabel Muni. Arpt., NDB Rwy 17, Original

* * * *effective April 22, 1976.*

Kingstree, SC—Williamsburg County Arpt., NDB Rwy 14, Original

* * * *effective April 5, 1976.*

Modesto, CA—Modesto City-County/Harry Sham Field, NDB Rwy 28R, Amdt. 1

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective June 3, 1976.*

Pocatello, ID—Pocatello Muni. Arpt., ILS Rwy 21, Amdt. 20

* * * *effective April 22, 1976.*

Houston, TX—Intercontinental Arpt., ILS Rwy 26, Original

* * * *effective April 5, 1976.*

Modesto, CA—Modesto City-County/Harry Sham Field, ILS Rwy 28R, Amdt. 5

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective May 27, 1976.*

Charlotte, NC—Douglas Muni. Arpt., RADAR-1, Amdt. 12

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective May 27, 1976.*

Savannah, GA—Savannah Muni. Arpt., RNAV Rwy 18, Amdt. 1
Fort Dodge, IA—Fort Dodge Muni. Arpt., RNAV Rwy 24, Original
Jackson, MS—Hawkins Field, RNAV Rwy 16, Amdt. 2
Rock Hill, SC—Bryant Field, RNAV Rwy 1, Amdt. 1
Racine, WI—Horlick-Racine Arpt., RNAV Rwy 22, Amdt. 1
Waukesha, WI—Waukesha County Arpt., RNAV Rwy 10, Amdt. 2

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on April 8, 1976.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 F.R. 5610).

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.76-10869 Filed 4-14-76;8:45 am]

[Airspace Docket No. 76-NE-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone Effective Hours

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the effective hours of the Nantucket, Massachusetts, Control Zone from 24 hours daily to 0600 to 2300 hours local time.

This action is being taken because the Nantucket, Massachusetts, Air Traffic Control Tower hours of operation are being changed from 24 hours daily to 0600 to 2300 hours local time or during specific dates and times established by a Notice to Airmen which thereafter will be published in the Airman's Information Manual.

Since this amendment restores airspace to the public use and relieves a restriction, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than thirty (30) days.

In view of the foregoing, the Federal Aviation Administration, having completed review of the airspace requirements in the Nantucket, Massachusetts, area, hereby amends Part 71 of the Federal Aviation Regulations as hereinafter set forth:

1. Amend Section 71.171 of Part 71 of the Federal Aviation Regulations by adding to the description of the Nantucket, Massachusetts, Control Zone:

"This Control Zone is effective from 0600 to 2300 hours local time, daily or during specific dates and times established by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual."

This amendment becomes effective April 15, 1976.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348(a)] and of Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Burlington, Massachusetts, on April 6, 1976.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.76-10990 Filed 4-14-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. SAB-5]

PART 211—INTERPRETIVE RELEASES RELATING TO ACCOUNTING MATTERS

Publication of Staff Accounting Bulletin No. 5

The Division of Corporation Finance and the Office of the Chief Accountant today announced the publication of Staff Accounting Bulletin No. 5. The statements in the Bulletin are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval; they represent interpretations and practices followed by the Division and the Chief Accountant in administering the disclosure requirements of the federal securities laws.

Staff Accounting Bulletin No. 5 furnishes a statement of the staff's opinion as to the appropriate accounting to be followed for exchanges of assets between debtors and creditors.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 13, 1976.

TOPIC 5: MISCELLANEOUS ACCOUNTING

F. *Exchanges of Assets Between Debtors and Creditors.*

Facts: The staff has noted that many registrants, faced with cash flow and other financial difficulties, are attempting to resolve these difficulties in part by transferring certain assets to their creditors in exchange for reductions of outstanding debt (sometimes referred to as asset or loan swaps) or for cash or cash equivalents. These transactions differ from normal independent business transactions in that the creditor has a substantial interest in protecting its remaining outstanding receivable from that debtor or in otherwise minimizing its losses. Such transactions have a dimension beyond the specific assets and liabilities being exchanged and therefore raise problems as to appropriate accounting from the point of view of both debtor and creditor.

Question: Do such exchanges constitute a transaction for accounting purposes, and, if so, what should be the basis of accounting for the transaction?

Response: A basic principle underlying all accounting is that transactions must be accounted for in accordance with their substance rather than their form. Where assets belonging to a debtor are transferred to a creditor, it is the view of the staff that under existing generally accepted accounting principles an accountable transaction has taken place which must be recorded on the books of both parties in accordance with its economic substance.

In a normal independent transaction, the noncash assets involved would be valued by the amount of cash exchanged or the cash value of the reduction of debt. In transactions that are the subject of this bulletin, however, there may be considerations other than the values of the specific assets and liabilities directly involved in the transactions and, if this is the case, alternative measurement approaches are required. In these circumstances, the staff believes that the amount of money exchanged or the face amount of debt reduction cannot necessarily be viewed as indicative of the value of assets exchanged.

Accordingly, in transactions where such circumstances exist, it is necessary to determine the current fair market value of any assets exchanged. Such a determination must be made on the basis of the facts existing at the time of the exchange. Where there is an active market in assets of the sort exchanged, a price derived from such a market should be used. Alternatively, if there is no active market in assets of the sort exchanged, when the entity exchanging or acquiring the assets regularly engages in transactions involving comparable assets, the prices used in such transactions would measure current fair market value.

In some circumstances, however, neither of these conditions may exist, and in such circumstances fair market values must be estimated by other means. One procedure is to estimate future cash flows from assets based upon appraisals and forecasts of future cash flows from the operation or sale of the asset. Using this procedure, the calculation must reflect an appropriate rate of return to the holder of the asset during any period the assets are expected to be held, taking into consideration the risk elements involved. Such a rate should reflect the rate of return a purchaser would expect if an asset having equivalent risk elements were acquired in a normal transaction. Other procedures may also be appropriate.

The difference between the fair market value of the assets received and the carrying amount of any receivable given up (or any cash paid) should be accounted for as a loan loss by the creditor.

The debtor should first adjust its records to reflect the assets involved in the exchange at the lower of cost or fair market value, recognizing any resultant loss. Then any difference between the adjusted carrying amount of the assets and the book value of debt reduction (or cash received) should be reported by the debtor pursuant to the provisions of Financial Accounting Standards Board Statement No. 4.

The staff recognizes that the Financial Accounting Standards Board is currently considering the broader issue of accounting for restructured debt and that their conclusions may have a direct bearing on this problem. The staff's view of the appropriate accounting for these transactions would, of course, be influenced by any statement on restructured debt which is issued by the Financial Accounting Standards Board.

[FR Doc.76-10895 Filed 4-14-76;8:45 am]

[Release No. SAB-6]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS

Publication of Staff Accounting Bulletin No. 6

The Division of Corporation Finance and the Office of the Chief Accountant today announced the publication of Staff Accounting Bulletin No. 6. The statements in the Bulletin are not rules or interpretations of the Commission or are they published as bearing the Commission's official approval; they represent interpretations and practices followed by the Division and the Chief Accountant in administering the disclosure requirements of the federal securities laws.

Staff Accounting Bulletin No. 6 provides interpretations of Accounting Series Release No. 177.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 1, 1976.

TOPIC 6: INTERPRETATIONS OF ACCOUNTING SERIES RELEASES

H. ACCOUNTING SERIES RELEASE NO. 177—Relating to Amendments to Form 10–Q and Regulation S–X Regarding Interim Financial Reporting.

General Facts: Accounting Series Release No. 177 requires increased disclosure of quarterly data on Form 10–Q for quarterly periods beginning after December 25, 1975. The increased disclosure requirements include condensed financial statements, a narative analysis of results of operations, the approval of any accounting change by the registrant's independent public accountant, and a signature by the registrant's chief financial officer or chief accounting officer. In addition, it will require disclosure of selected quarterly data in notes to financial statements of registrants who meet criteria set forth in the release as to size and trading activity.

1. Amendments to Regulation S–X (New Rule 3–16(t)).

a. *Effective Date of Amendments.*

Facts: ASR No. 177 states that "Rules 2–02 (e) and 3–16(t) of Regulation S–X shall be applicable to financial statements for all fiscal periods beginning subsequent to December 25, 1975, but in no event shall disclosure of quarterly data be required for quarters beginning prior to that date."

Question 1: When must a company that reports annually on other than a calendar-year basis (say, a June 30 fiscal year-end) include for the first time summarized quarterly financial data in a note to its annual financial statements?

Interpretive Response: The reporting requirements for a June 30 fiscal year-end company would depend on the report filed by the company during its 1976–77 fiscal year (fiscal 1977). For example if the company filed a registration statement during fiscal 1977 which included six month stub period data (i.e., thru December 31, 1976), it would be required to include summarized quarterly financial data in a note to financial statements for the two quarters included in the six-month stub period. If a registration statement is not filed during the year or does not contain stub period data which includes completed quarterly periods, it would initially be required to meet the note disclosure requirements of Rule 3–16(t) in its annual financial statements for its fiscal year ending June 30, 1977. In either situation, the company would not be required to give comparative quarterly financial data for fiscal 1976 since fiscal 1976 commenced prior to December 25, 1975.

Question 2: Is Rule 3–16(t) applicable to a calendar year-end company filing a registration statement which includes "stub" period data for the six-month period ended June 30, 1976?

Interpretive Response: Yes. Rule 3–16(t) requires disclosure of quarterly financial data for each quarter in the six month "stub" period.

b. *Disclosure of Selected Quarterly Financial Data in Notes to Financial Statements.*

Facts: Rule 3–16(t) of Regulation S–X requires disclosure in a note to financial statements of net sales, gross profit, income before extraordinary items and cumulative effect of a change in accounting, per share data based upon such income, net income for each full quarter within the two most recent fiscal years and any subsequent interim period for which income statements are presented. It also requires the registrant to describe the effect of any disposals of segments of a business and extraordinary, unusual or infrequently occurring items recognized in each quarter, as well as the aggregate effect and the nature of year-end or other adjustments which are material to the results of that quarter. Furthermore, it requires a reconciliation of amounts previously reported on Form 10–Q to the quarterly data included in the note to financial statements if the amounts differ.

Question 1: Are the disclosures required by Rule 3–16(t) required for parent company only financial statements when such financial statements are presented in addition to consolidated financial statements?

Interpretive Response: No.

Question 2: Are the disclosure requirements of Rule 3–16(t) applicable to supplemental financial statements included in a filing with the SEC for unconsolidated subsidiaries and 50% or less owned persons or for consolidated subsidiaries engaged in financial activities in accordance with Rule 4–02(e) of Regulation S–X?

Interpretive Response: The summarized quarterly financial data required by Rule 3–16(t) need not be included in supplemental financial statements for unconsolidated subsidiaries and 50% or less owned persons or consolidated subsidiaries engaged in financial activities unless the financial statements are for a subsidiary or affiliate that is itself a registrant which does not meet the conditions for exemption from Rule 3–16(t).

Question 3: If a company is in a specialized industry where "gross profit" generally is not computed (e.g., banks, insurance companies and financial companies), what disclosure should be made to comply with the requirements of Rule 3–16(t)?

Interpretive Response: Companies in specialized industries should present summarized quarterly financial data which are most meaningful in their particular circumstances. For example, a bank might present operating income, operating expenses, security gains or losses and net income. Similarly, an insurance company might present net premiums earned, underwriting costs and expenses, investment income, security gains or losses and net income.

Question 4: If a company wishes to make its quarterly and annual disclosures on the same basis, would disclosure of costs and expenses associated directly with or allocated to products sold or services rendered, or other appropriate data to enable users to compute "gross profit," satisfy the requirements of Rule 3–16(t)?

Interpretive Response: Yes.

Question 5: What is meant by "per-share data based upon such income" as used in Rule 3–16(t)?

Interpretive Response: Rule 3–16(t) only requires disclosure of per share amounts for income before extraordinary items and cumulative effect of a change in accounting. It is expected that when per share data is calculated for each full quarter based upon such income, the per share amounts would be both primary and fully diluted. Although it is not required by the rule, there are many instances where it would be desirable to also disclose other per share figures such as net earnings per share and the per share effect of extraordinary items. Where such disclosure is made, per share data should be both primary and fully diluted.

Question 6: What is intended by the requirement that registrants "describe the effect of" disposals of segments of a business, etc.?

Interpretive Response: The rule is intended to require registrants to "disclose the amount" of such unusual transactions and events included in the results reported for each quarter. Such disclosure would be made in narrative form in the note. However, it would not require that matters covered by management's analysis and discussion of the results of operations be repeated in such a note. In this situation, registrants should disclose the nature and amount of the unusual transaction or event and refer to management's analysis for further discussion of the matter.

Question 7: What is intended by the requirement to disclose "the aggregate effect and the nature of year-end or other adjustments which are material to the results of that quarter"?

Interpretive Response: This language is taken directly from Paragraph 31 of APB Opinion No. 28 which relates to disclosures required for the fourth quarter of the year. The opinion indicates that earlier quarters should not be restated to reflect a change in accounting estimate recorded at year end. However, changes in an accounting estimate made in an interim period that materially affect the period (quarter) in which the change occurred are required to be disclosed in order to avoid misleading comparisons. In making such disclosure, registrants may wish to identify (but not restate) the prior periods in which transactions were recorded which relate to the change in the quarter. The staff believes that the disclosure guidelines of Paragraph 31 also should apply to "stub period" data included in registration statements.

Question 8: If a company has filed a Form 8 amending a previously filed Form 10–Q, is a reconciliation of quarterly data in annual financial statements with the amounts originally reported on Form 10–Q required?

Interpretive Response: Yes. However, if the company publishes quarterly reports to shareholders and has previously made detailed disclosure to shareholders in such reports of the change reported on the Form 8, no reconciliation would be required.

c. *Financial Statements Presented on Other Than a Quarterly Basis.*

Facts: Rule 3–16(t) requires disclosure of quarterly financial data for each *full quarter* of the last two fiscal years and in any subsequent interim period for which an income statement is presented.

Question 1: If a company reports at interim dates on other than a calendar-quarter basis (e.g., 12–12–16–12 week basis), will it be precluded from reporting on such basis in the future?

Interpretive Response: No, as long as it discloses the basis of interim fiscal period reporting and the interim fiscal periods on which it reports are consistently determined from year to year (or, if not, the lack of comparability is disclosed).

Question 2: If a calendar-year company presents interim income statements in a registration or proxy statement for a five-month period, would it be acceptable to only include quarterly financial data for the first quarter of the current five-month period?

Interpretive Response: In this case, quarterly financial data are required only for the first fiscal quarter included in the current five-month period.

Question 3: If a company presents an income statement in a registration or proxy statement for a cumulative twelve-month period in lieu of comparative "stub" period income statements and the twelve-month period does not coincide with the company's fiscal quarters (e.g., the income statement is for the twelve months ending May 31, 1977, whereas the company's quarters are on a calendar basis), should quarterly financial data be presented for each quarterly period ending August, November, February and May.

Interpretive Response: No. Quarterly data is required for each full quarter for 1976 and for fiscal quarters subsequent to the most recent fiscal year included in the

twelve-month income statement (e.g., the quarter ending March 31, 1977).

d. *Exemption from Rule 3–16(t) Requirements.*

Facts: In ASR No. 177, the Commission has provided exemptions for certain smaller companies and companies whose securities are not widely traded from the disclosure requirements of Rule 3–16(t). Such exemptions are based on the size of the company as measured by total assets and net income, as defined, and the extent of trading in its securities as measured by whether they are listed on a national securities exchanges or quoted on the National Association of Securities Dealers Automatic Quotation System and meet the requirements for continued inclusion on the list of OTC margin stocks set forth in Regulation T of the Board of Governors of the Federal Reserve System.

Question 1: Would a company with less than $200 million of total assets be exempted from the requirements of Rule 3–16(t) if it reported a net loss before extraordinary items and a cumulative effect of a change in accounting for any one of its last three fiscal years (e.g., loss of $1 million in 1974 and earnings of $1 million in 1975 and 1976)?

Interpretive Response: Yes, such a company is not required to include selected quarterly financial data in a footnote to its 1976 financial statements because it has not had net income, as defined, of at least $250,000 for each of the last three fiscal years and also did not have total assets of at least $200 million at the last fiscal year-end.

Question 2: Should the determination of net income, as defined, for each of the last three fiscal years be adjusted for restatements of prior-year figures as a result of changes in accounting principles, business combinations (accounted for as poolings of interests), prior-period adjustments, etc.?

Interpretive Response: Net income, as defined, for the last three fiscal years should be determined each year on the basis of current financial statements which included those years. Such financial statements would reflect restatements, if any, of prior years' data in accordance with APB Opinions No. 9, 16 and 20. However, as indicated in the interpretive response to Question 3 below, a registrant will not be required to retroactively include the quarterly financial data called for by Rule 3–16(t) in a footnote to prior-year financial statements as a result of such such restatements if it was exempted from such a requirement when the financial statements were originally filed with the Commission.

Question 3: Is a registrant which was previously exempt from the requirements of Rule 3–16(t) but no longer meets the tests for exemption required to retroactively include the quarterly financial data in a footnote to prior-year financial statements presented for comparative purposes?

Interpretive Response: No. Although Rule 3–16(t) requires disclosure of selected quarterly financial data for the two most recent years, a registrant will not be required to retroactively include the quarterly financial data called for by this rule if it was exempted from such a requirement when the financial statements were originally filed with the Commission.

Question 4: Is a company exempted from the requirements of Rule 3–16(t) because it is not included in the list of OTC margin stocks issued by the Board of Governors of the Federal Reserve System?

Interpretive Response: The fact that a company is not included on the current Federal Reserve Board list of OTC margin stocks does not necessarily mean it is exempted from the disclosure requirements of Rule 3–16(t). The specific condition for exemption is that the security does not "meet the requirements for *continued inclusion* on the list of OTC margin stock. * * *" It is possible that a company has never met the requirements for initial listing but is subject to the rule because it meets the requirements for continued inclusion on the list.

Question 5: Does the margin requirements test apply only to OTC companies in determining exemption under Rule 3–16(t)?

Interpretive Response: Yes.

Question 6: To what extent are the disclosure requirements of Rule 3–16(t) applicable to foreign companies?

Interpretive Response: A foreign company whose securities are registered pursuant to Section 12(b) of the Exchange Act is required to comply with the disclosure requirements of Rule 3–16(t) if it meets the size test set forth in the Rule. However, a foreign company whose securities either are registered pursuant to Section 12(g) of the Exchange Act or are exempt from registration under Rule 12g3–2 of that Act is not required to comply with the disclosure requirements of Rule 3–16(t).

Question 7: Is a closed-end investment company subject to the Investment Company Act of 1940 required to comply with the disclosure requirements of Rule 3–16(t)?

Interpretive Response: A closed-end investment company which has securities registered pursuant to Section 12(b) of the Exchange Act is not exempt from the requirements of Rule 3–16(t). However, a closed-end investment company that is exempt from registration under Section 12(g) of the Exchange Act is exempt from the requirements of Rule 3–16(t).

e. *Incorporation by Reference of Annual Reports to Shareholders.*

Question 1: May a company that does not include quarterly financial data required by Rule 3–16(t) in the financial statements included in its annual report to shareholders incorporate such annual report by reference in Form S–8 or Form 10–K?

Interpretive Response: The absence of such data from the annual report will preclude the incorporation of such a report by reference in a Form S–8 or Form 10–K filing. Furthermore, this information is required in the annual report if the annual report is intended to satisfy the requirements of Rules 14a–3 or 14c–3.

II. Amendments to Form 10–Q.

a. *Effective date of amendments.*

Facts: The amendments to Form 10–Q adopted by ASR No. 177 are effective for all reports filed for periods beginning after December 25, 1975, but in no event shall comparative balance sheets and statements of changes in financial position be required for interim periods beginning prior to that date.

Question 1: What financial statements would a company that reports on other than a calendar-year basis (say a June 30 fiscal year-end) be required to include in its Form 10–Q quarterly report for the quarter ended March 31, 1976?

Interpretive Response: The company would be required to include the following condensed financial statements in Form 10–Q for the quarter ended March 31, 1976:

1. Balance sheet as of March 31, 1976.
2. Comparative income statements for the nine months ended March 31, 1976 and 1975.
3. Comparative income statements for the three months ended March 31, 1976 and 1975.
4. Statement of source and application of funds for the nine months ended March 31, 1976.

The company would not be required to present a balance sheet as of March 31, 1975, or a statement of source and application of funds for the nine months then ended. Statements of source and application of funds for the most recent fiscal quarter are not required by the instructions as to financial statements in Form 10–Q except for the first quarter of the year.

b. *Form of Condensed Financial Statements.*

Facts: Instruction H(a) to Form 10–Q provides that "(1) Balance sheets and income statements shall include only major captions (i.e., numbered captions) set forth in Regulation S–X, with the exception of Inventories where data as to raw materials, work in process and finished goods shall be included, if applicable. Where any major balance sheet caption is less than 10% of total assets and the amount in the caption has not increased or decreased by more than 25% since the previous balance sheet presented, the caption may be combined with others. When any major income statement caption is less than 15% of average net income for the most recent three years and the amount in the caption has not increased or decreased by more than 20% as compared to the next preceding comparable income statement, the caption may be combined with others." Similarly, the statement of source and application of funds may be abbreviated, starting with a single figure of funds provided by operations and showing other sources and applications individually only when they exceed 10% of the average of funds provided by operations for the most recent three years.

Question 1: Do the terms "previous balance sheet presented" and "next preceding comparable income statement" refer to the financial statements for the preceding quarter or the financial statements for the comparable period of the preceding year?

Interpretive Response: The comparison is between the preceding quarter and the current quarter. For example, in the second quarter of 1976 the comparison would be between the March 31, 1976 quarter and June 30, 1976. Although there may be transitional problems with this interpretation for quarterly reports filed for the first year under the new amendments, the staff anticipates that registrants will present in their initial Forms 10–Q those captions which do not currently meet the percentage tests but which will meet the tests in quarterly reports for later periods.

Question 2: If a company previously combined captions in a Form 10–Q but is required to present such captions separately in the Form 10–Q for the current quarter, must it retroactively reclassify amounts included in the prior-year financial statements presented for comparative purposes to conform with the captions presented for the current-year quarter?

Interpretive Response: Yes.

Question 3: In determining whether or not major income statement captions may be combined, does average "net income" for the last three years (using the company's last year end as the starting point) mean "net income" or income before extraordinary items and change in accounting principles?

Interpretive Response: It means "net income."

Question 4: If a company uses the gross profit method or some other method to determine cost of goods sold for interim periods, will it be acceptable to state only that it is not practicable to determine components of inventory at interim periods?

Interpretive Response: The staff believes disclosure of inventory components is important to investors. In reaching this decision the staff recognizes that registrants may not take inventories during interim periods and that managements, therefore, will have to estimate the inventory components. However, the staff believes that management will be able to make reasonable estimates of inventory components based upon their knowledge of the company's production cycle, the costs (labor and overhead) associated with

this cycle as well as the relative sales and purchasing volume of the company.

Question 5: If a company has years during which operations resulted in a net outflow of funds, should it exclude such years from computation of funds provided by operations for the three most recent years in determining what sources and applications must be shown separately?

Interpretive Response: Yes. Similar to the determination of average net income, if operations resulted in a net outflow of funds during any year, such amount should be excluded in making the computation of funds provided by operations for the three most recent years unless operations resulted in a net outflow of funds in all three years, in which case the average of the net outflow of funds should be used for the test.

Question 6: Must a company include an analysis of changes in each element of working capital in the condensed statement of source and application of funds included in its Form 10–Q?

Interpretive Response: No. The statement of source and application of funds can be abbreviated and needs to include only funds provided by operations and other sources and applications of funds which exceed 10% of the average of funds provided by operations for the most recent three years.

c. *Need for supplemental financial statements.*

Facts: Company A has an unconsolidated subsidiary and a 50%-owned person which are by definition "significant subsidiaries" under Rule 1–02 of Regulation S–X. Separate financial statements for the unconsolidated subsidiary and investee company are included in Form 10–K annual reports filed with the Commission. The company is also required to include parent company only financial statements in certain filings with the Commission in addition to its consolidated financial statements.

Question 1: Is Company A required to include separate parent company only financial statements in Form 10–Q quarterly reports?

Interpretive Response: No. Instruction D (b) of Form 10–Q states that, if the required financial information is given for the registrant and its consolidated subsidiaries, it need not be given separately for the registrant.

Question 2: Is Company A required to include condensed financial statements for its unconsolidated subsidiary and investee company in Form 10–Q quarterly reports?

Interpretive Response: Yes. However, summarized income statement information of such companies will continue to be accepted in lieu of the financial information required by Instruction D(b).

Instruction D(b) of Form 10–Q was not changed in connection with the amendments to that form adopted in ASR 177. Applied literally, that instruction would require in Form 10–Q condensed financial statements of unconsolidated subsidiaries and investee companies if separate or group statements for such companies were required to be included in a registrant's annual report (e.g., Form 10–K) filed with the SEC. However, the Commission did not intend to require in Form 10–Q condensed financial statements of such companies and, accordingly, the staff will continue to accept only summarized income statement information of unconsolidated subsidiaries and investee companies in a note to the registrant's condensed financial statements in Form 10–Q. It is anticipated that this instruction will be amended.

d. *Disclosures with respect to the disposition of business.*

Facts: Instruction H(e) to Form 10–Q requires certain disclosures when "the registrant has disposed of any significant portion of its business during any of the periods covered by the report * * *"

Question 1: What is intended by the phrase "significant portion of its business" as used in Instruction H(e)?

Interpretive Response: The term "significant portion of its business" refers to a "segment of a business" as defined in Paragraph 13 of APB Opinion No. 30, which covers, among other things, the reporting of the effects of the disposal of a segment of a business.

e. *Disclosure of Form 8–K filed during the most recent quarter.*

Facts: Instruction J to Form 10–Q requires a registrant to indicate whether a Form 8–K was required to be filed during the most recently completed fiscal quarter reporting either material unusual charges or credits to income or a change of auditors.

Question 1: Is a company which has filed a Form 8–K for the above reason for the last month in the most recently completed fiscal quarter required to indicate this in its Form 10–Q even if the filing was made after the end of the quarter?

Response: Instruction J requires the disclosure if a Form 8–K was filed for any of the three months in the quarter reporting either material unusual charges or credits to income or a change of auditors even though the Form 8–K may have been filed 10 days after the end of the quarter because the event occurred in the last month of the quarter.

f. *Reporting requirements for accounting changes.*

Facts: Instruction H(f) to Form 10–Q requires that a registrant who changes its method of accounting shall indicate the date for such changes and the reasons for the changes. The registrant also must include as an exhibit in the "first Form 10–Q filed subsequent to the date of an accounting change, a letter from the registrant's independent accountants * * * indicating whether or not the change is to an alternative principle which in his judgement is preferable under the circumstances." A letter from the independent accountant is not required "when the change is made in response to a standard adopted by the Financial Accounting Standards Board which requires such a change."

Question 1: If one client of an independent accounting firm changes its method of accounting and the accountant submits the required letter stating his view of the preferability of the principle in the circumstances, does this mean that all clients of that firm are constrained from making the converse change in accounting (e.g., if one client changes from FIFO to LIFO, can no other client change from LIFO to FIFO)?

Interpretive Response: Where the factual circumstances surrounding the accounting changes are similar, the staff would not expect an accounting firm to accept accounting changes in both directions by different clients. In unusual cases, however, substantially different factual circumstances may exist in different client situations which would make it possible for the accountant to conclude that switches in opposite directions may each be preferable under all the particular circumstances. Registrants and accountants may expect the staff to request that it be furnished with the details supporting acceptance of apparently inconsistent positions by the accounting firm.

Question 2: If a registrant changes its accounting to one of two methods specifically approved by the FASB in a Statement of Financial Accounting Standards (such as FASB 9), need the independent accountant express his view as to the preferability of the method selected?

Interpretive Response: If a registrant was formerly using a method of accounting no longer deemed acceptable, a change to either method approved by the FASB may be presumed to be a change to a preferable method and no letter will be required from the independent accountant. If, however, the registrant was formerly using one of the methods approved by the FASB for current use and wishes to change to an alternative approved method, then the registrant must justify its change as being one to a preferable method in the circumstances and the independent accountant must submit a letter stating that in his view the change is to a principle that is preferable in the circumstances.

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[Release No. 12288]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 241—INTERPRETIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Brokers and Dealers Effecting Transactions in Municipal Securities

Extension until June 1, 1976 of certain aspects of the financial responsibility and reporting program pertaining to transactions in municipal securities.

The Securities and Exchange Commission today announced the extension until June 1, 1976 of certain aspects of the financial responsibility and reporting program pertaining to transactions in municipal securities. The affected components of the program include the Commission's previous interpretations respecting the application of rules 17a–3 [17 CFR § 240.17a–3], 17a–4 [17 CFR § 240.17a–4], and 17a–11(c) [17 CFR § 240.17a–11(c)], to brokers and dealers effecting transactions solely in municipal securities, and the temporary amendment to rule 15c3–1(c)(1)(i) [17 CFR § 240.15c3–1(c)(1)(i)], pertaining to overnight bank loans collateralized by municipal securities incurred by such brokers and dealers.

Rules 17a–3, 17a–4 and 17a–11(c).

Section 17(a)(1)[1] of the Securities Exchange Act of 1934 ("the Act") requires registered brokers and dealers, inter alia, to make and keep such records for such periods of time as the Commission by rule prescribes as necessary or appropriate in the public interest or for the protection of investors. Among the rules adopted pursuant to this rulemaking authority are rules 17a–3 [17 CFR § 240.17a–3], 17a–4 [17 CFR § 240.17a–4], and 17a–11 [17 CFR § 240.17a–11]. Rule 17a–3 [17 CFR § 240.17a–3] essentially requires that brokers and dealers registered pursuant to section 15 of the Act shall make and keep current specified books and records relating to their business. Rule 17a–4 [17 CFR § 240.17a–4] requires the preservation for specified lengths of time of the books and records maintained pursuant to rule 17a–3 [17 CFR § 240.17a–3], as well as other documents enumer-

[1] Securities Acts Amendments of 1975, Pub. L. No. 94–29, § 14, 89 Stat. 137 (June 4, 1975), formerly ch. 404, § 17, 48 Stat. 897 (1934).

ated in rule 17a–4(b), (c) and (d) [17 CFR § 240.17a–4(b), (c) and (d)] [2] Paragraph (c) of rule 17a–11 [17 CFR § 240.17a–11] requires that brokers and dealers give immediate, telegraphic notice of a rule 17a–3 [17 CFR 240.17a–3] violation to the Commission, and take corrective measures within forty-eight hours after transmittal of such notice.

In Securities Exchange Act Release No. 11854 (Nov. 20, 1975) [40 FR 57786 (12–12–75)] ("Release No. 11854"), the Commission adopted a financial responsibility and reporting program pertaining to transactions in municipal securities, including certain amendments, temporary amendments and interpretations to the uniform net capital rule [17 CFR § 240.15c3–1], the customer protection rule [17 CFR § 240.15c3–3], and other related financial responsibility and reporting rules, including rules 17a–3 [17 CFR § 240.17a–3], 17a–4 [17 CFR § 240.17a–4], and 17a–11(c) [17 CFR § 240.17a–11(c)]. In Release No. 11854, the Commission noted that brokers and dealers effecting transactions solely in municipal securities might be largely unfamiliar with the requirements of rule 17a–3 [17 CFR § 240.17a–3], and might experience difficulty in digesting and implementing all of the rule's provisions prior to December 1, 1975, by which date these brokers and dealers would become subject to the rule.[3] The Commission concluded that it was necessary and appropriate to provide a transitional period during which brokers and dealers effecting transactions solely in municipal securities could educate themselves concerning Rule 17a–3 [17 CFR § 240.17a–3], and make those adjustments to their bookkeeping and recordkeeping systems dictated by the rule's provisions. The Commission accordingly interpreted Rule 17a–3 [17 CFR § 240.17a–3] to require brokers and dealers effecting transactions solely in municipal securities to make and keep current books and records sufficient to demonstrate their financial condition, to reflect the receipt and delivery of all funds and securities, and to reflect all customer activity.[4] A companion interpretation of rule 17a–4 [17 CFR § 240.17a–4] provided that brokers and dealers effecting transactions solely in municipal securities would be required to preserve in an easily accessible place those books and records maintained pursuant to rule 17a–3 [17 CFR § 240.17a–3], as interpreted, and such other business records required to be preserved by rule 17a–4 [17 CFR § 240.17a–4]. In addition, the Commission interpreted rule 17a–11(c), [17 CFR § 240.17a–11(c)] to apply only to violations of rule 17a–3 [17 CFR § 240.17a–3], as interpreted.[5] The Commission stated its intention to consult and coordinate with the Municipal Securities Rulemaking Board ("the Board") concerning appropriate books and records requirements for brokers and dealers effecting transactions solely in municipal securities and invited public comment concerning numerous questions pertaining to appropriate financial responsibility and reporting requirements for these brokers and dealers.[6]

The interpretations to rules 17a–3 [17 CFR § 240.17a–3], 17a–4 [17 CFR § 240.17a–4], and 17a–11(c), [17 CFR § 240.17a–11(c)], discussed above originally were scheduled to expire on January 15, 1976. However, prior to that date, certain interested members of the public and the Board requested that these interpretations be extended. The Board indicated at that time that it had under active consideration certain proposals concerning books and records requirements which it expected to publish for comment in the near future, as a prelude to a formal filing with the Commission, pursuant to section 19(b) of the Act, of a proposed books and records rule by March, 1976. The Commission responded by extending these interpretations until March 31, 1976.[7]

On February 3, 1976, the Board made available to interested members of the public an exposure draft of rules establishing recordkeeping and preservation requirements for municipal securities brokers and municipal securities dealers. The Board solicited public comments concerning these draft proposals during a period expiring March 5, 1976. On March 2, 1976, in response to this invitation, the Commission transmitted the staff's preliminary comments and suggestions with respect to the exposure draft. The Board's exposure draft also generated substantial interest among members of the public. The Board has apprised the Commission that it has received twenty-one comment letters from various firms and organizations, many of them quite detailed and requiring careful consideration. The Board indicated that it expected to consider its proposed recordkeeping and preservation requirements at its regularly scheduled meeting on March 25 and 26, 1976, and to file them under section 19(b) of the Act soon thereafter. However, with certain exceptions, Section 19(b) requires that the terms of substance of proposed rules of self-regulatory organizations be published for public comment in the FEDERAL REGISTER, and precludes, except for good cause, Commission approval of such proposals until thirty days after such publication. Thus, taking into account the Board's revised schedule, it is apparent that the Board's proposed recordkeeping and preservation rules could not become effective prior to the expiration of the Commission's previous extension of its interpretations of rules 17a–3 [17 CFR § 240.17a–3], 17a–4 [17 CFR § 240.17a–4], and 17a–11(c), [17 CFR § 240.17a–11(c)]. Accordingly, the Board has requested another extension of these interpretations of sufficient duration to allow the Board's proposed rules to become effective before the interpretations expire. The Commission has determined that it is appropriate in the public interest and for the protection of investors to continue the existing regulatory status quo with respect to brokers and dealers effecting transactions solely in municipal securities until the Commission is in a position to consider the Board's recordkeeping and preservation rules for such brokers and dealers, in accordance with appropriate procedures under section 19(b). Accordingly, the Commission hereby extends the aforementioned interpretations of rules 17a–3 [17 CFR § 240.17a–3], 17a–4 [17 CFR § 240.17a–4], and 17a–11(c), [17 CFR § 240.17a–11(c)], until June 1, 1976.

Rule 15c3–1(c)(1)(i).

Section 15(c)(3) of the Act directs the Commission, inter alia, to establish minimum financial responsibility requirements for all brokers and dealers. On June 26, 1975, the Commission adopted[8] amendments to rule 15c3–1 [17 CFR § 240.15c3–1], constituting a uniform net capital rule applicable to substantially all brokers and dealers, thus fulfilling this congressional directive.

For purposes of determining compliance with the minimum net capital requirements of rule 15c3–1(a) [17 CFR § 240.15c3–1(a)], rule 15c3–1(c)(1) [17 CFR § 240.15c3–1(c)(1)], defines aggregate indebtedness ("AI") to include the total money liabilities of a broker or dealer, reduced by the exclusions from AI enumerated thereafter. Pursuant to rule 15c3–1(c)(1)(i) [17 CFR § 240.15c3–1(c)(1)(i)], indebtedness adequately collateralized by securities carried long by a broker or dealer and which have not been sold is excludable from AI. However, this exclusion from AI would not apply to "overnight bank loans" collateralized by municipal securities failed to deliver.

In release No. 11854, the Commission took notice of the historical prevalence of overnight bank loans in the municipal securities industry, as well as the suggestions of certain commentators that immediate inclusion of these loans in AI might prove disruptive to many brokers and dealers effecting transactions solely in municipal securities.[9] In light of these considerations, the Commission found it appropriate to establish a brief transitional period during which brokers and dealers effecting transactions solely in municipal securities could adjust to the eventual inclusion of their overnight bank loans in AI. This transitional period took the form of a temporary amendment to rule 15c3–1(c)(1)(i) [17 CFR § 240.15c3–1(c)(1)(i)], permitting brokers and dealers effecting transactions solely in municipal securities to exclude from AI, until April 1, 1976, indebtedness

[2] The Commission calls attention to Securities Exchange Act Release No. 11935 (Dec. 17, 1975), wherein the Commission amended Rule 17a–4 to require brokers and dealers filing Parts II or IIA of Form X–17A–5 to make and keep certain additional books and records.

[3] Securities Exchange Act Release No. 11854, at 22–23 (Nov. 20, 1975).

[4] Id. at 23.

[5] Id. at 24–25.

[6] Id. at 23, 26–27.

[7] Securities Exchange Act Release No. 12021 (Jan. 15, 1976).

[8] Securities Exchange Act Release No. 11497 (June 26, 1975).

[9] Securities Exchange Act Release No. 11854, at 8 (Nov. 20, 1975).

adequately collateralized by municipal securities and outstanding not more than one business day.[10] However, the Commission also noted that "the effect of allowing only some members of the securities industry to take overnight bank loans without capital consequences mandates that this temporary relief be of a short duration."[11]

The temporary amendment to rule 15c3–1(c)(1)(i), [17 CFR § 240.15c3–1(c)(1)(i)] expires two months before the other temporary amendments to the rule adopted in release No. 11854. Interested members of the public have requested that the Commission review the temporary amendment to rule 15c3–1(c)(1)(i) [17 CFR § 240.15c3–1(c)(1)(i)] in conjunction with the other temporary amendments, which expire on June 1, 1976. Therefore, the Commission has determined that it is appropriate in the public interest and for the protection of investors to delay expiration of the temporary amendment to rule 15c3–1(c)(1)(i) [17 CFR § 240.15c3–1(c)(1)(i)], until June 1, 1976. Accordingly, effective immediately, the Commission amends rule 15c3–1(c)(1)(i) [17 CFR § 240.15c3–1(c)(1)(i)], to change the expiration date of this temporary amendment from April 1, 1976 to June 1, 1976.

Competitive Considerations.

The Commission has determined that this amendment to rule 15c3–1 [17 CFR § 240.15c3–1], imposes no burden upon competition not necessary or appropriate in furtherance of the purposes of the Act, and particularly to implement the Commission's mandate under section 15(c)(3) thereof to establish minimum financial responsibility requirements for all brokers and dealers.

Effective Date

In accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. § 553(b)(3)(B), (d)(1) (1970), the Commission finds that notice and public procedure respecting the amendment to rule 15c–3–1(c)(1)(i) [17 CFR § 240.15c3–1(c)(1)(i)] adopted herein would be impractical and contrary to the public interest, and finds further that the amendment relieves a restriction within the meaning of the Act and may therefore become effective immediately upon publication of this release. These findings are based on the Commission's determination that the maintenance of orderly markets in municipal securities requires immediate publication and effectuation of this amendment to Rule 15c3–1 [17 CFR § 240.15c3–1].

Part 240 is amended as follows:

Commission action: Pursuant to sections 15(c)(3) and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission adopts amended § 240.15c3–1 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.15c3–1 Net capital requirements for brokers and dealers.

* * * * *

(c) * * *

(1) * * *

(i) Indebtedness adequately collateralized by securities which are carried long by the broker or dealer and which have not been sold or by securities which collateralize a secured demand note pursuant to Appendix (D) to § 240.15c3–1d; indebtedness adequately collateralized by spot commodities which are carried long by the broker or dealer and which have not been sold; or, until June 1, 1976, indebtedness adequately collateralized by municipal securities outstanding for not more than one business day and offset by municipal securities failed to deliver of the same issue and quantity, where such indebtedness is incurred by a broker or dealer effecting transactions solely in municipal securities who is either registered with the Commission or temporarily exempt from such registration pursuant to § 240.15a–1(T) or § 240.15Ba2–3(T).

By the Commission.

March 31, 1976.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–10897 Filed 4–14–76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 76F–0049]

PART 121—FOOD ADDITIVES

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

POLYOXYMETHYLENE HOMOPOLYMER

Correction

In FR Doc. 76–9463 appearing in the FEDERAL REGISTER of Friday, April 2, 1976 at page 14181 make the following correction:

On page 14182, first column, in § 121.2638(a), fourth line, change the figure "902" to read "9002".

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 450—ANTITUMOR ANTIBIOTIC DRUGS

Doxorubicin Hydrochloride

Correction

In FR Doc. 76–9464 appearing in the FEDERAL REGISTER of Friday, April 2, 1976 at page 14182, make the following correction:

On page 14185, third column, the third line from the top reading "NC 27607." should appear at the bottom of the column as the last line in footnote 4 to § 450.24(b)(4)(ii).

[Recodification Docket No. 9]

REORGANIZATION AND REPUBLICATION

Correction

In FR Doc. 75–7592, published at page 13996 in the issue for Thursday, March 27, 1975, § 201.122 is corrected by adding a semicolon and "or" to paragraph (b) and by adding paragraph (c) to read as follows:

§ 201.122 Drugs and devices for processing, repacking, or manufacturing.

* * * * *

(b) * * *; or

(c) A new drug application or new animal drug application covering the use of the drug substance in the production and marketing of a finished drug product has been submitted but not yet approved or disapproved, the bulk drug is not exported, and the finished drug product is not further distributed after it is manufactured until after the new drug application or new animal drug application is approved.

Dated: April 9, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76–10866 Filed 4–14–76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER VIII—LOW-INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–76–385]

PART 861—PHA-OWNED PROJECTS—RENTS

Subpart D—Notice to Tenants of Proposed Changes to Rent Schedules

Final Rule

On September 11, 1974, the Department of Housing and Urban Development published an interim rule (39 F.R. 32736) setting forth the procedures to be followed by Public Housing Agencies (PHA's) in requesting HUD's approval of changes in rent schedules which may result in rent increases for occupancy of units assisted under the United States Housing Act of 1937, as amended. The interim rule was published as 24 CFR, Chapter IV, Part 410, Subpart G. The final rule, as set forth below, is recodified as a new Part 861, Subpart D of 24 CFR, Chapter VIII. The procedures included (1) notification to tenants of the intention to submit to HUD a request for approval of such a change in rent schedules; (2) an opportunity for tenants to make written comments on the proposed changes in rent schedules to the PHA and to HUD; and (3) after HUD has considered all the submitted material and determined the need for an increase, if any, notification by the PHA to the tenants of the reasons for approval or disapproval.

For reasons of urgency stated in the preamble to the interim rule, Part 410, Subpart G, was made effective as of October 14, 1974, with public comment invited until November 12, 1974. During that time HUD received ten responses.

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[10] Id. at 9.
[11] Id. at 8.

Each comment was seriously considered and, as a result, the interim rule is being modified in certain respects.

Several comments asked whether the regulations applied to the Turnkey III Homeownership Opportunities Program or to the Section 8 Housing Assistance Payments Program. The final rule clarifies the original intent which is to exclude the Turnkey III Program, together with the related Mutual Help Homeownership Opportunity and Turnkey IV Programs, and also the Section 8 Housing Assistance Payments Program.

Suggestions were also made that procedures for tenant comments should not apply to certain types of rent increases as, for example, those mandated by statute or by HUD regulations or those applicable only to new tenants. The suggestion that changes in the rent schedules mandated by statute or HUD regulations be excepted was rejected because the application of such requirements often involves questions of interpretation which should be subject to these procedures. With respect to increases applicable only to new tenants it was intended that the provisions of this Part apply only to any tenant who would be adversely affected by a proposed change in the rent schedule. Since we believe that the Interim Rule was sufficiently clear with regard to new tenants, no change has been made. A suggestion that rent schedules negotiated between PHA's and welfare departments be excepted has not been adopted since the nature and scope of such arrangements is uncertain at the present time.

A suggestion that tenant associations should receive notice of any proposed change in rent schedules and be afforded an opportunity to participate with respect thereto was adopted. Suggestions that notice of these procedures and participation therein should be limited to tenants' associations have been rejected as being insufficient to assure protection of the rights of the individual tenants.

Nearly all of the comments expressed the view that the provisions for notice limited to posting in a specified manner were unduly restrictive, unduly onerous for the PHA's and not calculated to assure that the affected tenants would be apprised of the proposed changes in rent schedules. It was proposed that the PHA have the option to give individual notices. The final rule permits such alternative forms of notice, posting, mailing or delivery as the PHA determines to be most feasible and reasonably calculated to bring the information to the attention of the affected tenants.

Two suggestions were made that since some tenants of low-rent public housing suffer language handicaps which make it difficult for them to comprehend formal written material or to respond in writing, an opportunity for oral explanation and comment should be afforded. The final rule provides for the PHA officials to make themselves available for an informal meeting at which they will explain the proposed changes and answer questions. The proposal for oral comments has been rejected because of problems incurred in accurately summarizing such comments.

A suggestion that the tenants be afforded an opportunity to comment upon the PHA evaluation of the tenants' comments and on any subsequent correspondence between the PHA and HUD was not adopted since this could prolong the process indefinitely and unduly delay the decision on needed changes in rent schedules.

A suggestion that HUD be required to take action within a specified time after receipt of the PHA's submission was not adopted since such time limitation could preclude HUD from giving the necessary consideration to the request and would be inconsistent with existing contractual arrangements and procedures between the PHA and HUD.

Comments were made that implementation of rental increases resulting from changes in rent schedules should be subject to the notice requirements of tenant leases. The final rule includes this requirement.

A suggestion was made that requiring the PHA to separately evaluate each tenant comment would be duplicative and unduly onerous. The final rule makes clear that the issues raised by tenant comments may be grouped by subject matter and summarized for the purpose of evaluating them. A recommendation for requiring that HUD be furnished summaries rather than copies of all tenant comments was not adopted.

The comment that tenants should be permitted to obtain the assistance of legal counsel or other representatives of their choice in examining the PHA records and preparing comments has been adopted.

In addition to the changes noted above, a number of other modifications, more of a clarifying or technical nature, have been made in the final regulations, as follows:

1. Section 861.401 has been changed by addition of language to make clear that changes in rent schedules subject to the procedures include elimination of a previously adopted schedule and adoption of a schedule based entirely on the maximum rent authorized by the United States Housing Act of 1937.

2. Section 861.402 has been modified by addition of new Paragraphs (b) and (c) which spell out in greater detail the provisions which must be included in the notice to tenants and which indicate that a notice may be in either letter or narrative form.

3. There has been deleted from § 410.73 a specific provision indicating that certifications are subject to the criminal provisions of 18 U.S.C. 1001. This provision is considered legally unnecessary since 18 U.S.C. 1001 is applicable without specific reference in the regulation.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. The Finding of Inapplicability is available for inspection at the Office of General Counsel, Rules Docket Clerk, Department of Housing and Urban Development, Room 10245, 451 7th Street SW., Washington, D.C.

Accordingly, 24 CFR, Chapter VIII is amended by adding a new Part 861, PHA-Owned Projects—Rents, and Subpart D, Notice to Tenants of proposed changes to Rent Schedules, to read as follows:

PART 861—PHA-OWNED PROJECTS—RENTS

Subpart D—Notice to Tenants of Proposed Changes to Rent Schedules

Sec.

861.401 Applicability of procedures.
861.402 Notice to tenants.
861.403 Request for approval of revisions to rent schedules.
861.404 Notification of action on PHA request.

AUTHORITY: Sec. 7(d) of the Department of HUD Act (42 U.S.C. 3535(d)); sec. 201(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 1437 note); sec. 6(c)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437d)

§ 861.401 Applicability of procedures.

(a) The procedures set forth in this Subpart shall be applicable to all requests submitted by the Public Housing Agency (PHA) to the Secretary of Housing and Urban Development (HUD) for approval of a change in rent schedule (including elimination of a previously adopted schedule and adoption of a schedule based entirely on the maximum rent authorized by the United States Housing Act of 1937, 42 U.S.C. 1437d, (ACT) and the regulations issued thereunder) which may result in rent increases for occupancy of dwelling units assisted under the Act. These procedures shall not be applicable to changes in rents of individual families based upon the circumstances of the family, such as family income or composition.

(b) The Turnkey III (Part 804 of this Title) and Turnkey IV Homeownership Opportunities Program and the Mutual Help Homeownership Opportunity Program are not subject to these procedures since they are covered by provisions of special agreements entered into with homebuyers which establish the basis on which they are afforded the opportunity to obtain homeownership. The Section 8 Housing Assistance Payments Program (Parts 880 to 889 of this Title) is excluded from these procedures since the tenant payments are determined directly by HUD rather than pursuant to rent schedules of PHAs submitted to HUD for approval.

§ 861.402 Notice to tenants.

(a) At least thirty (30) days before requesting HUD to approve a change in a rent schedule (including a schedule based entirely on the maximum rent authorized by the Act and the regulations issued thereunder) which may result in rent increases, the PHA shall give notice to the affected tenants and the tenants' association, if any, of its intention to request approval of such change. Copies of such notice shall be (A) delivered or mailed in accordance with the notice provisions of the tenant leases to the affected tenants and tenants' association (hereinafter collectively referred to as "the tenants"); or (B) posted in at least three conspicuous places within each

structure or building in which the dwelling units are located as well as in a conspicuous place at the address where the materials in support of the proposed change in the rent schedule are to be made available to tenants pursuant to the availability requirements of subsection (b)(2) of this section. The PHA shall utilize the method or combination of methods which it determines is most feasible and is reasonably calculated to bring the information to the attention of the tenants. The PHA shall take reasonable steps to assure that any posted notices remain intact and legible for a period of thirty (30) days from the date of posting, and shall comply with all representations made in the notice.

(b) Such notice shall contain the following provisions:

(1) A description of the reasons why a changed rent schedule is needed, the provisions that are proposed to be changed, and the proposed changes;

(2) A statement that all materials to be submitted to HUD in support of the change shall be available for inspection and copying by the tenants and tenant representatives for a period of thirty days from date of notice at a designated location reasonably accessible to the tenants;

(3) A statement that the tenants may submit written comments on the proposed changes to the PHA for a period of thirty days from date of notice;

(4) A statement that, at a designated time and place, PHA officials will be available to provide informal oral explanation of the proposed changes and answer questions; and

(5) A statement that, when HUD has advised the PHA of its decision, the tenants will be notified thereof at least thirty days before any allowable rental increase is put into effect in accordance with the terms of the existing leases.

(c) Except as provided in paragraph (d) of this section, such notice may be in letter or narrative form.

(d) Any posted notice shall contain the information and be in substantially the format as set forth in Appendix I of this Part.

(e) A tenant shall have the right to obtain assistance from legal counsel or other person of his choice in examining the PHA records made available to the tenants and in preparing his comments.

§ 861.403 Request for approval of revisions to rent schedule.

(a) After the expiration of thirty days following the giving of the notice as provided in § 861.402, and after review of the comments submitted to it, the PHA may submit a request for approval of a change in rent schedule (including elimination of a previously adopted schedule and adoption of a schedule based entirely on the maximum rent authorized under the United States Housing Act of 1937 and the regulations issued thereunder) to the appropriate HUD office and shall furnish HUD with, among other documents, the following materials:

(1) Copies of the notice or notices posted or delivered or mailed to the tenants with a specification of the manner of giving notice and the bases for the method or methods selected;

(2) A certification by the PHA of the items set forth in subsection (b) of this section;

(3) A written statement of the reasons for the request;

(4) Copies of all written comments submitted by the tenants to the PHA; and

(5) The PHA's evaluation of the tenants' comments with respect to the request. Such tenant comments may be grouped by subject matter for the purpose of this evaluation.

(b) The certification of the PHA as required by paragraph (a)(2) of this section shall attest:

(1) That the notice required by § 861.402 was given in accordance with the requirements of that section;

(2) That copies of the materials to be submitted in support of the proposed change in rent schedule were located in a place reasonably accessible to the tenants and that all requests by the tenants to inspect or copy the materials, as provided for in the notice, were honored; and

(3) That copies of all comments received from the tenants were considered and transmitted to HUD.

§ 861.404 Notification of action on PHA request.

(a) After HUD has considered the request for a revised rent schedule which meets the requirements of § 861.403 and has made a determination to approve all, some, or none of the proposed changes, the HUD Field Office will furnish the PHA with a written statement of the reasons for its determination. The PHA will make known the substance of the HUD action in the same manner as was utilized to provide notice pursuant to section 861.402.

(b) No change in tenant rents shall occur until after individual notice thereof of at least thirty days has been given in accordance with the terms of the tenant's lease. Such notice may not be given until after the PHA has been notified by HUD of its decision with respect to a requested rent schedule change and has advised the tenants thereof in accordance with subsection (a) above.

Effective date. This regulation shall be effective on April 15, 1976.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

ROBERT C. ODLE, JR.,
Deputy Assistant Secretary for Housing Management.

APPENDIX I

NOTICE TO TENANTS OF INTENTION TO REQUEST HUD APPROVAL OF A CHANGE IN A RENT SCHEDULE WHICH MAY RESULT IN RENT INCREASES

(Date of Notice)

This is to advise you that 30 days from the date noted above, we plan to request the United States Department of Housing and Urban Development to approve a change in a rent schedule which may result in an increase in your rent. The proposed change is needed for the following reasons:

1.
2.
3.

The provisions of the rent schedule presently in effect which are proposed to be changed are as follows: [Describe fully, giving examples, if pertinent.]

The changes in rent schedules for which we plan to request HUD approval are as follows: [Describe fully, giving examples of possible rent increases that might result.]

All materials that we plan to submit to HUD in support of our request will be available during normal business hours at [address] for a period of 30 days from the above date of posting of this notice for inspection and copying by tenants of [designate buildings and projects] and, if the tenants wish legal or other representatives acting for them individually or as a group.

Tenants may submit comments in writing for or against the proposed changed rent schedules to us at the address given below. Tenant representatives may assist tenants in preparing those comments. These comments and our evaluation of them will be transmitted to HUD with our request for approval of the change in rent schedule. You may send a copy of your comments directly to HUD at the following address:

U.S. Department of Housing and Urban Development, [address of local HUD field office with jurisdiction over changes in rent schedules for the project.]
Attention: Director, Housing Management Division.
Re: Project No. _____
[Name of Buildings and Projects]

Officials of the PHA will be available at [location] on [date/time] to explain the proposed changes in rent schedule and to answer questions.

HUD may approve all, some, or none of the proposed changes in the existing rent schedule. When HUD advises us in writing of its decision on our request, you will be notified thereof. However, no change in your rent will become effective until at least thirty days after notice has been given to you in accordance with the terms of your lease.

[Name of Public Housing Agency]

[Address of Public Housing Agency]

[FR Doc.76-10881 Filed 4-14-76;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

PART 211—DELIVERY OF CHECKS AND WARRANTS TO ADDRESSES OUTSIDE THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS

Revision Including Names of New Restricted Countries

On the basis of information available to the Secretary of the Treasury, including advice received from the Department of State, the Secretary has determined that postal, transportation and

banking facilities in general, and local conditions in all of Vietnam and in Cambodia are such that there is not a reasonable assurance that the payee of a check or warrant drawn against funds of the United States, or any agency or instrumentality thereof, will actually receive such a check or warrant and be able to negotiate it for full value. The Treasury Department therefore finds it necessary to revise its regulations at 31 CFR Part 211 (Treasury Department Circular No. 655) so as to add those areas to the list of restricted areas to which such a check or warrant may not be sent from the United States for delivery. The Department is also consolidating into a single document the supplement and three amendments to, and eliminating obsolete or procedural material from, the existing regulations.

The Department also finds, in accord with 5 U.S.C. 553, that notice and public procedure thereon are not necessary since the amendment involves a foreign affairs function of the United States.

Accordingly, Part 211, Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations is amended to read as follows:

Sec.
211.1 Withholding of delivery of checks.
211.2 Claims for the release of withheld checks or for the proceeds thereof.
211.3 Exceptions.
211.4 Implementing instructions.

AUTHORITY: The provisions of this Part 211 issued under 31 U.S.C. 127 and 5 U.S.C. 301.

§ 211.1 Withholding of delivery of checks.

(a) It is hereby determined that postal, transportation, or banking facilities in general or local conditions in the People's Republic of Albania, Democratic Cambodia, the People's Republic of China, the Republic of Cuba, the Democratic People's Republic of Korea, the Democratic Republic of Vietnam, the Republic of South Vietnam, the German Democratic Republic, and the Soviet Sector of Berlin, Germany, are such that there is not a reasonable assurance that a payee in those areas will actually receive checks or warrants drawn against funds of the United States, or agencies or instrumentalities thereof, and be able to negotiate the same for full value.

(b) A check or warrant intended for delivery in any of the areas named in paragraph (a) of this section shall be withheld unless the check or warrant is specifically released by the Secretary of the Treasury.

(c) Before a check or warrant drawn against funds blocked pursuant to the provisions of Executive Order No. 8389 (3 CFR, 1943 Cum. Supp.), as amended, and which remain blocked under the proviso clause of General License No. 101 of the Foreign Funds Control Regulations (31 CFR 520.101) may be released, it will be necessary for a license authorizing the release to be issued by the Department of the Treasury, Office of Foreign Assets Control, pursuant to E.O. 8389, as amended. In this regard, attention is also directed to the following regulations issued by the Secretary of the Treasury:

(1) The Foreign Assets Control Regulations issued on December 17, 1950 (31 CFR Part 500), pursuant to Executive Order 9193 (3 CFR, 1943 Cum. Supp.), which prohibit transactions involving payments to nationals of the Democratic People's Republic of Korea, the Democratic Republic of Vietnam, the Republic of South Vietnam, and Democratic Cambodia, and to nationals of the People's Republic of China if payments are from accounts in which such nationals had an interest on May 6, 1971, except to the extent that any such payments have been authorized by appropriate license, (2) the Cuban Assets Control Regulations issued on July 8, 1963 (31 CFR Part 515), pursuant to the same authority, which prohibit similar transactions with nationals of Cuba unless licensed, and (3) the Rhodesian Sanctions Regulations (31 CFR Part 530) issued on July 29, 1968, pursuant to E.O. 11322 (3 CFR, 1967 Supp.), E.O. 11419 (3 CFR, 1968 Supp.), sec. 5, 59 Stat. 620, sec. 3, 63 Stat. 735 (22 U.S.C. 287c), which prohibit payment to or on behalf of or for the benefit of any person in Southern Rhodesia, unless licensed.

(d) Powers of attorney for the receipt or collection of checks or warrants or for the proceeds of checks or warrants included within the determination of the Secretary of the Treasury set forth in paragraph (a) of this section will not be recognized.

§ 211.2 Claims for the release of withheld checks or for the proceeds thereof.

Claims for the release of checks or warrants withheld from delivery or for the proceeds thereof, shall be filed with the administrative agency which would have originally authorized such issuance, e.g., claims arising out of checks or warrants representing payments under laws administered by the Veterans Administration shall be filed with the Administrator of Veterans Affairs, Veterans Administration, Washington, D.C. 20420.

§ 211.3 Exceptions.

The regulations of this part do not apply to payments to foreign governments, nor to checks or warrants issued in payment of salaries or wages, or for goods or services purchased by the Government of the United States in foreign countries, unless such payments are subject to the Foreign Funds Control Regulations (31 CFR Part 520), the Foreign Assets Control Regulations (31 CFR Part 500), the Cuban Assets Control Regulations (31 CFR Part 515), or the Rhodesian Sanctions Regulations (31 CFR Part 530).

§ 211.4 Implementing instructions.

Implementing instructions will be issued in Part IV, "Disbursing," of the *Treasury Fiscal Requirements Manual for Guidance of Departments and Agencies.*

Dated: April 8, 1976.

[SEAL] DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-10912 Filed 4-14-76;8:45 am]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION

[Docket No. RAR-2]

PART 225—RAILROAD ACCIDENTS/INCIDENTS, CLARIFICATION AND INVESTIGATIONS

PART 230—LOCOMOTIVE INSPECTION

Telephonic Reports

On February 5, 1975, the National Transportation Safety Board (NTSB) published a notice of proposed rule making (41 FR 5298) to require railroads to notify it by telephone of railroad accidents that the Board is required to investigate under Section 304(a)(1)(C) of the Independent Safety Board Act of 1974 (Pub. L. 93-633, Stat. 2169 (49 U.S.C. 1903)). In this notice, the NTSB noted that telegraphic notification of certain accidents/incidents is required by FRA regulations and that FRA had agreed to amend those regulations to enable railroads to report them to both agencies by a single phone call. The NTSB published its final rule in the April 1, 1976 issue of the FEDERAL REGISTER (41 FR 13925) to become effective April 1, 1976. Accordingly, FRA is amending its regulations to provide that accidents/incidents presently required to be reported by telegram must be reported by telephone, area code 800-424-9291.

Since this amendment makes no change in the criteria for accidents/incidents to be reported, and places no additional burden on any person, FRA believes that notice and public procedures are unnecessary.

This amendment is issued under sections 12 and 20, 24 Stat. 383, 386, as amended, 49 U.S.C. 12, 20; sections 1-7, 36 Stat. 350, as amended 45 U.S.C. 38-43; section 8, 36 Stat. 916, 45 U.S.C. 32; section 6 (e) and (f), 80 Stat. 939, 49 U.S.C. 1655 (e) and (f); and section 1.49 (c), (h) and (n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49 (c), (h) and (n).

In consideration of the foregoing, Chapter II of Title 49 of the Code of Federal Regulations is amended as set forth below, effective May 15, 1976. However, compliance with these regulations, as amended, is authorized immediately.

1. The Table of Contents for Part 225 is amended by changing the caption for § 225.9 to read "Telephone Reports of Certain Accidents/Incidents."

2. § 225.9 is amended to read as follows:

§ 225.9 Telephonic reports of certain accidents/incidents.[1] [2]

(a) Each railroad must report immediately by toll free telephone, Area Code 800-424-0201, whenever it learns of the

[1] The National Transportation Safety Board requires certain railroad accidents to be reported by telephone at the same toll free number (See Title 49, Code of Federal Regulations Part 840).

[2] FRA Locomotive Inspection Regulations require certain locomotive accidents to be reported by telephone at the same toll free number (See Title 49, Code of Federal Regulations, Sections 230.55, 130.162, 230.335 and 230.454).

occurrence of an accident/incident arising from the operation of the railroad that results in the: (1) death of rail passenger or employee; or (2) death or injury of five or more persons.

* * * * *

3. § 230.55 is amended to read as follows:

§ 230.55 Accident reports.

In the case of an accident due to failure, from any cause, of a locomotive boiler or any part or appurtenance thereof, resulting in serious injury or death to one or more persons, the carrier on whose line the accident occurred shall immediately report the accident by toll free telephone, Area Code 800–424–0201. The report shall state the nature of the accident, the number of persons killed or seriously injured, the place at which it occurred, as well as where the locomotive may be inspected. Confirmation of this report shall be immediately mailed to the Associate Administrator for Safety, Federal Railroad Administration, Washington, D.C. 20590, and contain a detailed report of the accident, including, to the extent known, the causes and a complete list of the killed or injured.

4. § 230.162 is amended to read as follows:

§ 230.162 Accident reports.

In the case of an accident due to failure, from any cause, of a steam locomotive or tender, or any part or appurtenance thereof, resulting in serious injury or death to one or more persons, the carrier on whose line the accident occurred shall immediately report the accident by toll free telephone, Area Code 800–424–0201. The report shall state the nature of the accident, the number of persons killed or seriously injured, the place at which it occurred, as well as where the locomotive or tender may be inspected. Confirmation of this report shall be immediately mailed to the Associate Administrator for Safety, Federal Railroad Administration, Washington, D.C. 20590, and contain a detailed report of the accident, including to the extent known, the causes and a complete list of the killed or injured.

5. § 230.335 is amended to read as follows:

§ 230.335 Accident reports.

In the case of an accident due to failure from any cause of a locomotive or unit (other than steam), or any part or appurtenance thereof, or a person coming into contact with an electrically energized part or appurtenance thereof, resulting in serious injury or death of one or more persons, the carrier on whose line the accident occurred shall immediately report the accident by toll free telephone, Area Code 800–424–0201. The report shall state the nature of the accident, number of persons killed or seriously injured, the place at which it occurred, as well as where the locomotive or unit may be inspected. Confirmation of this report shall be immediately mailed to the Associate Administrator for Safety, Federal Railroad Administration, Washington, D.C. 20590, and contain a detailed report of the accident, including to the extent known, the causes and a complete list of the killed and injured.

6. § 230.454 is amended to read as follows:

§ 230.454 Reporting of accidents.

In the case of an accident due to failure of a multiple operated electric unit, or any part or appurtenance thereof, or a person coming into contact with an electrically energized part or appurtenance thereof, resulting in serious injury or death to one of more persons, the carrier on whose line the accident occurred shall immediately report the accident by toll free telephone, Area Code 800–424–0201. The report shall state the nature of the accident, number of persons killed or seriously injured, the place at which it occurred and the place where the locomotive or unit may be inspected. Confirmation of this report shall be immediately mailed to the Associate Administrator for Safety, Federal Railroad Administration, Washington, D.C. 20590, and contain a detailed report of the accident, including to the extent known, the causes and a complete list of the killed and injured.

Issued in Washington, D.C. on April 9, 1976.

ASAPH H. HALL,
Administrator.

[FR Doc.76–10885 Filed 4–14–76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Amendment No. 6 to Revised Service Order No. 1156]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. et al.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 9th day of April, 1976.

Upon further consideration of Revised Service Order No. 1156 (38 F.R. 29220, 35002; 39 F.R. 7792, 24510, 35573; and 40 F.R. 2990, 29863, 48930), and good cause appearing therefor:

It is ordered, That: § 1033.1156 Service Order 1156 (Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Missouri Pacific Railroad Company and over tracks of Union Pacific Railroad Company) be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 15, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., April 15, 1976.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4) and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Lewis R. Teeple, Thomas J. Byrne, and William J. Love. Member William J. Love not participating.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–10916 Filed 4–14–76;8:45 am]

[Amendment No. 1 to Service Order No. 1238]

PART 1033—CAR SERVICE

Certain Railroads Directed To Operate Portions of Lines Formerly Operated by Railroads in Bankruptcy

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C. on the 9th day of April, 1976.

Upon further consideration of Service Order No. 1238 (41 F.R. 14520), and good cause appearing therefor:

It is ordered, That: In § 1033.1238 Service Order 1238 (*Certain railroads directed to operate portions of lines formerly operated by railroads in bankruptcy*) Revised Appendix A be, and it is hereby, substituted for Appendix A thereof.

Effective date. This amendment shall become effective at 12:01 a.m., April 15, 1976.

It is further ordered, That a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

(Interprets and applies Sec. 304 of Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 744); Public Laws 93–236 and 94–210.)

By the Commission, Railroad Service Board, Members Lewis R. Teeple, Thomas J. Byrne, and William J. Love. Member William J. Love not participating.

[SEAL] ROBERT L. OSWALD,
Secretary.

Revised Appendix A

Line description USRA No.	From—	To—	Effective—	Designated operator	Former operator	Person offering rail service continuation payment
442	Mackinaw City, Mich.	St. Ignace, Mich.	12:01 a.m., Apr. 1, 1976.	Michigan Soo Line RR. Co.	Mackinaw Transportation Co.	State of Michigan.
533, 534, 534a	Celina, Ohio, M.P. 127.3.	Celina, Ohio, M.P. 125.8.	12:01 a.m., Apr. 15, 1976.	Norfolk & Western Ry. Co.	PC [1]	State of Ohio.

[1] Definition PC: Penn Central Transportation Co., Robert W. Blanchette, Richard C. Bond, and John H McArthur, trustees, revised Apr. 9, 1976.

[FR Doc.76-10917 Filed 4-14-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-320]

PRACTICE AND PROCEDURE—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS; CITIZENS RADIO SERVICE

Editorial Amendment

In the matter of editorial amendment of Parts 1, 2 and 95 of the Commission's rules to implement a system of temporary permits in the Citizens Radio Service.

By the Commission: 1. At a special meeting held in March 1976 the Commission responded to the unprecedented explosion in interest in the Citizens Radio Service by approving immediate implementation of a system designed to permit applicants for station authorizations in the Citizens Radio Service to operate their radio stations while awaiting issuance of their regular station licenses. Under the system approved by the Commission, applicants for Class D station licenses will be permitted to operate under temporary permits for a limited period while their station license applications are processed. Stations operating under temporary permits are to be assigned distinctive call signs to facilitate their identification.

2. By this Order, we are amending Parts 1, 2, and 95 of the Commission's Rules in order to implement the temporary permit system. We emphasize that the procedure outlined herein is entirely voluntary and is to be utilized only by those applicants wishing to obtain temporary permits prior to issuance of their regular station licenses. Other applicants should continue to follow existing procedures.

3. The procedure to be used in obtaining a temporary permit is as follows:

a. The applicant must obtain FCC Forms 505, Application for Class C or D Station License in the Citizen Radio Service, and 555–B, Temporary Permit, Class D Citizens Radio Station. We hope these forms will be widely available through commercial retail Citizens Radio Service equipment dealers. If unavailable elsewhere, Forms 505 and 555–B may be obtained from the Commission's headquarters, Room B–10, Washington, D.C. 20554, and all Commission field offices.

b. The applicant must read FCC Form 555–B, Temporary Permit, Class D Citizens Radio Station, to determine whether he meets the requirements for holding a temporary permit. He must be able to certify that he is at least 18 years of age, that he is not a representative of a foreign government, that he has applied for a regular Class D station license by mailing a properly completed FCC Form 505 with $4 to the Commission, Box 1010, Gettysburg, Pennsylvania 17325, that he has not been denied a license or had a license revoked by the Commission, and that he is not subject to any other legal action concerning the operation of a radio station. The applicant must then determine, pursuant to instructions on the Form 555–B, the temporary call sign to be used in conjunction with his temporary permit and enter it in the appropriate place on the Form 555–B. The call sign will consist of the letter "K," followed by the initials of the applicant's first and last names and the applicant's Zip Code. (e.g., John Doe, with Zip Code 20554 would be assigned the call sign KJD 20554). We emphasize that this call sign is temporary. A new, superseding call sign will be issued with the regular station license.

c. The applicant must then execute an FCC Form 505, Application for Class C or D Station License in the Citizens Radio Service. The Form 505 should be mailed, along with a check or money order for $4, to the Federal Communications Commission, Box 1010, Gettysburg, Pa. 17325.

Once these steps are completed, the applicant must sign and date the Form 555–B and enter his address thereon. He may then operate his station under the temporary permit, subject to Part 95 of the Commission's Rules, using his temporary call sign, for a period of 60 days from the date of mailing of the Form 505. An applicant who has already submitted his FCC Form 505 may obtain a Form 555–B and, upon its proper completion, operate his radio station for a period of 60 days from the date of mailing the FCC Form 505. The temporary permit must be retained by the applicant as part of the station records.

4. An applicant is not eligible for a temporary permit if he already has a Class D station license, is renewing a Class D station license, or has not properly completed FCC Form 555–B.

5. We believe this system of temporary permits will enable the Commission to provide better service to the public and that the public interest will be benefited thereby. In order to implement the system of temporary licensing described above, we are amending Sections 1.922, 1.925, 2.302, 95.3, 95.15, 95.19, and 95.95 of the Commission's Rules to provide for temporary permits.

6. Authority for these amendments appears in Sections 4(i), 303, 307, 308 and 309 of the Communications Act of 1934, as amended. Some of the amendments adopted herein are editorial and procedural in nature, and the prior notice and public procedure provisions of the Administrative Procedure Act, 5 U.S.C. 553, are not applicable. Further, because of the massive influx of Citizens Radio Service applications, now exceeding 500,000 per month, swift implementation of the temporary licensing system already approved by the Commission is essential, and we are, for good cause, dispensing with the prior notice and public procedure provisions of the Administrative Procedure Act as impracticable. The amendments adopted herein relieve a rule restriction by permitting Citizens Radio Service applicants to operate their radio stations prior to issuance of their regular station licenses, and the rules, as amended, may therefore become effective immediately, pursuant to the provisions of the Administrative Procedure Act.

7. Accordingly, it is ordered, that Parts 1, 2, and 95 of the Commission's Rules are amended as set forth in the attached Appendix effective April 16, 1976.

(Secs. 4, 303, 307, 308, 309, 48 Stat., as amended, 1066, 1082, 1083, 1084, 1085; 47 U.S.C. 154, 303, 307, 308, 309)

Adopted: April 12, 1976.

Released: April 13, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 1, 2 and 95 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 1—PRACTICE AND PROCEDURE

1. In § 1.922 a new FCC Form and Title are added, as follows:

§ 1.922 Forms to be used.

FCC Form	
*	* * * * *
555–B	Temporary Permit, Class D Citizens Radio Station.
*	* * * * *

2. In § 1.925, the headnote is amended, and a new paragraph, (d), is added, as follows:

§ 1.925 Application for special temporary authorization or temporary permit.

* * * * *

(d) An applicant for a Class D station license in the Citizens Radio Service may operate his radio station pending issuance of his Class D station authorization by the Commission for a period of 60 days, under a temporary permit, evidenced by a properly executed certification made on FCC Form 555–B.

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

3. In § 2.302, a new class of station, composition of call sign, and call sign block are added to the table of call signs, as follows:

§ 2.302 Call signs.

Class of station	Composition of call sign	Call sign blocks
* * * * * * *		
Citizens radio, temporary permit	3 letters, 5 digits	KAA00000 through KZZ99999.

PART 95—CITIZENS RADIO SERVICE

4. In § 95.3(c) the definition for "station authorization" is amended to read as follows:

§ 95.3 Definitions.

* * * * *

(c) * * *

Station authorization. Any construction permit, temporary permit, license, or special temporary authorization issued by the Commission.

5. In § 95.15, paragraph (b) is amended, paragraphs (d) and (e) are redesignated paragraphs (e) and (f), respectively, and a new paragraph (d) is added, as follows:

§ 95.15 Filing of applications.

* * * * *

(b) All formal applications for Class C or Class D new, modified, or renewal station authorizations shall be submitted to the Commission's office, Box 1010, Gettysburg, Pa. 17325. An application for a temporary permit shall be made by completing and making the certifications required by FCC Form 555–B. Applications for Class A station authorizations, applications for consent to transfer of control of a corporation holding any citizens radio station authorization, requests for special temporary authority or other special requests, and correspondence relating to an application for any class citizens radio station authorization shall be submitted to the Commission's Office at Washington, D.C. 20554, and should be directed to the attention of the Secretary. Applicants for Class A stations in the Chicago Regional Area, defined in § 95.19, shall submit their applications to the Commission's Chicago Regional Office. Applications involving Class A or Class D station equipment which is neither type approved nor crystal controlled, whether of commercial or home construction, shall be accompanied by supplemental data describing in detail the design and construction of the transmitter and methods employed in testing it to determine compliance with the technical requirements set forth in Subpart C of this part.

* * * * *

(d) A temporary permit may not be held by an applicant already holding a Class D station license.

6. In § 95.19, paragraphs (b), (c), and (d) are redesignated paragraphs (c), (d), and (e), respectively, and a new paragraph, (b), is added, as follows:

§ 95.19 Standard forms to be used.

* * * * *

(b) FCC Form 555–B, Temporary Permit, Class D Citizens Radio Station. This form shall be used when application is made for a temporary permit.

* * * * *

7. § 95.95(a) is amended to read as follows:

§ 95.95 Station identification.

(a) The call sign of a citizens radio station shall consist of three letters followed by four digits. The call sign of a citizens radio station operating under a temporary permit shall consist of three letters followed by five digits.

* * * * *

[FR Doc.76–11070 Filed 4–15–76;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 14—DEPARTMENTAL PROCEEDINGS

Petition Respecting a Rule

Public Law 89–554, 80 Stat. 378, enacted Title 5 of the United States Code. This resulted in former sections under Title 5 being recodified and renumbered. The renumbering resulted in former 5 U.S.C. 1003(d) becoming 5 U.S.C. 553(e). Department of the Interior regulations 43 CFR 14.1, which authorizes any person to petition respecting a rule, cites 5 U.S.C. 1003(d). In addition, 43 CFR 14.1 includes ZIP Code "25" in the address for the Secretary of the Interior. This is no longer correct. The amendment substitutes the correct number "20240". Therefore, 43 CFR 14.1 is amended to update the statutory reference and the address contained therein.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. However, since this amendment is entirely administrative in nature and involves no substantive change to the regulation, it is determined that the rulemaking procedure is unnecessary and this amendment shall become effective on April 16, 1976. Accordingly, pursuant to the authority of 5 U.S.C. 301, 552 and 553(e), § 14.1 of Title 43 of the Code of Federal Regulations is revised to read as follows:

§ 14.1 Petition respecting a rule.

Any interested person may petition in accordance with the provisions of Section 553(e) of Title 5, United States Code for the issuance, amendment, or repeal of a rule. The petition shall be addressed to the Secretary of the Interior, Washington, D.C. 20240. It shall identify the rule for which modification or repeal is requested, or shall provide the text of a proposed rule or amendment, and shall set forth reasons in support of the petition. The petition will be given prompt consideration and the petitioner will be notified promptly of action taken.

(5 U.S.C. 301; 5 U.S.C. 552 and 553(e))

Dated: April 6, 1976.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

[FR Doc.76–10848 Filed 4–14–76;8:45 am]

CHAPTER II—BUREAU OF LAND MANAGEMENT

[Circular No. 2387]

KING RANGE NATIONAL CONSERVATION AREA CALIFORNIA

Acquisition, Exchanges, Management of Locatable Mineral Resources

On pages 43735, 43736, and 43737 of the FEDERAL REGISTER of September 23, 1975 there was published a notice and text of proposed amendments to Parts 2110, 2130, 2270, and 3820 of Title 43, Code of Federal Regulations. The primary purpose of these amendments is to provide for the consolidation and management of public lands within the King Range National Conservation Area in California in accordance with the Act of October 21, 1970 (16 U.S.C. 460y).

Interested persons were given until October 24, 1975 to submit comments, suggestions or objections to the proposed amendments. Two comments were received and considered in the final rulemaking process. One comment did not oppose the content of the proposal, but felt that there was no authority for the issuance of the proposed regulations. The King Range Act specifically authorizes the Secretary to promulgate regulations.

The second comment urged that the Mining and Minerals Policy Act of 1970 (30 U.S.C. § 21a) be cited as an authority. We do not believe this is necessary or appropriate. The two authorities cited as authority for the regulations—the King Range National Conservation Act (16 U.S.C. 460–y) and the National Environmental Policy Act (42 U.S.C. 4332), actually require administration action. The Mining and Minerals Policy Act (30 U.S.C. § 21a) is a statement of congressional policy that the Secretary carries out in administering authorized programs. It is not an authority for issuing these regulations.

The comment urged that an approved plan of operations be protected from unjustified requests for plan modification. As a result of this comment, the regulations have been changed to require the authorized officer to serve written notice describing the changed conditions or unforeseen environmental circumstances occurring or about to occur which necessitate modification of the plan. In addition, his decision is subject to appeal. The applicant, in submitting a plan of operation, should be knowledgeable about what his operation will involve and therefore should be responsible for identifying in his application potential environmental impacts of his actions and the measures he will take to minimize those adverse impacts.

The second comment also requested that the time provided for review of plans of operation be reduced. The review time identified in the proposal is necessary to adequately handle a review and therefore has not been changed.

Another item in the second comment asked that consideration of economic impacts of requirements to protect environmental values be considered and applied to the regulations allowing reasonable mining operations to be carried out in an economic manner. There is no restriction against an applicant including in his plan of operation the economics of each phase of his operation including the economics of the measures used to minimize the adverse environmental impacts.

Finally, there was concern about the time restrictions for approving access and the authority of the Secretary "to prohibit mineral exploration or development by modern methods." Access needs are required to be described in the plan of operations. The approval of the plan also approves the access described therein. The time frames are the same and are considered adequate. Also, the King Range Act provides adequate authority to regulate the limits of access within the King Range National Conservation Area. In addition, existing regulations covering public lands apply to the King Range Area except when in conflict with the Act and regulations promulgated pursuant to the Act.

The regulations are adopted as set forth below and shall become effective April 15, 1976.

PART 2110—GIFTS

1. A new paragraph 2110.0–3(c) is added to read as follows:

§ 2110.0–3 Authority.

* * * * *

(c) Section 5 of the King Range Conservation Area Act (16 U.S.C. 460y) authorizes the Secretary to accept land or interest in land within the area by donation.

2. A new Part 2130 is added to read as follows:

PART 2130—ACQUISITION OF LANDS OR INTERESTS IN LANDS BY PURCHASE OR CONDEMNATION

Subpart 2130—Acquisition of Lands or Interests in Lands by Purchase or Condemnation

Sec.

2130.0–3 Authority
2130.1 [Reserved]
2130.2 [Reserved]
2130.3 [Reserved]
2130.4 Acquisition of lands in King Range Conservation Area
2130.4–1 Purchase

Subpart 2137—Condemnation of Lands or Interests in Lands

Sec.

2137.0–7 Appraisals
2137.0–8 [Reserved]
2137.0–9 Reasons for Condemnation

Subpart 2130—Acquisition of Lands or Interests in Lands by Purchase or Condemnation—General

§ 2130.0–3 Authority.

The Act of October 21, 1970, (16 U.S.C. 460y) provides for the establishment of the King Range National Conservation Area and authorizes the Secretary of the Interior to acquire by purchase any land or interest in land within the area pursuant to the Act.

§ 2130.1 [Reserved]

§ 2130.2 [Reserved]

§ 2130.3 [Reserved]

§ 2130.4 Acquisition of Lands in King Range Conservation Area.

§ 2130.4–1 Purchase.

If the Secretary of the Interior determines that the acquisition of land or interest in land is desirable for consolidation of public lands within the Area he may acquire land or interest in land within the King Range National Conservation Area by purchase with donated funds appropriated specifically for that purpose.

Subpart 2137—Condemnation of Lands or Interests in Lands

§ 2137.0–7 Appraisals.

Prior to initiation of condemnation proceedings, the property will be appraised pursuant to approved Bureau procedures to determine its fair market value and an offer made to purchase it at that appraised price.

§ 2137.0–8 [Reserved]

§ 2137.0–9 Reasons for condemnation.

Incompatible use. The power of eminent domain will be exercised only if the Secretary finds that the use to which the land is being put is incompatible with the purposes of the King Range National Conservation Area Act or the management plan prepared in accordance with the Act, and if efforts to acquire the land by other means have failed.

PART 2270—MISCELLANEOUS EXCHANGES

3. A new Subpart 2274 is added to read:

Subpart 2274—National Conservaiton Area Exchanges

§ 2274.0–3 Authority.

The Act of October 21, 1970, (16 U.S.C. 460y) provides for the establishment of the King Range National Conservation Area in the State of California and authorizes the Secretary of the Interior to acquire land or interests in land by exchange under the Act.

§ 2274.1 Procedures.

(a) In making exchanges within the King Range National Conservation Area, the authorized officer may accept title to non-Federal land or interest in land within the Area defined in 16 U.S.C. 460y–8, or additions made thereto, and convey to the grantor of such land or interest in land an equal value of surveyed, unappropriated and unreserved public land or interest in land, in accordance with the following:

(1) The authorized officer shall have determined that the exchange is in the public interest.

(2) The public lands offered in exchange be in Humboldt and/or Mendocino County, California, and shall have been classified by the authorized officer for exchange.

(3) If the value of the offered lands or interests in land is at least equal to two-thirds of the value of the public land or interests in land, the exchange may be completed by payment of the difference in value to the Bureau of Land Management or the submittal of a cash deposit or a performance bond in an amount at least equal to the difference in value in order to assure that additional lands acceptable to the authorized officer and at least equal to the difference in value will be conveyed to the Government within a definite time to be specified by the authorized officer. If the value of the public lands offered in exchange for non-Federal lands or interests in non-Federal lands is at least equal to two-thirds of the value of the non-Federal lands, the exchange may be completed upon payment by the authorized officer of the difference in value.

(b) Either party to an exchange may reserve minerals, easements, or rights of use either for its own benefits, for the benefit of third parties, or for the benefit of the general public. Any such reservation, whether in lands conveyed to or by the United States, shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the authorized officer. When minerals are reserved in lands conveyed by the United States, any person who prospects for or acquires the right to mine and remove such reserved mineral deposits shall be liable to the surface owners according to their respective interests for any actual damage to the surface or to the improvements thereon resulting from prospecting, entering, or mining operations.

Prior to entering lands in non-Federal ownership, such person shall either obtain the surface owner's written consent or file with the authorized officer a good and sufficient bond or undertaking to the United States in an amount acceptable to the authorized officer for the use and benefit of the surface owner to secure payment of such damages as may be determined in an action brought on the bond or undertaking in a court of competent jurisdiction. Where written consent is not obtained, a letter request shall be filed with the authorized officer for a determination of the amount of the bond or undertaking. A copy of such request will be served on the surface owner or owners by certified mail.

(c) Upon acceptance of title, any lands or interests in lands acquired by the United States by exchange under the authority of Section 5 of the Act of October 21, 1970, shall become public lands, and shall become a part of the King Range National Conservation Area subject to all the laws and regulations applicable thereto without further order of the authorized officer.

(d) Any exchange transaction will be handled in a manner consistent with the authorizing law and regulations in Part 2200 of this Subchapter.

PART 3820—AREAS SUBJECT TO SPECIAL MINING LAWS

4. Part 3820 is amended to add a new Subpart 3827 to read as follows:

Subpart 3827—King Range National Conservation Area

Sec.
3827.0–1 Purpose.
3827.0–3 Authority.
3827.0–5 Definitions.
3827.0–7 Scope.
3827.1 Plan of operation.
3827.1–1 Approval; access; inspection.
3827.2 Requirements for environmental protection.
3827.3 Performance bonds.
3827.4 Use of mining claims restricted surface resources.
3827.5 Noncompliance.
3827.6 Trespass.

AUTHORITY: Sec. 5 of the King Range Conservation Area Act (16 U.S.C. 460y).

Subpart 3827—King Range National Conservation Area

§ 3827.0–1 Purpose.

These regulations set forth rules and procedures for prospecting, location of a mining claim, annual assessment work, exploration and development and other mining operations on lands within the Area so as to minimize adverse environmental impacts, protect the scenic and esthetic values against undue impairment and assure against pollution of the streams and waters within the Area.

§ 3827.0–3 Authority.

(a) The Act of October 21, 1970, (16 U.S.C. 460–y) affirms the applicability of the United States mining laws to the federally owned lands within the Area. It also authorizes the Secretary of the Interior to prescribe regulations under which activities under the mining laws and patents issued pursuant to it shall be subject.

(b) Section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) authorizes and directs that, to the fullest extent possible, the policies, regulations and laws of the United States shall be interpreted and administered in accordance with the policies of that Act.

§ 3827.0–5 Definitions.

(a) The term "Area" in this subpart means those lands and boundaries described in Vol. 39, No. 189, FR p. 34693 of September 27, 1974 which the Secretary of the Interior established as the King Range National Conservation Area and any additions thereto.

(b) *"Mining claim"* as used in this subpart means any unpatented claim, millsite, or unpatented tunnel site authorized by the Mining Law of 1872, as amended, (30 U.S.C. 22 et seq.).

(c) *"Casual use"* as used in this subpart means activity which is limited to practices which ordinarily lead to only negligible disturbance or damage to lands, resources, and improvements, and does not threaten public health and safety. For example, activities which do not involve cutting of vegetation, use of heavy equipment or explosives and which do not involve vehicle movement except over established roads and trails are "casual use".

(d) *"Plan of operation"* as used in this subpart means an application for authorization containing information called for in this subpart to conduct activities under the United States mining laws.

(e) *"Primitive Areas"*. Natural, wild and undeveloped areas and settings essentially removed from the effects of civilization where the natural environment has not been disturbed by commercial utilization and the areas are without mechanized transportation.

§ 3827.0–7 Scope.

(a) All prospecting commenced or conducted, and all mining claims located within the boundaries of the area after October 21, 1970, are subject to the regulations in this subpart.

(b) Rights of owners of mining claims valid on October 21, 1970, and thereafter maintained as valid mining claims are not limited or restricted by the regulations of this subpart.

(c) Any patent issued on any mining claim located after October 21, 1970, shall continue to be subject to the regulations in this subpart. This provision shall be incorporated in such patent.

§ 3827.1 Plan of operation.

(a) Prior to the commencement of any prospecting, location of a mining claim, annual assessment work, exploration and development or other mining operations any of which would involve more than casual use as determined by the Secretary of the Interior within the Area defined above, a plan of operation must be filed and approved by the authorized officer.

(b) The plan of operation shall include:

(1) A copy of all notices of mining location and notices of assessment work of the mining claims involved in the plan;

(2) The name and address of the operator(s) and the owner(s) if operations are to be conducted by other than the owner(s). If any of the foregoing are other than individual proprietors, the names and addresses of the principal officers of the business entity and the person(s) designated to represent such entity with the Department of the Interior shall be included;

(3) A description sufficient to identify the area or areas on the ground within which the operations are being conducted or are to be conducted, and the estimated period of activity;

(4) A map or sketch of access routes used or to be used and the description of the means of transportation used or to be used, submitted in compliance with the provisions of § 3827.1–2(d) of this subpart:

(5) A map or sketch showing the location of existing and proposed roads within mining claims, a description of the type and standard of such existing and proposed roads, and a description of the means of transportation used or to be used;

(6) A list of equipment and a description of facilities used or to be used in the operations;

(7) A description of the methods of operation used or to be used;

(8) A map or sketch showing the location and size of areas upon which it is expected vegetation or soil will be distributed;

(9) A description of the effects the operations are having or may have upon the environment and forest resources; and

(10) A description of the measures used or to be used to minimize the adverse environmental impacts of the operations, including the measures to be taken to meet the requirements of § 3827.2 of this Subpart.

(c) The plan of operations shall cover the requirements set forth in paragraph (a) above for the entire operation for the full estimated period of activity. However, if the development of a plan for an entire operation is not possible at the time of preparation of a plan, the operator shall file an initial plan setting forth his proposed operation to the degree reasonably foreseeable at that time, and shall thereafter file a supplemental plan or plans whenever it is proposed to undertake any operations not covered by the initial plan.

(d) At any time during operations under an initial or supplemental plan of operation if there are indications of significant adverse impacts that were not anticipated at the time the plan was prepared and approved, the authorized officer may, after discussion with the operator, serve written notice describing the changed conditions or unforeseen environmental circumstances occurring or about to occur and require the operators to submit a proposed modification to the initial or supplemental plan detailing the means of minimizing unforeseen significant adverse environmental impacts. The decision of the authorized officer to modify a plan is subject to appeal, in accordance with 43 C.F.R. 4.411.

(e) Determination as to whether an environmental impact statement will be prepared will be on a case-by-case basis and will follow the Guidelines of the Council on Environmental Quality (40 CFR 1500), with special consideration given to lands identified as "primitive" under the King Range Management Program.

(f) The existence of an approved plan of operation for prospecting or location of a claim does not preclude the authorized officer from denying approval of plans for subsequent exploration or development of that claim upon a finding that such operation will unduly impair environmental values of the area.

§ 3827.1–1 Approval; access; inspection.

(a) *Review of plan.* No operations, except those determined to be "casual use" as defined herein, shall be conducted unless they are in accordance with an approved plan of operation. A proposed plan of operation shall be submitted to the authorized officer, who shall promptly

acknowledge receipt thereof to the operator. Within thirty (30) days of such receipt, the authorized officer shall:

(1) Notify the operator that the plan of operation is approved or rejected; or

(2) Notify the operator of any changes in, or additions to, the plan of operations deemed necessary to meet the purpose of the regulations in this part; or

(3) Notify the operator that the plan is being reviewed, but that more time, not to exceed an additional sixty (60) days, is necessary to complete such review, setting forth the reasons why additional time is needed. However, days during which the area of operations is inaccessible for inspection shall not be included when computing the sixty (60) day period; or

(4) Notify the operator that the plan cannot be approved until a final environmental statement has been prepared and filed with the Council on Environmental Quality as provided in § 3827.1–1(d) hereof.

(b) Appeal from rejection. Any rejection under § 3827.1–1(a)(1) hereof shall afford a right of appeal in accordance with 43 CFR 4.411.

(c) *Supplemental plan.* A supplemental plan or plans of operations provided for in § 3827.1–1(b) of this Subpart and a modification of an initial or supplemental plan as provided for in § 3827.1–1(c) of this Subpart shall be subject to approval in the same manner as the initial plan of operations.

(d) *Access.* An operator shall be entitled to access in connection with operations but no road or other means of access, including but not limited to landing areas for aircraft, shall be constructed or improved until the operator has received authorization in writing from the authorized officer. Application for such access shall be filed in the appropriate district office of the Bureau of Land Management and shall include a description of the type and standard of the proposed means of access, a plat showing the proposed route of access, and a description of the means of transportation to be used. Authorization for such access shall specify the location of the access route, design standards, means of transportation, and other conditions reasonably necessary to protect the environment and forest resources, including, but not limited to, vegetative screening and other measures to protect scenic values and to insure against erosion and water or air pollution. Any access granted on lands identified as "primitive areas" under the King Range Management Program shall be limited to non-mechanized means, wherever necessary in the discretion of the Secretary, to preserve environmental, primitive and scenic values.

(e) *Inspection.* Operations are subject to inspection to determine if the operator is complying with the regulations in this part and an approved plan of operations.

§ 3827.2 Requirements for environmental protection.

All plans of operations shall contain appropriate terms and conditions for the protection of the environment including but not limited to stipulations covering air quality, water quality, solid wastes, scenic values, fishery habitat, roads, and surface reclamation and rehabilitation.

§ 3827.3 Performance bonds.

(a) To assure that an operator will faithfully comply with the regulations in this part and adhere to an approved plan of operations, a performance bond in a minimum amount of $100 will be required prior to approval of each plan of operations except where only prospecting is involved and there is no surface disturbance. In lieu of a performance bond, the operator may deposit into a Federal depository, as directed by the Bureau of Land Management, and maintain therein, cash in an amount equal to the required amount of the bond or negotiable securities of the United States having market value at the time of deposit of not less than the required dollar amount of the bond. A blanket bond covering nationwide or statewide operations may be furnished if the terms and conditions thereof are sufficient to comply with the regulations in this part.

(b) In determining the amount of the bond, consideration will be given to the nature of the reclamation and restoration requirements and the estimated costs of reclamation and restoration in the event that the operator forfeits his performance bond. This consideration will include (1) the size of the operations; (2) the estimated damage to the environment and the Area if the operator fails to comply with the regulations in this part or fails to adhere to the approved plan of operations; (3) the estimated cost of stabilizing, rehabilitating and restoring the area of operations; and (4) the type and amount of access to be constructed in connection with operations.

(c) In the event that an initial plan of operations is supplemented or modified in accordance with § 3827.1–1 (b) and (c) of this subpart, the authorized officer will review the initial performance bond for adequacy and, if necessary, will adjust the performance bond to conform to the plan of operations as supplemented or modified.

(d) When the operations have been conducted and completed in accordance with the regulations in this subpart and the approved plan of operations, the authorized officer will notify the operator that the period of liability under the bond has terminated.

§ 3827.4 Use of mining claims restricted, surface resources.

Restrictions on the use of mining claims in addition to the regulations in this subpart are provided in 30 U.S.C. 611 and the regulations in 43 CFR 3712.1(a).

§ 3827.5 Noncompliance.

If an operator fails to comply with the regulations or his approved plan of operations, the authorized officer shall serve a notice of noncompliance upon the operator or his agent in person or by certified mail. Such notice shall describe the noncompliance and shall specify the action necessary to comply and the time within which such action must be completed, generally not to exceed thirty (30) days. The authorized officer shall require immediate suspension of operations if noncompliance is causing environmental damage.

§ 3827.6 Trespass.

Any mining operations conducted on lands within the Area without an approved plan of operations shall constitute a trespass.

Dated: April 7, 1976.

JACK HORTON,
Assistant Secretary of the Interior.

[FR Doc.76-10859 Filed 4-14-76;8:45 am]

APPENDIX—PUBLIC LAND ORDERS

[PUBLIC LAND ORDER 5582]

[N-10602]

NEVADA

Withdrawal of Land for Protection of Recreation and Historic Values

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

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not the mineral leasing laws, for protection of the recreation and historic values:

MOUNT DIABLO MERIDIAN

WILLOW CREEK CAMPGROUND

T. 18 S., R. 55 E.,
Sec. 2, lots 1, 2, S½NE¼, N½N½SE¼.

Containing 201.97 acres.

WHEELER WASH CHARCOAL KILNS

T. 18 S., R. 55 E.,
Sec. 32, W½SW¼NE¼NW¼, E½SE¼NW¼NW¼, W½W½SE¼NW¼, E½E½SW¼NW¼.

Containing 30 acres.

The areas described aggregate 231 acres in Clark County.

2. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, but not from leasing of coal, oil, gas, and oil shale therein, under the Mineral Leasing Act, for the protection of the recreation and historic values:

MOUNT DIABLO MERIDIAN

COLD CREEK CAMPGROUND

T. 18 S., R. 55 E.,
Sec. 1, E½ of lot 1, E½SE¼NE¼.
Containing 40.06 acres.

The mineral interests other than those named above are in private ownership.

3. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses, contracts, or permits will be issued only if the proposed use of the lands will not interfere with the proper management of the lands.

JACK O. HORTON,
Assistant Secretary of the Interior.

APRIL 8, 1976.

[FR Doc.76-10829 Filed 4-14-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1036]

[Docket No. AO–179–A42]

MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania Marketing Area. The hearing was held, 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 (7 CFR Part 900), at Cleveland, Ohio, on December 3, 1975, pursuant to notice thereof issued on November 14, 1975 (40 F.R. 53405).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Administrator, on February 23, 1976 (41 F.R. 8498), filed with the Hearing Clerk, United States 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 are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

Under the heading "*Charges on overdue accounts.*":

1. Paragraphs 1, 15, 16, 19, 22 and 23 are changed.

2. Paragraphs 17 and 18 are deleted and 4 new paragraphs are substituted therefor.

3. Two new paragraphs are added after paragraph 21.

4. One new paragraph is added after paragraph 24.

The material issue on the record of the hearing relates to the application of charges on overdue accounts.

FINDINGS AND CONCLUSIONS

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

Charges on overdue accounts. The current charge on overdue accounts should be increased to 1 percent per month. Such charge should be applied on the third day that a payment is overdue.

The order now applies a charge of .5 percent per month on handler obligations to the market administrator that are overdue. Such obligations include those due the producer-settlement fund, the administrative expense fund and the marketing service fund, all of which are maintained by the market administrator. A similar charge applies on any overdue payments by the market administrator to handlers. Presently, the late-payment charge does not apply until the beginning of the first month following the date that the payment was due. Unpaid obligations are further increased by .5 percent on the first day of each month thereafter until the obligations are paid.

A cooperative association with member-producers in the market proposed that the charge on overdue accounts be increased to 1 percent per month and that the charge be applied on the first day that the payment is overdue. In support of its proposal, the cooperative indicated that such changes are necessary to encourage prompt payments to the market administrator by regulated handlers. Proponent cited the collection problems being experienced by the market administrator and indicated that producers have an interest in timely payments by handlers. It was pointed out that late payments can result in the market administrator having insufficient money in the producer-settlement fund to make the necessary equalization payments to handlers, with handlers in turn being unable to pay their producers. Proponent also pointed out that late payments result in money due the market administrator not being available for investment by him to maximum advantage, such as during the heavy-production months when money from handlers is withheld under the "Louisville Plan" for later payment to producers during the short-production months. In addition, the cooperative indicated that those handlers making late payments have a competitive advantage in their business operations relative to handlers making timely payments.

In support of a late-payment charge of 1 percent per month, the proponent cooperative contended that such a charge must be related to current interest rates since delinquent handlers are in effect borrowing money from producers. Proponent indicated that the 1 percent rate was in line with interest rates on business loans. Proponent also stressed that if a late-payment charge is to serve the purpose of encouraging prompt payments the charge must be applied on the first day the obligation is overdue rather than at some later date. The cooperative noted that this perhaps would necessitate announcing the uniform price at an earlier date in order to provide handlers sufficient opportunity to make their payments to the market administrator on a timely basis.

The proponent cooperative's position was supported by three other cooperative associations supplying the Order 36 market.

A number of handlers in the market took varying positions at the hearing on the proposal. A group of handlers expressed opposition on the basis that the proposed late-payment charge is too severe for an infraction of the payment requirements. Opponents contended that the payment schedule prescribed by the order does not allow handlers sufficient time to receive their billings from the market administrator and make payment to him by the due date. They claimed that on the basis of current experience regarding payments handlers thus would often be subject to a penalty under the cooperative's proposal. The handlers also pointed out that the proposed charge would apply the day after a handler's obligation is due and that this was contrary to the spirit of recent legislation providing that individual consumers must have 14 days' notice of any billing before application of an interest or penalty charge. In addition, the handlers claimed that the proposed late-payment charge is not related to the current cost of borrowing money since the full charge would apply even though a handler may be no more than one day late in making his payment to the market administrator.

In their brief, these handlers indicated that while the cooperative's proposal should not be adopted certain changes in the current application of late-payment charges could be made to encourage prompt payments. The handlers stated that the penalty on overdue accounts should be at a rate that does not encourage a delay in paying the market administrator and yet should not be so excessive as to be unduly punitive. They contended that the penalty rate should approximate the cost of borrowing money on the commercial market, and suggested a late-payment charge of .75 percent per month. The handlers contended also that they should be given a reasonable time after receiving the market administrator's billing to make the required payments. They suggested that payments to the market administrator not be due until 7 days after the market administrator mails his billings to handlers, with a late-payment penalty applying the day after the due date. However, it was suggested that a payment received by the market administrator on the first business day following the due date not be subject to a penalty.

A somewhat similar position was taken at the hearing by another handler. While also suggesting a late-payment charge of

.75 percent per month, the handler proposed that obligations not be considered overdue if payment is received by the market administrator by the sixth day after the due date. In this way, the handler contended, adequate recognition would be given to the normal time that it takes for billings to reach handlers and for handlers to process payments and get them to the market administrator.

Another handler, while basically supporting provisions for encouraging prompt payments by handlers, stressed that handlers should be given adequate time to receive billings and make payments by mail. In addition, the handler contended that the imposition of the proposed charge on a payment that is one day late is unduly harsh and that the charge should be prorated on a daily basis.

It is essential to the effective operation of the order that handlers make their payments to the market administrator on time. Under the present marketwide pooling arrangement, it is necessary that handlers with Class I utilization higher than the market average pay part of their total use value of milk to the producer-settlement fund. Through this means, money is made available to handlers with lower than average Class I utilization so that all handlers in the market, irrespective of the way they use the milk, can pay their producers the uniform price. The success of this arrangement depends on the solvency of the producer-settlement fund.

Also, the prompt payment of amounts due the administrative expense and marketing service funds is essential to the performance by the market administrator of the various administrative functions prescribed by the order. Delinquent payments to these funds could impair the ability of the market administrator to carry out his duties in a timely and efficient manner.

Payment delinquency also results in an inequity among handlers. Handlers who pay late are, in effect, borrowing money from producers. In the absence of any late-payment charge that is at least commensurate with the cost of borrowing money from commercial sources, handlers who are delinquent in their payments have a financial advantage relative to those handlers making timely payments.

Although the order now contains provisions intended to encourage prompt payments by handlers to these several funds, it is evident that such provisions are not adequately serving this purpose. Data placed in the record by a representative of the market administrator's office indicate a late-payment experience in this market of a flagrant and continuing nature. For the 12-month period of September 1974 through August 1975, the market administrator issued 688 charge billings to handlers. These covered the monthly obligations of handlers to the producer-settlement, administrative expense and marketing service funds, all of which were due (postmarked, if mailed) by the 16th day of the following month. For this period, only 261 payments were received by the market administrator by the 19th of the month, the third day after such payments should have been mailed. Under the present mail service, about 95 percent of the mail to the market administrator from handlers is delivered within three days. By the 21st day of the month, which is more than ample time for the completion of mail service, only 421 payments, or 61 percent of the payments due, were received within five days after the due date. On a monthly basis, the percentage of payments received by the 21st ranged from 49 percent to 72 percent. It is noteworthy that all but 76 of the 688 payments due for the 12-month period were received before the first day of the following month, when the late-payment charge first applies.

In terms of money owed, the payment delinquency experience for this period was little better. On the average, only 68 percent of the money was received by the market administrator by the 21st of the month. For the months of April, May, June and July, when "Louisville Plan" monies are due for immediate investment by the market administrator, the portion of the total handler obligations due that was received by the 21st ranged from 59 percent to 75 percent.

On the basis of this experience, it is appropriate to increase the monthly charge on overdue accounts to 1 percent of the unpaid balance and to apply this charge the third day of obligation is overdue. Whether a penalty of 1 percent per month will be sufficient inducement to handlers to make their payments on time can be determined only through experience. However, if such penalty is to have any impact it must be an amount that is at least comparable to what a delinquent handler would be charged by commercial banks for money borrowed for short-term purposes. If this is not so, handlers who may have financial problems would be encouraged to delay their payments, knowing that the penalty is cheaper than borrowing money commercially at a higher loan rate. Under the present conditions, a monthly penalty of 1 percent should provide reasonable assurance that producer funds do not represent the cheapest source of money.

A penalty charge of this amount should apply irrespective of whether the obligation is paid three or four days late or nearly a month late. If the late-payment charge were treated as interest and computed on a daily basis, as suggested by handlers, the order would merely represent a banking service for handlers who desire to use producer funds as an alternative source of money at the going interest rate. This is not the intended purpose of the late-payment charge. Rather, it is to be a penalty that will induce handlers to pay their obligations to the market administrator on time.

Several handlers contended in their exceptions to the recommended decision that the Secretary has no authority under the Act to impose a "penalty" on a handler under the terms of a milk order. Exceptors referred to § 608c(14) of the Act in support of their position, indicating that this subsection specifically precludes the imposition of such a "penalty."

It is true that the Act contains provisions of § 608c(14) pertaining to certain penalties. In short, this subsection specifies that a handler shall be fined a monetary amount upon being convicted of violating a provision of an order. We do no look upon § 608c(14), however, as precluding the use of a late-payment charge, or "penalty" as we have chosen to call it and contend that such a provision may be adopted under the statutory authority set forth in § 608c(7)(D) of the Act. Subsection (7)(D) specifies that an order may contain various terms that are incidential to, and not inconsistent with, the terms explicity authorized by the Act if the incidential terms are found necessary to effectuate the other provisions of the order. The late-payment charge, or "penalty," adopted herein is considered essential to the effectuation of the payment provisions of the order.

Under the current arrangement whereby the late-payment charge does not apply until the first of the next month, it is obvious that handlers have little incentive to have their payments arrive at the market administrator's prior to that time. While enforcement action may be taken to seek strict handler compliance with the payment dates, this is a cumbersome administrative route. The current payment experience in this market strongly suggests that an unpaid obligation should be subject to a penalty charge the first day that the payment is overdue. Although this was proposed in the recommended decision, it it concluded after a further review of the record in light of exceptions of handlers that the penalty should not apply until the third day the payment is overdue. Thus, payments that are not postmarked by the second day after the prescribed due date would be subject to the late-payment charge. While the mail service is the common method in this market of conveying money from handlers to the market administrator, it is possible that a handler may wish to deliver the payment in person or transmit the money through an interbank transfer. Payments made in this manner would be subject to a late-payment charge if not received by the market administrator within two days after the due date.

A number of handlers, either at the hearing, in their briefs, or in their exceptions, proposed various dates with respect to when payments to the market administrator should be due and when the late-payment charge should apply. Some urged that the payments not be due until 7 days after the market administrator sends his billings to handlers, with a penalty for late-payment applying immediately after the due date. Others indicated that the late-payment charge should not apply until anywhere from 3 to 15 days after the present due date. In general, however, it was the concern of handlers that the dates prescribed in the order adequately accommodate the normal time required for billings to reach handlers and for the handlers to process

the billings and have their payments reach the market administrator.

Because of the prescribed schedule of payments to handlers and to producers, which was not proposed to be changed, it is necessary to retain the persent due date for payments to the market administrator by fully regulated handlers, i.e., the 16th day of the month. The market administrator is required to make equalization payments to handlers from the producer-settlement fund by the 17th of the month. Handlers must pay individual producers by the 18th day. Although the market administrator has customarily drawn on the producer-settlement fund reserve when payments from handlers were not yet available, such reserve normally is not sufficient to cover his total pay-outs. Actually, the due date probably should be earlier. However, with one-day mail delivery from handlers in the Cleveland area, where the market administrator's office is located, sufficient handler payments by the 16th normally reach the market administrator in time for him to complete his payments by the 17th day of the month.

Steps can be taken to assure handlers that they will have a reasonable time to receive and process the market administrator's billings. In this regard, the order should provide for the announcement of the uniform price by the 13th day of the month, rather than the 14th day as at present. Past experience of the market administrator suggests that this is feasible. For the 12-month period cited earlier, the market administrator mailed the handler billings on or before the 13th day for all but three months. It is apparent that this schedule can be met in all months if necessary.

Also, the market administrator can shorten the time that it customarily takes to notify handlers of their monthly obligations. Options include telephoning handlers and sending mailgrams, for example. Through such means handlers could receive notice of their obligations by the day after the announcement of the uniform price. This procedure would not be intended to replace the detailed written billings that are now being sent to all handlers. However, the preliminary notification of the net amount due the market administrator could provide handlers with at least two days for mailing their payments to the market administrator.

Several handlers objected in their exceptions to the possible use of mailgrams or the telephone for notifying handlers of their obligations. No plausible reason was given, however, for this position, nor did they indicate how such notification techniques might be deterimental to their business procedures. We cannot agree that the market administrator should be precluded from using such notification techniques should he find their use essential to the effective administration of the order.

In spite of efforts to assure that handlers will have a reasonable time in which to make their payments to the market administrator, it is conceivable that there may be limited circumstances where handlers could experience unusual difficulty in processing and mailing their payments by the prescribed payment date. This might occur when the payment date falls on a weekend or a 3-day holiday weekend. In recognition of this, the late-payment charge should not apply until the third day after the due date. It is expected, nevertheless, that handlers will make every effort to make their payments by the due date. Should experience indicate that handlers are not making their payments promptly, consideration may need to be given to applying the late-payment charge at an earlier date.

Under the provisions adopted herein, overdue handler obligations that are payable to the market administrator would be increased by 1 percent on the third day after the due date. Any remaining unpaid portion of the original obligation would be further increased by 1 percent on the same date of each succeeding month until the obligation is paid. The additional late-payment charge would apply not only to the original obligation but also to any upaid penalty charges previously assessed.

At the time the adopted provisions become effective, which would be at the first of a month, there may be handlers with obligations overdue. Under the provisions existing prior to the amendments, a late-payment charge would have applied on the first day of the following month. With the amendments, however, there would be no provision existing on that date for applying such a charge at that time. Thus, for transitional purposes, obligations that are outstanding on the effective date of the amended order should not be increased until the third day that such type of obligation would be overdue under the amended order. However, such obligations should be increased at the newly-established penalty rate even though incurred prior to the time the order was amended.

As proposed at the hearing, the order should apply a penalty charge on overdue obligations of a handler operating a partially regulated distributing plant. Under certain conditions, such a handler may be required to make payments to the producer-settlement and administrative expense funds. Although the order does not now provide for a penalty charge on such obligations if overdue, it is appropriate that the order do so. In the absence of any penalty, a partially regulated handler could have an advantage on his order obligations relative to fully regulated handlers who are subject to the additional charge when they fail to make timely payments. Also, as pointed out earlier, prompt payments to the administrative expense fund are essential to the market administrator's performance of his duties.

In his exceptions, a handler stated that the net effect of the adopted changes is an increase in a handler's cost of milk. This is not the intended purpose of the changes. If a handler makes his payments to the market administrator on time, his obligations under the order will not be increased. A handler will incur an additional cost over the class prices only if he fails to make prompt payments and the late-payment charge applies.

The order should not provide for any penalty charge on payments to handlers from the producer-settlement fund by the market administrator. There are no circumstances in which the market administrator would not promptly disperse payments to handlers from the producer-settlement fund except when the fund is insolvent because of substantial delinquencies in payments to the fund by other handlers. The order provides that in this circumstance the market administrator shall reduce uniformly his payments to handlers and shall complete his payments as soon as the necessary funds are available. The order also provides that when a handler has not received full payment from the market administrator he in turn may reduce pro rata his payments to producers by the amount of the underpayment. Producer payments must then be completed following receipt of the balance due from the market administrator. Thus, under any situation in which the market administrator is late in paying handlers, the handlers are excused from paying the deficit to producers until the market administrator completes his payments. Hence, there is no reasonable basis for handlers to be the beneficiaries of a late-payment charge imposed upon the market administrator.

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 tentative 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 agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an ORDER amending the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

January 1976 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Eastern Ohio-Western Pennsylvania 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), 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 April 9, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

Order[1] *amending the order, regulating the handling of milk in the Eastern Ohio-Western Pennsylvania Marketing Area*

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.* 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 Eastern Ohio-Western Pennsylvania marketing area.

The hearing was held 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 (7 CFR Part 900).

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 Eastern Ohio-Western Pennsylvania marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

[1] This 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.

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Administrator on February 23, 1976, and published in the FEDERAL REGISTER on February 27, 1976, (41 F.R. 8498), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein, except that § 1036.78 is changed.

1. § 1036.62, paragraph (b) is revised as follows:

§ 1036.62 Announcement of uniform price and butterfat differential.

* * * * *

(b) The 13th day of each month, the uniform price for the preceding month.

2. Section 1036.78 is revised as follows:

§ 1036.78 Charges on overdue accounts.

Any upaid obligation of a handler pursuant to §§ 1036.71, 1036.76, 1036.77, 1036.85 and 1036.86 shall be increased 1 percent on the third day after the due date of such obligation and on the same day of each succeeding month until such obligation is paid.

[FR Doc.76-10879 Filed 4-14-76;8:45 am]

[7 CFR Part 1207]

[Amdt. 1 to § 1207.404]

POTATO RESEARCH AND PROMOTION PLAN

Proposed Increase in Expenses

Consideration is being given to a proposed $48,000 increase in expenses recommended by the National Potato Promotion Board.

The Potato Board was established pursuant to the Potato Research and Promotion Plan (7 CFR Part 1207) issued under the Potato Research and Promotion Act (7 U.S.C. 2611-2627).

All persons who desire to submit written data, views or arguments in connection with this proposal may file the same in duplicate with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than April 30, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration. On June 19, 1975, the Secretary approved Potato Board expenses of $1,780,000 for the fiscal period ending June 30, 1976 (40 F.R. 26503).

On April 1, 1976, the Administrative Committee voted to budget an additional $48,000 for its nutrition study. The original amount budgeted for this project was $70,000. Due to increasing costs associated with this activity a total of $118,000 is needed for this project during fiscal year 1976.

This proposed increase would result in a Potato Board total budget of $1,828,000 for the fiscal period ending June 30, 1976.

The proposal is as follows:

Revise paragraph (a) of § 1207.404 (40 F.R. 26503) as follows:

§ 1207.404 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1976, by the National Potato Promotoion Board for its maintenance and functioning and for such other purposes as the Secretary may determine to be appropriate will amount to $1,828,000.

* * * * *

Dated: April 9, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-10876 Filed 4-14-76;8:45 am]

[7 CFR Part 911]

LIMES GROWN IN FLORIDA

Limitations of Handling

Consideration is being given to the following proposal, as hereinafter set forth, which during the period May 30 through July 24, 1976, would reduce the number of the currently authorized containers for the handling of fresh Florida limes. The amendment would continue the use of six containers with minimum content requirements of 20 pounds and 38 pounds net weight of limes and would eliminate the use, during the eight-week period, of two containers with minimum requirements of 10 pounds net weight of limes.

The proposed container regulation amendment was submitted by the Florida Lime Administrative Committee, established under the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal reflects the Committee's appraisal of present and prospective marketing conditions for limes. The Committee, in cooperation with handlers of Florida limes, has developed forecasts, which indicate that during the eight-week period beginning May 30, there will be greater supplies of limes available than will be needed to meet prospective demand in fresh market outlets, unless the demand for fresh limes, particularly in retail markets, can be expanded. Studies by the Committee indicate that the larger 20- and 38-pound containers are relatively less costly and that handling and unloading charges are lower when the same volume of limes is marketed.

The Committee believes that these savings would enable handlers to offer Florida limes in the two largest containers at lower f.o.b. price levels and that lower prices and the larger quantity of limes per unit of sale in such containers would permit retailers to offer limes at lower prices to consumers. The Committee, further, believes that lower f.o.b. and retail price levels would help increase the demand for fresh limes during the period when supplies of limes are heaviest and would maintain orderly marketing conditions for Florida limes in the interest of producers and consumers.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in quadruplicate with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than April 30, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Such proposal reads as follows:

It is proposed that the provisions of paragraph (a)(2) of § 911.329 (Lime Regulation 27; 38 F.R. 12323; 15726) be amended to read as follows:

§ 911.329 Lime Regulation 27.

(a) * * *

(2) During the period May 30, 1976, through July 24, 1976, no handler shall handle any variety of limes, grown in the production area, in containers having inside dimensions of 12 x 9⅝ x 3¾ inches and 12 x 9⅝ x 5 inches: *Provided*, That during such period and thereafter no handler shall handle between the production area and any point outside thereof any variety of limes, grown in the production area, in individual bags having a capacity of more than 4 pounds net weight of limes.

* * * * *

Dated: April 9, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-10923 Filed 4-14-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 157]

[CGD 75-240]

CERTAIN TANK VESSELS

Proposed Rules for Carrying Oil

Purpose. The purpose of these proposed amendments to the Coast Guard pollution regulations is to include certain regulations governing the design, equipment, and operation of seagoing U.S. flag tank vessels of 150 gross tons or more engaged in foreign trade, and foreign flag tank vessels of 150 gross tons or more that enter the navigable waters of the United States.

Written Comments. Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, arguments, objections, and comments to the Executive Secretary, Marine Safety Council (G-CMC/81), Room 8117, U.S. Coast Guard, Washington, D.C. 20590. Each person submitting comments should include his name and address, identify this notice (CGD 75-240), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8117, U.S. Coast Guard Headquarters, Washington, D.C.

Public Hearing. The Coast Guard will hold a public hearing on May 20, 1976, beginning at 0900, in Room 2232, 400 Seventh Street, S.W., Washington, D.C. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. It is requested that anyone desiring to make oral comments at the hearing notify the Executive Secretary at the above-said address at least 10 days before the scheduled date of the public hearing and specify the approximate length of time needed for the presentation. It is urged that a written summary or copy of the oral presentation be submitted with the request.

Closing Date for Comments. All communications received before June 12, 1976, will be evaluated before final action is taken on this proposal. These proposed regulations may be changed in light of the comments received. The readers understanding of the proposal in this document would be facilitated if the proposed amendments are read with the rules published in 40 FR 48280 and 41 FR 1479.

The Congressional intent of Title II of the Ports and Waterways Safety Act of 1972 (46 U.S.C. 391a) is stated in subsection (1) as follows:

(1) Statement of Policy.—The Congress hereby finds and declares:

That the carriage by vessels of certain cargoes in bulk creates substantial hazards to life, property, the navigable waters of the United States (including the quality thereof) and the resources contained therein and of the adjoining land, including but not limited to fish, shellfish, and wildlife, marine and coastal ecosystems and recreational and scenic values, which waters and resources are hereafter in this section referred to as the "marine environment".

That existing standards for the design, construction, alteration, repair, maintenance and operation of such vessels must be improved for the adequate protection of the marine environment.

That it is necessary that there is established for all such vessels documented under the laws of the United States or entering the navigable waters of the United States comprehensive minimum standards of design, construction, alteration, repair, maintenance, and operation to prevent or mitigate the hazards to life, property, and the marine environment.

Section 4417a of the Revised Statutes of the United States prior to its amendment by the Ports and Waterways Safety Act of 1972 applied to all vessels carrying inflammable or combustible liquid cargo in bulk, except public vessels owned by the United States. Subsection 7(D) of the Ports and Waterways Safety Act of 1972 specifies that any rule or regulation for the protection of the marine environment promulgated pursuant to subsection (7) must be equally applicable to U.S. flag vessels engaged in foreign

trade and to foreign flag vessels entering the navigable waters of the United States. Since there is no provisions in 46 U.S.C. 391a authorizing any distinction in treatment between U.S. vessels engaged in foreign trade and U.S. vessels engaged in the domestic trade, nor any provision authorizing any distinction in treatment between U.S. vessels and foreign vessels, it is clear that the intent of the Congress in subsection 7(D) is to assure in the implementation of subsection 7(C) that no distinction of treatment between U.S. and foreign vessels be inferred from any treaty, convention, or international agreement.

Section 401 of the Act of November 16, 1973, which authorized the Trans-Alaska oil pipeline introduced the first distinction in treatment of U.S. flag vessels under the Ports and Waterways Safety Act of 1972, accelerating the date for promulgation of certain regulations for U.S. vessels engaged in the domestic trade and allowing the regulations for U.S. vessels engaged in the foreign trade and for foreign vessels to be published at a later time. The regulations for seagoing U.S. tank vessels carrying bulk oil in the domestic trade were published in the October 14, 1975 (40 FR 48280) and January 8, 1976 (41 FR 1479) issues of the FEDERAL REGISTER. The regulations proposed in this document apply to U.S. vessels in foreign trade and foreign vessels entering U.S. waters and are consistent with previous rules published applicable to U.S. tank vessels carrying oil in domestic trade.

Since Congress intended that any regulation issued under the Ports and Waterways Safety Act of 1972 should prevent or mitigate hazards to life, property, and the marine environment, it is proposed that seagoing foreign flag tank vessels meet certain standards for design, equipment, and operations as a condition for their carriage of oil on the navigable waters of the United States. Therefore, these regulations would require these new and existing foreign vessels to meet the same design and equipment requirements as seagoing U.S. tank vessels of the same categories.

Certain of the proposed operational requirements for these foreign vessels are different from those required of U.S. vessels. To monitor foreign vessels to determine if they are in compliance, while on the high seas, with all of the operational requirements proposed for U.S. vessels would be a disputable extension of United States legal authority and jurisdiction. Therefore, it is proposed to limit these operational requirements for foreign vessels to operations while on the navigable waters of the United States including the territorial seas.

The present international treaty governing discharges on the high seas is the International Convention for the Prevention of Pollution of the Sea by Oil, 1954 (12 UST 2989, TIAS 4900, 327 UNTS 3), and the 1962 amendments to that Convention (17 UST 1523, TIAS 6109, 600 UNTS 332). Generally, this Convention prohibits the discharge of oily mixtures from tank vessels within 50 miles of a shore. However, the definition of oil is limited to the so-called "black oils" and the concentration of oil in the discharge must exceed 110 ppm to be considered an oily mixture.

The 1969 amendments to the 1954 Convention contain specific discharge criteria very similar to the criteria embodied in the International Convention for the Prevention of Pollution from Ships, 1973 but have not to date received the requisite number of ratifications necessary to enter into force. Many of the nations in whose vessels oil is imported into the United States have ratified the 1969 amendments and placed them into effect for their vessels.

The Coast Guard considers that there are at least three reasons why foreign vessels while navigating the high seas will be complying with the discharge criteria imposed on U.S. vessels, although there are no specific proposed requirements in this action because of the reasons mentioned above. First, the necessary equipment, piping, and arrangements would be required by this proposal to be installed on a foreign vessel for navigating in U.S. waters and, therefore, be available for use while the vessel is on the high seas. Vessel personnel would thus have no reasonable excuse, having this equipment available, not to minimize the amount of intentional discharge into international waters. Second, many flag states are in fact requiring that their vessels comply with the 1969 amendments. Third, the value of oil has escalated to the point where indiscriminate discharge into the sea is no longer the most economic method of disposal of oil residues.

By way of contrast, foreign vessels, as well as U.S. vessels, are not allowed to discharge oily mixtures in nonharmful quantities while in waters subject to U.S. jurisdiction. The definition of clean ballast in 33 CFR Part 157 is that ballast which does not contain a "harmful quantity" as defined in 40 CFR Part 110.

Foreign vessels of a signatory flag state must comply with the international treaty concerning subdivision and stability, the International Convention on Load Lines, 1966 (18 UST 1857, TIAS 6331, 640 UNTS 133).

Tables 1 and 1a, reproduced from the draft environmental impact statement on this proposed regulation, summarize the applicability of the requirements of proposed amended Part 157 with respect to the various categories of tank vessels established by the regulations.

TABLE 1.—*Pollution prevention requirements for tank vessels, Title 33, Part 157, Code of Federal Regulations*

Requirements	Reference	U.S. Tankers—domestic trade [1,2]		U.S. Tankers—Foreign trade [1,3]		Foreign tankers [1,4]	
		New [5]	Existing [6]	New [7]	Existing [6]	New [7]	Existing [6]
Oil record book	151.35	X	X	X	X	(8)	(8)
Design and equipment requirements:							
Segregated ballast	157.09	X	----------	X	----------	X	
Segregated ballast space distribution	157.09(d)	(9)	----------	(10)	----------	(11)	
Pumping, piping, and discharge arrangements.	157.11	X	(12)	X	(13)	X	(13)
Designated observation area	157.13	X	----------	X	----------	X	
Cargo slop tanks	157.15	X	X	X	X	X	X
Oily residue tank	157.17	X	X	X	X	X	X
Cargo tank arrangement and size	157.19	X	(14,15)	X	(14,15)	X	(14,15)
Subdivision and stability	157.21	X	----------	X	----------	(17)	
Cargo and ballast system information	157.23	X	X	X	X	X	X
Submission of calculations, plans, and specifications.	157.24	X	----------	X	----------	X	
Vessel operating requirements:							
Discharge requirements:							
Discharges: tank vessels, carrying oil exclusively in rivers, lakes, bays, sounds, and the Great Lakes, and seagoing tank vessels of less than 150 gross tons.	157.27	(d)	(15)	(15)	(15)	(15)	----------
Discharges from tank barges exempted for certain design requirements.	157.28		(15)	(15)	(15)	(15)	----------
Discharges: seagoing tank vessels of 150 gross tons or more.	157.29		(15)	(15)	X	X	(15) (15)
Discharges; chemical additives	157.31	X	X	X	X	(15)	(15)
Discharge of cargo residue	157.37	X	X	X	X	----------	
Machinery space bilges	157.39	X	X	X	X	----------	
Emergencies	157.41	X	X	X	X	----------	
Discharges: Clean and segregated ballast.	157.43	X	X	X	X	(15)	(15)
Water ballast in oil fuel tanks	157.33	X	----------	X	----------	X	
Ballast added to cargo tanks	157.35	X	----------	X	----------	----------	
Valves in cargo or ballast piping system required to be closed at sea.	157.45	X	X	X	X	----------	
Information for master	157.47	X	----------	X	----------	----------	
Instruction manual	157.49	X	X	X	X	X	X

[1] This table covers 2 groups of regulations: (*a*) Those in effect as of Jan. 8, 1976, applicable to U.S. tank vessels in domestic trade (shown in col. headed "U.S. Tankers—Domestic Trade," published in 40 FEDERAL REGISTER 48280, Oct. 15, 1975, and 41 FEDERAL REGISTER 1479, Jan. 8, 1976, and referred to in this statement as "present regulations"), and (*b*) proposed changes to the regulations in 33 CFR pt. 157 extending rules for tank vessels in domestic trade to cover U.S. tank vessels in foreign trade and foreign tank vessels entering U.S. waters (shown in cols. headed "U.S. Tankers—Foreign Trade" and "Foreign Tankers" and referred to as "proposed regulations").

[2] "Domestic trade" is defined in present regulation 157.03(z) as "trade between ports or places within the United States, its territories and possessions, either directly or via a foreign port including trade on the navigable rivers' lakes, and inland waters."

[3] "Foreign trade" is defined by proposed regulation 157.03(cc) as "a trade that is not domestic trade." See note 2 for definition of domestic trade.

[4] "Foreign vessel" is defined in proposed 157.03(bb) as a vessel that is not documented under the laws of the United States except a public vessel other than those engaged in commercial service.

[5] "New vessel" is defined in present regulation 157.01(i) in terms of contract, keel-laying, and delivery dates. See table 1a for specific dates.

[6] "Existing vessel" is defined in present regulation 157.01(j) as "any vessel that is not a new vessel" and this definition is not changed by the proposed regulations.

[7] The definition of new vessel in proposed regulation 157.03(i) has been expanded to cover U.S. tank vessels in foreign trade and foreign tank vessels entering U.S. waters. Refer to table 1a for dates used in definitions.

[8] Oil recordbook requirements in present 33 CFR 151.35 are not applicable to foreign vessels. The requirements now in 33 CFR 151.05(e) regarding inspection and maintenance of oil recordbooks on foreign vessels do apply.

[9] Segregated ballast space distribution requirements are applicable to new tank vessels contracted for after Jan. 8, 1976.

[10] Segregated ballast space distribution requirements would not be applicable to vessels built before the effective date of final regulations (see proposed regulation 157.08(a)(4)(ii)).

[11] Segregated ballast space distribution requirements would not be applicable to new vessels built before the effective date of final regulations (see proposed regulation 157.08(a)(4)(iii)).

[12] Existing vessels must comply with present regulation 157.11 before Dec. 31, 1977 (see note following 157.11).

[13] An existing vessel that is a foreign vessel or a U.S. vessel that carries oil in foreign trade must comply with the requirements in 157.11 before Dec. 31, 1979 (see proposed revision to note following 157.11).

[14] See note following present 157.19 for applicability of cargo tank arrangement and size requirements to existing vessels.

[15] Some vessels.

[16] See proposed 157.19 and note following for applicability to existing vessels.

[17] The requirements of present regulation 157.21 concerning subdivision and stability and of present regulation 157.47 regarding stability and loading information are not going to be extended to cover foreign vessels. Foreign vessels must comply with presently recognized international law in this area, the International Convention on Load Lines, 1966 (18 UST 1857, TIAS 6331, 640 UNTS 133).

[18] Discharge into the navigable waters of the United States must comply with the requirements of the referenced section.

TABLE 1a.—*Definition of "New Vessel"*

"New vessel" means a vessel that—	1973 Marine Pollution Convention	Note 5, U.S. tankers domestic trade	Note 7, U.S. tankers foreign trade	Note 7, foreign tankers
is constructed under a contract awarded after _____;				
in the absence of a building contract, has the keel laid	Dec. 31, 1975	Dec. 31, 1974	Dec. 31, 1975	Dec. 31, 1975
or is at a similar stage of construction after _____;	June 30, 1976	June 30, 1975	June 30, 1976	June 30, 1976
is delivered after _____; or	Dec. 31, 1979	Dec. 31, 1977	Dec. 31, 1979	Dec. 31, 1979
has undergone a major conversion for which—				
the contract is awarded after _____; in the absence of a contract, conversion is begun after _____; or	Dec. 31, 1975	Dec. 31, 1974	Dec. 31, 1975	Dec. 31, 1975
	June 30, 1976	June 30, 1975	June 30, 1976	June 30, 1976
conversion is completed after _____	Dec. 31, 1979	Dec. 31, 1977	Dec. 31, 1979	Dec. 31, 1979

In order to extend the application of Part 157 to foreign vessels entering the navigable waters of the United States and U.S. vessels in foreign trade, the definition of "new vessel" in § 157.03(i) would be amended to include a foreign vessel or U.S. vessel that carries oil in foreign trade and meets one of the following: is constructed under a contract awarded after December 31, 1975; in the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1976; is delivered after December 31, 1979; has undergone a major conversion for which the contract is awarded after December 31, 1975; in the absence of a contract, conversion is begun after June 30, 1976, or conversion is completed after December 31, 1979. Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, specifies the above dates for application of certain important construction standards rather than basing effective dates upon a stated period after entry into force as is usually done. Therefore, prudent owners are already including these standards in new vessels, even absent these proposed regulations, in order to avoid having to retrofit, reconstruct, or retire early relatively young vessels when the Convention does enter into force.

The definition for "existing vessels" (any vessel that is not a new vessel) would not be changed. However, the requirements in §§ 157.11, 157.15, and 157.17 would become effective for existing vessels as follows: an existing vessel that is a U.S. vessel that carries oil in domestic trade must comply with those requirements before December 31, 1977; an existing vessel that is a foreign vessel or a U.S. vessel that carries oil in foreign trade must comply with those requirements before December 31, 1979. These effective dates are not dates certain from the 1973 Convention. The Coast Guard considers that these proposed effective dates allow a reasonable time period for existing U.S. and foreign vessels to meet the proposed requirements.

Section 157.08 has been revised to require foreign tank vessels entering the navigable waters of the United States and U.S. tank vessels in foreign trade to comply with § 157.09(d) if the vessel is contracted for after the effective date of these regulations. The requirements of § 157.09(d) concerning distribution of required segregated ballast spaces exceed the requirements of the International Convention for the Prevention of Pollution from Ships, 1973, because the Coast Guard perceives a secondary beneficial use for these spaces as protective spaces in case of accidents. All other requirements in amended Part 157 would be consistent with the provisions of the Convention except that the regulations, as amended, would implement the Convention at an earlier date than it appears the Convention will enter into force.

A draft environmental impact statement that discusses these proposed regulations has been filed with the Council on Environmental Quality.

It is hereby certified that this regulatory action is not a major proposal in accordance with Executive Order 11821, dated November 27, 1974, and Departmental implementing instructions.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 33 Code of Federal Regulations, as follows:

PART 157—RULES FOR THE PROTECTION OF THE MARINE ENVIRONMENT RELATING TO TANK VESSELS CARRYING OIL IN BULK

1. The title of Part 157 is revised to read as follows:

"Rules for the Protection of the Marine Environment Relating to Tank Vessels Carrying Oil in Bulk."

2. Section 157.01 is revised and a note is added to follow § 157.01 to read as follows:

§ 157.01 Applicability.

(a) This part prescribes design, equipment, and operation requirements for tank vessels of 150 gross tons or more carrying oil in bulk that—

(1) are documented under the laws of the United States (U.S. vessels); or

(2) are not U.S. vessels and enter the navigable waters of the United States (foreign vessels).

(b) This part does not apply to public vessels not engaged in commercial service.

NOTE: Additional requirements for U.S. vessels are found in 46 CFR Subchapters O and D.

3. Section 157.03 is amended by revising paragraphs (i) and (w) to read as follows:

§ 157.03 Definitions.

* * * * *

(i) "New vessel" means—

(1) a U.S. vessel in domestic trade that—(i) is constructed under a contract awarded after December 31, 1974;

(ii) in the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1975;

(iii) is delivered after December 31, 1977; or

(iv) has undergone a major conversion for which—(A) the contract is awarded after December 31, 1974;

(B) in the absence of a contract, conversion is begiun after June 30, 1975; or

(C) conversion is completed after December 31, 1977; and

(2) a foreign vessel or a U.S. vessel in foreign trade that—(i) is constructed under a contract awarded after December 31, 1975;

(ii) in the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1976;

(iii) is delivered after December 31, 1979; or

(iv) has undergone a major conversion for which—(A) the contract is awarded after December 31, 1975;

(B) in the absence of a contract, conversion is begun after June 30, 1976; or

(C) conversion is completed after December 31, 1979.

* * * * *

(w) "Foreign trade" means any trade that is not domestic trade.

* * * * *

4. Section 157.08 is revised to read as follows:

§ 157.08 Applicability of subpart B.

This subpart applies to vessels under this part that are seagoing except as follows:

(a) Section 157.21 also applies to vessels under this part on voyages on the Great Lakes.

(b) Sections 157.11, 157.13, and 157.15 do not apply to a tank vessel that carries only asphalt.

(c) Sections 157.11, 157.13, 157.15, and 157.23 do not apply to a tank barge that can not ballast cargo tanks or wash cargo tanks while proceeding en route.

(d) Sections 157.19 and 157.21 do not apply to a tank barge whose certificate is endorsed by the Coast Guard for a limited short protected coastwise route if the barge is constructed and certificated primarily for service on an inland route.

(e) Section 157.09(d) does not apply to any—

(1) U.S. vessel in domestic trade that is constructed under a contract awarded before January 8, 1976;

(2) U.S. vessel in foreign trade that is constructed under a contract awarded before (effective date of regulations to be inserted); or

(3) foreign vessel that is constructed under a contract awarded before (effective date of regulations to be inserted).

§ 157.11 [Amended]

5. The note following § 157.11 is revised to read as follows:

Effective date of § 157.11. An existing vessel that is a U.S. vessel in domestic trade must comply with § 157.11 before December 31, 1977. An existing vessel that is a foreign vessel or a U.S. vessel in foreign trade must comply with § 157.11 before December 31, 1979.

§ 157.15 [Amended]

6. The note following § 157.15 is revised to read as follows:

Effective date of § 157.15. An existing vessel that is a U.S. vessel in domestic trade must comply with § 157.15 before December 31, 1977. An existing vessel that is a foreign vessel of a U.S. vessel in foreign trade must comply with § 157.15 before December 31, 1979.

§ 157.17 [Amended]

7. The note following § 157.17 is revised to read as follows:

Effective date of § 157.17. An existing vessel that is a U.S. vessel in domestic trade must comply with § 157.17 (a) and (b) before December 31, 1977. An existing vessel that is a foreign vessel or a U.S. vessel in foreign trade must comply with § 157.17 (a) and (b) after December 31, 1979.

8. Section 157.19(a) and the note following § 157.19 are revised to read as follows:

§ 157.19 Cargo tank arrangement and size.

(a) This section applies to—(1) A U.S. or foreign vessel that is delivered after January 1, 1977;

(2) A U.S. vessel that is delivered before January 1, 1977, for which the building contract is awarded after January 1, 1972, or, if there is no building contract, the keel is laid or the vessel is at a similar stage of construction after June 30, 1972; and

(3) A foreign vessel that is delivered before January 1, 1977, for which the building contract is awarded after January 1, 1974, or if there is no building contract, the keel is laid or the vessel is at a similar stage of construction after June 30, 1974.

* * * * *

Effective date of § 157.19. Vessels to which § 157.19(a)(2) applies must meet § 157.19 before December 31, 1976; however, if a vessel is constructed under a contract awarded before January 1, 1974 and does not carry crude oil, fuel oil, heavy diesel oil, or lubricating oil, the requirements in § 157.19 do not apply. Vessels to which § 157.19(a)(3) apply must meet § 157.19 before June 30, 1978.

* * * * *

9. The introductory text of § 157.21 is revised to read as follows:

§ 157.21 Subdivision and stability.

A new vessel that is a U.S. vessel must meet the following subdivision and damage stability criteria after assuming side and bottom damages as defined in Appendix B of this Part. A U.S. vessel that meets the requirements in this section is considered by the Coast Guard as meeting 46 CFR 42.20–5.

* * * * *

10. Section 157.24 (a), (b), and (d) are revised to read as follows:

§ 157.24 Submission of calculations, plans and specifications.

* * * * *

(a) Calculations to substantiate compliance with the tank arrangement and size requirements under § 157.19, or a letter from the government of the vessel's flag state that certifies compliance with—(1) Section 157.19; or

(2) Regulations 24 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973.

(b) Except for a new vessel that is a foreign vessel, calculations to substantiate compliance with subdivisions and damage stability requirements under § 157.21.

* * * * *

(d) Plans and specifications for the vessel that include—

(1) design characteristics;

(2) a lines plan;

(3) curves of form (hydrostatic curves);

(4) a general arrangement plan of each deck and level;

(5) inboard and outboard profile plans showing oiltight and watertight bulkheads;

(6) a midship section plan;
(7) a capacity plan showing the capacity and the vertical and longitudinal centers of gravity of each cargo space, tank, and similar space;
(8) tank sounding tables;
(9) draft mark locations;
(10) detailed plans of watertight doors; and
(11) detailed plans of vents.

11. Section 157.25 is revised to read as follows:

§ 157.25 Exceptions to applicability.

(a) Sections 157.29, 157.31, and 157.43 apply to foreign vessels when they discharge into the navigable waters of the United States.
(b) Sections 157.35, 157.37, 157.39, 157.45, and 157.47 do not apply to foreign vessels.

12. Section 157.43 is revised to read as follows:

§ 157.43 Discharges: clean and segregated ballast.

(a) Clean ballast may be discharged in accordance with § 157.37(a)(6).
(b) The master of a vessel under this part shall ensure that segregated ballast is not discharged unless he finds no oily mixture in the ballast after—(1) visually examining the top of the ballast contents of each tank; or
(2) testing the ballast contents of each tank with an oil/water interface detector.

13. The introductory text of § 157.47 is revised to read as follows:

§ 157.47 Information for master.

A master or person in charge of a new vessel shall operate the vessel in accordance with the information required in 46 CFR 31.10-30(d) that includes the following:

* * * * *

(R.S. 4417a (3) and (7), as amended (46 U.S.C. 391a (3) and (7)); 49 CFR 1.46(n)(4).)

Dated: April 6, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76-10454 Filed 4-14-76;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 75-EA-91]

FAIRCHILD HILLER

Airworthiness Directive, Proposed Rule Making

The Federal Aviation Administration is considering amending section 39.13 of Part 39 of the Federal Aviation Regulations so as to amend and revise AD 69-5-2, applicable to Fairchild FH-227 type airplanes.

Since the last republication of AD 69-5-2, revisions have been made to the incorporated bulletin which affect compliance time and other instructions. Further visual inspections of some areas are now acceptable in lieu of X-ray. These amendments suggest a need to amend and revise the airworthiness directive.

Interested parties are invited to participate in the making of the proposed rule by submitting written data or views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, FAA, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430.

All communications received on or before May 17, 1976, will be considered before taking action upon the proposed rule. The proposals contained in this Notice may be changed in the light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to issue an airworthiness directive amending AD 69-5-2, as hereinafter set forth:

FAIRCHILD: Applies to FH-227 Type Airplanes Certificated in all categories.

Compliance required as indicated.
To detect the development of cracks in the wing area, accomplish the following:
(a) Within 25 hours time in service after the accumulation of the specified hours in service, unless already accomplished, inspect or continue to inspect in accordance with Fairchild Service Bulletin 51-1, as amended by Revision 6, of December 12, 1975 or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region or with an approved equivalent inspection.
(b) Where a visual inspection may be accomplished in lieu of x-ray, at least a 10-power glass must be used.
(c) For those aircraft incorporating Fairchild Service Bulletin 51-1, Appendix No. 1, dated January 5, 1973, or an approved equivalent special structural inspection and alteration, the inspection interval for the outer wing panel without cracks remains at 1200 hours. If any cracks were discovered prior to the alteration the inspection interval will be that specified in paragraph 1.D(1) of the Appendix.
(d) If new cracks are found or if repaired cracks are found to be propagating, replace the cracked part with a part of the same part number or with an approved equivalent part, or incorporate an approved repair before further flight. However, upon request, with descriptive information of the crack and proposed operating limitations submitted through an FAA maintenance inspector, the flight of the airplane in accordance with FAR 21.197 to a base where the repair can be made, may be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.
(e) Equivalent inspection, repairs or parts must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.
(f) Upon request, with substantiating data submitted through an FAA maintenance inspector, the compliance times specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on April 5, 1976.

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.76-10543 Filed 4-14-76;8:45 am]

[14 CFR Part 39]

[Airworthiness Docket No. 70-SW-19]

BELL MODELS 47B, 47B-3, 47D, 47D-1, 47G, 47G-2, AND 47H-1 HELICOPTERS

Airworthiness Directives Proposed Rule Making

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Models 47B, 47B-3, 47D, 47D-1, 47G, 47G-2, and 47H-1 helicopters. Two cases of fatigue failure of the tail rotor hub bolt, Part Number 47-641-052-3, reportedly occurred at 472 and 499 hours' total time in service. Three other cases of bolt fatigue failure were also reported except the aircraft records were inadequate to determine the time in service of those bolts. Bell Helicopter Company asserts that these bolts may not have been made by them and may not have conformed to the Bell specifications in Operations Safety Notice, OSN47-75-1, dated December 12, 1975.

As a matter of record, Amendment 39-1023 (AD 70-14-2) 35 F.R. 11175 was issued in August 1970 to require inspections and proper installation of the tail rotor hub bolts, Part Number 47-641-052-3, and to establish a 600-hour life for those bolts.

New tail rotor hub bolt, Part Number 47-641-194-1, is now available and has been approved for a 600-hour life. This bolt is a replacement for, but is superior to, bolt, Part Numbers 47-641-052-3 and -5. Bolt, Part Number 47-641-052-5, is identical to the 47-641-052-3 except for a Bell applied Social Number of the -5.

In consideration of the foregoing and to prevent possible fatigue failure of the tail rotor hub bolt, Part Numbers 47-641-052-3 and -5, the proposed airworthiness directive would require installation of bolts, Part Number 47-641-194-1, and associated blade seals, Part Number 47-641-042-3, on Bell Models 47B, 47B-3, 47D, 47D-1, 47G, 47G-2, and 47H-1 helicopters within 300 hours' time in service.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

All communications received on or before May 20, 1976, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of Regional Counsel for examination by interested persons.

(Secs. 313(a) 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

BELL. Applies to Bell Models 47B, 47B-3, 47D, 47D-1, 47G, 47G-2, and 47H-1 helicopters certificated in all categories.

Compliance required within 300 hours' time in service after the effective date of this AD unless already accomplished.

To prevent possible fatigue failure of tail rotor hub bolt, Part Numbers 47-641-052-3 or -5, accomplish the following:

(a) Remove and disassemble the tail rotor hub and blade assembly.

(b) Remove the metal grease seal from each tail rotor blade grip and install the seal. Part Number 47-641-042-3, in each blade grip to clear the head of the hub bolt.

(c) Remove the hub assembly bolts, Part Numbers 47-641-052-3 or -5, from the tail rotor hub assembly. Install hub bolts, Part Number 47-641-194-1, in the tail rotor hub as specified in paragraph 6-16.e., Section VI, Model 47D-1, 47G, and 47G-2 Maintenance and Overhaul Instruction Manual, as revised August 15, 1961, or as specified by equivalent FAA approved procedures.

(d) Assemble and track and balance the tail rotor hub and blade assembly as specified in the pertinent Model Maintenance and Overhaul Instruction Manual or as specified in FAA approved equivalent procedures.

(e) Compliance with Bell Helicopter Company Service Bulletin No. 47-76-1 dated January 5, 1976, or later approved revision fulfills compliance with this AD.

Issued in Fort Worth, Texas, on April 2, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-10698 Filed 4-14-76;8:45 am]

[14 CFR Part 39]

[Airworthiness Docket No. 73-SW-60]

BELL MODELS 47B, 47B-3, 47D, 47D-1, 47E, 47G, 47G-2, AND 47H-1 HELICOPTERS

Airworthiness Directives Proposed Rule Making

Amendment 39-1717 (38 FR 25669), AD 73-19-2 required replacement of certain serial numbered tail rotor yokes, Part Number 47-641-057-9, that are used on Bell Model 47B, 47B-3, 47D, 47D-1, 47E, 47G, 47G-2, and 47H-1 helicopters. After issuing Amendment 39-1717, Bell found that fifty (50) additional yokes should also have a retirement time of 400 hours' total time in service to prevent possible fatigue failure of those yokes. Bell Helicopter Company issued Service Bulletin No. 47-05-73-1, Revision A, dated November 18, 1975, to add these fifty (50) additional yoke serial numbers and to establish their 400-hour retirement time. Based on this information, the agency is considering issuing a new AD to require replacement of these additional tail rotor yokes before attaining 400 hours' total time in service for Bell Models 47B, 47B-3, 47D, 47D-1, 47E, 47G, 47G-2, and 47H-1 helicopters.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before May 20, 1976, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of Regional Counsel for examination by interested persons.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

BELL. Applies to Bell Models 47B, 47B-3, 47D, 47D-1, 47E, 47G, 47G-2, and 47H-1 helicopters certificated in all categories.

Compliance required as indicated.

To prevent possible fatigue failure of the tail rotor yoke, Part Number 47-641-057-9, remove and replace tail rotor yokes having Serial Numbers SR29-50501 through SR29-50507, SR29-50509 through SR29-50528, SR29-50530 through SR29-50533, SR29-50535 through SR29-50537, SR29-50539 through SR29-50544, and SR29-50546 through SR29-50554, as specified below.

(a) Replace those yokes with 390 or more hours' total time in service on the effective date of this AD, within 10 hours' time in service.

(b) Replace those yokes with less than 390 hours' total time in service on the effective date of this AD, prior to accumulating 400 hours' total time in service.

(c) Compliance with Bell Helicopter Company Service Bulletin Number 47-05-73-1, Revision A, dated November 18, 1975, fulfills compliance with this AD.

(d) The requirements of this AD do not affect other Model 47 series helicopter tail rotor yokes.

Issued in Fort Worth, Texas, on April 2, 1976.

HENRY L. NEWMAN,
Director, Southwest Region,

[FR Doc.76-10700 Filed 4-14-76;8:45 am]

[14 CFR Part 39]

[Airworthiness Docket No. 76-SW-19]

BELL MODELS 204B AND 205A-1 HELICOPTERS

Airworthiness Directives, Proposed Rule Making

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Model 204B and 205A-1 helicopters. There have been two cases of the tail rotor pitch change mechanism chains, Part Number 204-001-739-3, experiencing cracked link segments on Model 205A-1 helicopters. Failure of this chain will result in possible loss of directional control of the helicopter. The Model 204B uses the same chain and is subject to the same operating conditions. Since this condition is likely to exist or develop in other Models 205A-1 and 204B helicopters, the proposed airworthiness directive would require repetitive inspections of the chains, Part Number 204-001-739-3, on all Bell Models 204B and 205A-1 helicopters.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before May 20, 1976, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of Regional Counsel for examination by interested persons.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

BELL. Applies to Bell Model 204B and 205A-1 helicopters certificated in all categories.

Complinace required with twenty-five hours" time in service after the effective date of this AD and, thereafter, at intervals not to exceed twenty-five hours' time in service from the last inspection.

To detect cracks in the tail rotor pitch change chain link segments and to prevent possible failure of the tail rotor pitch change chains, accomplish the following repetitive inspection on chains, Part Number 204-001-739-3

(a) Remove the cover, if installed, from the chain assembly.

(b) Inspect each chain assembly for cracks in the link segments using a ten-power or higher magnifying glass. Particular attention should be placed on the portion of the chain that travels over the sprocket and that extends six inches each side of this area or portion.

(c) Remove chains with cracked or broken links or segments before further flight in accordance with the applicable maintenance manual or an equivalent FAA approved procedure.

(d) Install chains with uncracked segments in accordance with the applicable mainenance manual and rig the controls as specified in the applicable maintenance manual or an equivalent FAA approved procedure.

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, Flight Standards Division, FAA, Southwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

Issued in Fort Worth, Texas, on April 2, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-10699 Filed 4-14-76;8:45 am]

[14 CFR Part 36]

[Airworthiness Docket No. 76-SW-14]

MOONEY M20 AND M20A AIRPLANES

Airworthiness Directives Proposed Rule Making

Amendment 39-731 (34 FR 4939), AD 69-5-3, requires inspection of the wood wing and wood empennage structures for wood and glue joint deterioration and repair as necessary on Mooney M20 and M20A airplanes. After issuing Amendment 39-731 due to service experience, the agency determined that wood deterioration has been a factor in several recent accidents. This is particularly true for wood deterioration of the vertical fin spar. It has been determined from accident reports that the requirements for inspection alone of the vertical fin spar have not prevented advanced wood rot from causing loss of the entire vertical fin in flight with subsequent loss of control of the airplane occurring. Therefore, the agency is considering superseding Amendment 39-731 with a new AD that requires proof loads to be applied to the vertical fin and additional inspections of wood structure, in addition to continuing inspection of the wood structure.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689 Fort Worth, Texas 76101. All communications received on or before May 31, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).)

In consideration of the foregoing, it is proposed to amend Section 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

MOONEY. Applies to Models M20 and M20A certificated in all categories.

Compliance required as indicated:

To prevent failure of the vertical fin spar in flight due to wood deterioration and to detect other wood and glue joint deterioration in the wood wing and wood empennage structures, accomplish the following:

(a) Within the next 30 days, after the effective date of this AD, and thereafter at intervals not to exceed two years, apply proof loads to the vertical fin spar and hinges as shown in Figures 1 and 3 of this AD. Replace the wooden empennage with an all-metal empennage as provided by Mooney Service Bulletin No. M20-170-1 kit if the vertical stabilizer fails during the proof load application. The empennage has failed if complete separation of the vertical fin from the horizontal stabilizer occurs, if fin spar cracks occur, if other wood failures occur, if glue joint failures occur, or if permanent deformation occurs as shown in Figure 2.

(b) After completion of the proof load requirements of paragraph (a) above, and before flight, inspect and rework the wood wing and wood empennage structures in accordance with the specified parts of Mooney Service Bulletin No. M20-170A, dated February 24, 1969, as follows:

(1) Comply with Part III.

(2) If fin failure did not occur during the proof load of paragraph (a), comply with Parts 1A and II. In addition, comply with Parts 1B and C unless already accomplished.

(c) Within the sixth month after initial compliance and within the sixth month after each annual inspection, comply with Parts IIA, III8, 9, and 10 of Mooney Service Bulletin No. M20-170A. If wood or glue joint deterioration is detected, accomplish the complete initial inspection in accordance with Parts IA, II, and III.

NOTE.—Inspection intervals required by this AD differ from the inspection intervals shown in Mooney Service Bulletin No. M20-170A.

(d) At each annual inspection required by FAR 91, comply with Parts IA, II, and III of Mooney Service Bulletin No. M120-170A.

(e) If wood or glue joint deterioration is detected by the inspections of paragraphs (b), (c), and (d) above, repair must be accomplished in accordance with Mooney Service Bulletin No. M20-170A, or other data acceptable to the administrator, prior to further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where repair can be performed.

(f) Mooney Service Bulletin No. M20-170-1 kit includes pertinent parts and instructions for replacement of the wood empennage with an all-metal empennage, which if installed, relieves the owner or operator from the inspection and proof load requirements of this AD applicable to the wood empennage. Installations of the all-metal empennage is recommended, but not required, by this AD.

(g) The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to the Service Manager, Mooney Aircraft Corporation, P.O. Box 72, Kerrville, Texas 78028. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Forth Worth, Texas.

Equivalent methods of complying with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region.

This supersedes Amendment 39-731 (34 FR 4939), AD 69-5-3.

Issued in Forth Worth, Texas, on April 5, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

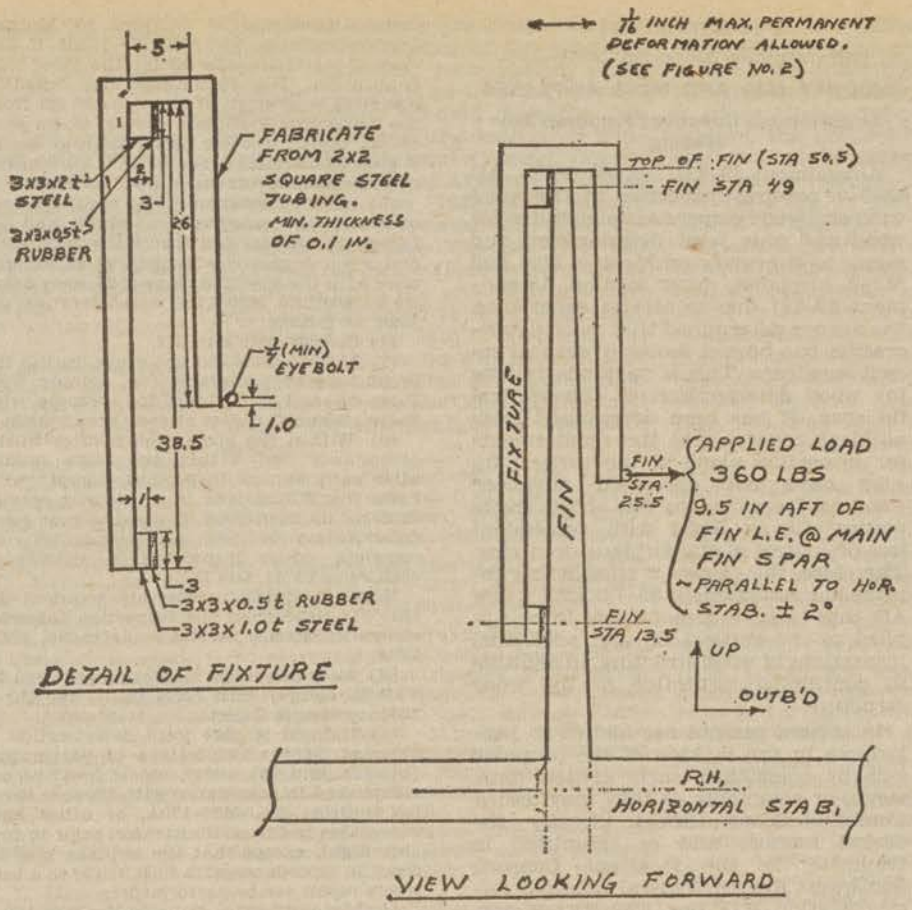


FIGURE NO. 1 - APPLICATION OF FIN SIDE PROOF LOAD ON MAIN SPAR

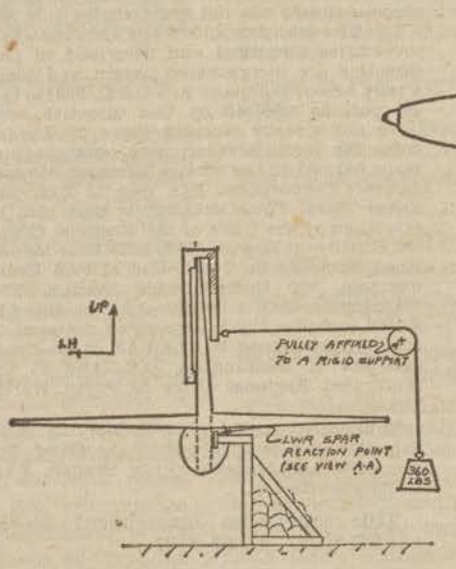
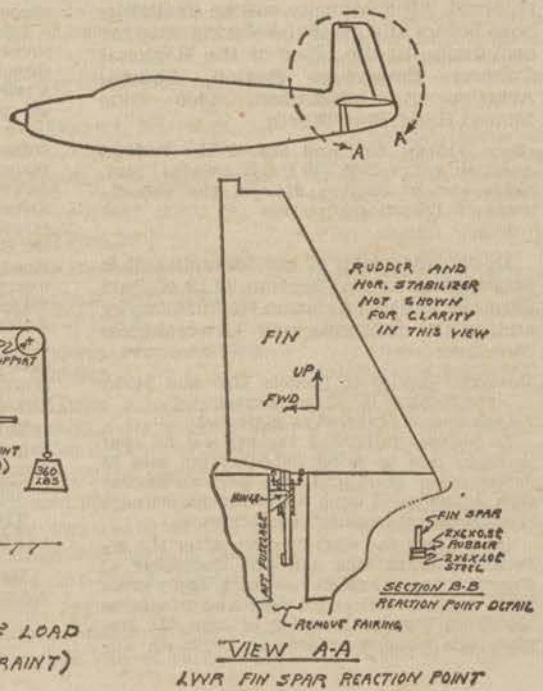


FIGURE 1A

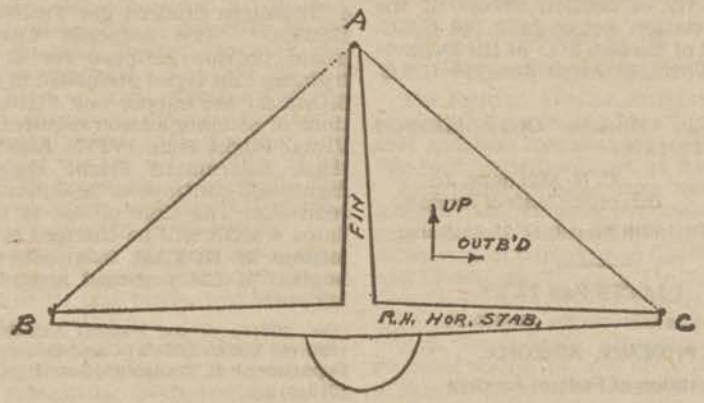
RECOMMENDED FIN PROOF LOAD METHOD (INCLUDING LWR RESTRAINT)



VIEW A-A

LWR FIN SPAR REACTION POINT

NOTES:
1. MARK A POINT 'A' ON THE FIN TIP
2. MARK POINTS 'B' AND 'C' ON THE HORIZONTAL STAB. TIPS
3. MEASURE THE DISTANCES 'AB' AND 'AC' BEFORE AND AFTER APPLICATION OF LOADS SHOWN BY FIG. NO. 1
4. IF THE DISTANCE 'AB' MEASURED AFTER LOAD APPLICATION VARIES BY MORE THAN $\frac{1}{16}$ INCH FROM THE DISTANCE 'AB' MEASURED BEFORE LOAD APPLICATION, FAILURE IS CONSIDERED TO HAVE OCCURRED. A VARIATION OF MORE THAN $\frac{1}{16}$ INCH IN THE TWO 'AC' MEASUREMENTS ALSO CONSTITUTES FAILURE.



VIEW LOOKING FORWARD

FIGURE NO. 2 - FIN PERMANENT DEFORMATION LIMITS

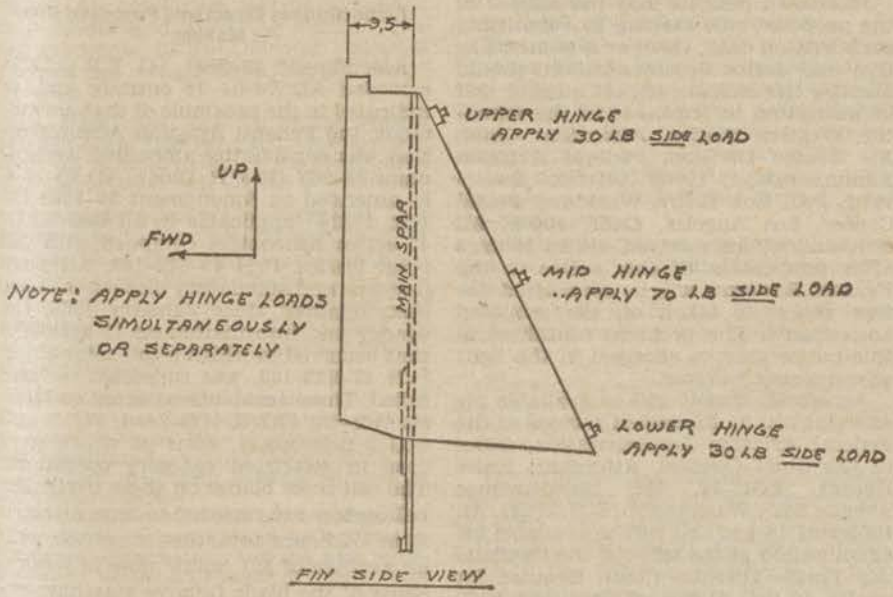


FIGURE NO. 3 - FIN-RUDDER HINGE SIDE PROOF LOAD APPLICATION

[FR Doc.76-10701 Filed 4-14-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-CE-2]

FORT LEAVENWORTH, KANSAS

Alteration of Transition Area

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Fort Leavenworth, Kansas.

Interested person may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before May 17, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

Since designation of controlled airspace at Fort Leavenworth, Kansas, a new NDB approach procedure is being established for Sherman AAF, Fort Leavenworth, Kansas. Accordingly, it is necessary to alter the Fort Leavenworth 700-foot transition area to provide additional airspace for random departures to climb to the floor of controlled airspace.

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

In Section 71.181 (41 FR 440), the following transition area is amended to read:

LEAVENWORTH, KANSAS

That airspace extending upward from 700 feet above the surface within a 10 mile radius of the Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.), and within a 9.5 mile radius of Sherman AAF (latitude 39°22'05" N., longitude 94°54'45" W.); and that airspace extending from 700 feet above the surface within an 8.5 mile radius of the Kansas City International Airport (latitude 39°18'05" N., longitude 94°43'47" W.) and within 5 miles either side of the Rwy 19 ILS localizer north course extending from the 8.5 mile radius zone to 25 miles N of the Wyandotte OM; and within 5 miles either side of the 088° radial of the Kansas City VORTAC; extending from the 8.5 mile radius zone to 11.5 miles E of the VORTAC; and within 5 miles either side of the Rwy 1 ILS localizer south course extending from the 8.5 mile radius zone to 11 miles S of the Wyandotte OM.

(Sec. 307(a) of the Feleral Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Kansas City, Missouri, on March 24, 1976.

GEORGE R. LACAILLE,
Acting Director,
Central Region.

[FR Doc.76-10695 Filed 4-14-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-CE-3]

TOPEKA, KANSAS

Alteration of Transition Area

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Topeka, Kansas.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before May 17, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

Since designation of controlled airspace at Topeka, Kansas, two new public-use instrument are being established for Forbes Field, (formerly Forbes AFB). These procedures will become effective when the City of Topeka assumes ownership of this airport. Accordingly, it is necessary to alter the Topeka 700-foot transition area to protect random departures climbing to the floor of controlled airspace and to protect the proposed ILS and NDB approach procedures below 1,500 feet above the terrain.

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

In Section 71.181 (41 FR 440), the following transition area is amended to read:

TOPEKA, KANSAS

That airspace extending upward from 700 feet above the surface within a 7 mile radius of Philip Billard Airport, Topeka, Kansas (latitude 39°04'09" N., longitude 95°37'18" W.) within 2 miles each side of the Topeka VORTAC 039° radial extending from the 7 mile radius area to 8 miles NE. of the VORTAC, within 5 miles SW. and 8 miles NE. of the Philip Billard Airport ILS Localizer NW. course, extending from 3 miles SE. to 12 miles NW. of the OM, within an 8.5 mile radius of Forbes Field, Topeka, Kansas (latitude 38°57'10" N., longitude 95°39'50" W.), within 2 miles each side of the Forbes Field TACAN 321° radial extending from the 8.5 mile radius area to 9 miles NW. of the TACAN, and within 3.5 miles each side of the Forbes Field ILS localizer SE. course extending from the 8.5 mile radius area to 8 miles SE. of the Richland LOM.

This amendment is proposed under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri on March 26, 1976.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.76-10696 Filed 4-14-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-WE-6]

PHOENIX, ARIZONA

Alteration of Federal Airways

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish the upper vertical extent of certain segments of V-95, V-95W and V-327 at 13,000 feet MSL during those times that the Williams 4 Military Operations Area (MOA), is in use. When the Williams 4 MOA is not in use, the airway segments would have their normal vertical extent of up to but not including 18,000 feet MSL.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief. Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-230, 800 Independence Avenue SW., Washington, D.C. 20591.

The proposed action would amend V-95, V-95W and V-327 airways to exclude the airspace above 13,000 feet MSL during the time that the Williams 4 MOA is in use (activated by NOTAM) in the following segments:

a. V-95 from 23 NM northeast of Phoenix to 22 NM southwest of Winslow, Ariz.

b. V-95W from 23 NM north of Phoenix to 26 NM southwest of Winslow.

c. V-327 from 23 NM north of Phoenix to 29 NM south of Flagstaff, Ariz.

The Williams 4 MOA became effective December 4, 1975, replacing the Williams 4 "Intensive Student Jet Training Area (ISJTA)". The proposed amendment would provide airspace for a type of training that is not permitted in airways. MOAs do not impose any flight restrictions or communication requirements on Visual Flight Rule (VFR) flight operations. Instrument Flight Rule (IFR) flights will continue to be separated procedurally. The time of use of the Williams 4 MOA will be changed to "Intermittent by NOTAM (normally daylight hours)" if the proposed amendment is adopted.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on April 8, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.76-10697 Filed 4-14-76;8:45 am]

[14 CFR Part 39]

[Airworthiness Docket No. 67-SW-68]

BELL MODEL 47 SERIES HELICOPTERS

Airworthiness Directives Proposed Rule Making

Amendment 39-2557 (41 F.R. 12275) canceled AD 76-01-06 entirely and, as indicated in the preamble of that amendment, the Federal Aviation Administration was considering amending Amendment 39-983 (35 F.R. 7006), AD 70-10-8, as amended by Amendment 39-1063 (35 F.R. 12834) applicable to all Bell Model 47 series helicopters equipped with tail rotor blades, P/N 47-642-102. Although frequent and mandatory inspections have been required since January 1968, the agency had information on 11 accidents that occurred in which a tail rotor blade, P/N 47-642-102, was suspected to have failed. These accidents occurred on Models 47G-4A, 47G-5, 47G-2A-1, 47J-2, and 47G-2 helicopters, some of which were used in restricted category operations. The tail rotor blades on these particular helicopters are reported to have attained 62 to 572 hours' total time in service, with an average of 321 hours' time in service. Some of the blade failures may have resulted from small nicks or indentations in the blade trailing edge.

By letter dated February 18, 1976, the Helicopter Association of America

(HAA) submitted a list of 15 Bell Model 47 series helicopter accidents that have occurred since January 1968. In their letter, the HAA contends that four questionable blade failures in eight years with five million flight hours' of exposure do not warrant requiring replacement of the 47–642–102 tail rotor blades. The HAA further contends that the 11 other blade failures during this period of time provide ample evidence that the failures were due to inadequate maintenance and inspection procedures and could have been prevented through strict compliance with AD 70–10–8. The agency stated in the preamble to Amendment 39–2557 that proper compliance with AD 70–10–8 will enable detection of defective blades and prevent blade failure. However, the agency has concluded that AD 70–10–8 has not been entirely effective and the agency is, therefore, proposing to additionally require external cleaning and inspection of the tail rotor blades at intervals of 25 hours' time in service. The proposed cleaning and inspection may not be accomplished by the pilot.

The agency also proposes to require replacement of a blade with any nick or indentation in the blade trailing edge from station 5.0 to 8.0.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before May 20, 1976, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of Regional Counsel for examination by interested persons.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Sections 6(c) of the Department of Transportation Act, (49 U.S.C. 1655(c)).)

In consideration of the foregoing, it is proposed to further amend Section 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–983 (35 F.R. 7006), AD 70–10–8, as amended by Amendment 39–1063 (35 F.R. 12834), by adding the following new paragraphs at the end thereof:

(l) Within 25 hours' time in service after July 2, 1976, and thereafter, at intervals not to exceed 25 hours' time in service from the last inspection, accomplish the following:

(1) Clean the blades' external surfaces of any visible residue.

(2) Inspect the blades' trailing edge between Blade Station 5.0 and 8.0 for cracks, permanent deformation, and any nick or indentation, uusing a 10-power or higher magnifying glass.

(3) Inspect for cracks and permanent deformation in the tail rotor grips in the area between Blade Station 2.7 and 3.7 and at the areas surrounding the rivets that attach the blade skin to the grip, using a 10-power or higher magnifying glass.

(4) If cracks, permanent deformation, any nicks, or indentations are found, replace the tail rotor blades before further flight.

(m) This AD is not applicable to Bell Model 47 series helicopters equipped with Part Number 47–642–117 tail rotor blades.

Issued in Fort Worth, Texas, on April 5, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76–10702 Filed 4–14–76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76–SW–16]

RAYVILLE, LA.

Designation of Transition Area

The Federal Avation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Rayville, La.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In Section 71.181 (41 F.R. 440), the following transition area is added:

RAYVILLE, LA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Rayville Municipal Airport (latitude 32°29'00'' N., longitude 91°46'15'' W.).

The proposed transition area will provide controlled airspace for aircraft executing the proposed VOR/DME–A (Original) instrument approach procedure to the Rayville Municipal Airport predicated on the Monroe, La., VORTAC.

This notice will also serve to apprise airspace users of the airport category change from VFR to IFR.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, TX., on April 6, 1976.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.76–10870 Filed 4–14–76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76–SW–15]

HENDERSON, TEX.

Designation of Transition Area

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Henderson, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In Section 71.181 (41 F.R. 440), the following transition area is added:

HENDERSON, TEX.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Rusk County Airport, Henderson, Tex. (latitude 32°08'30'' N., longitude 94°51'15'' W.), and within 5 miles each side of the Gregg County, Tex., VORTAC 197° radial extending from the 8.5-mile-radius area to a point 11.5 miles south of the Gregg County, Tex., VORTAC.

The proposed transition area will provide controlled airspace for aircraft executing the proposed VOR/DME (Original) instrument approach procedure to the Rusk County Airport predicated on the Gregg County, Tex., VORTAC.

This notice will also serve to apprise airspace users of the airport category change from VFR to IFR.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, TX., on April 6, 1976.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.76-10871 Filed 4-14-76;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 75-8; Notice 3]

LAMPS, REFLECTIVE DEVICES AND ASSOCIATED EQUIPMENT

Proposed Two-Lamp Rectangular Headlamp System

This notice proposes an amendment of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment, that would allow use of a two-lamp rectangular headlamp system.

Motor Vehicle Safety Standard No. 108 was amended on November 30, 1973, (38 FR 33084) to specify requirements for rectangular headlamps that may be used as an option in a four-headlamp system. Since November 1973, the NHTSA has conducted studies to evaluate on-road performance, supply and aiming problems, safety aspects, and consumer acceptance of the four-lamp rectangular headlamp system. Results of the studies indicate that this limited proliferation of headlamp types has caused no major supply, aiming, or safety problems, and that consumers have generally accepted it.

The reasons advocated for the four-lamp rectangular system—increased design freedom, improvement of downward angle of direct vision and reduction of vehicle frontal area consumed by headlamps—are also applicable to a two-lamp rectangular system.

In a notice published on April 30, 1975 (40 FR 18795), the Administrator requested comments as to the advisability of proposing an amendment to Standard No. 108 that would allow a single two-lamp rectangular system. Commenters generally supported the concept of a two-lamp system and also recommended headlamp dimensions based upon the consensus of the Society of Automotive Engineers. That consensus has now been expressed in a Recommended Practice, J1132, issued January 1976. To facilitate comment by interested persons it has been published as a supplement to this proposal.

The proposed headlamp would be known as Type 2B. It could be used on any motor vehicle, including a motorcycle, that is currently permitted by Standard No. 108 to use Type 2 headlamps. It would be of sealed construction and mechanically aimable, with a simple adapter, on the new aimer that is capable of aiming the four-lamp rectangular system. Thus, the proposed two-lamp rectangular headlamp system would provide the adavntages of the four-lamp rectangular system and could use the aimer already in supply.

It is also proposed that referenced and subreferenced standards and recommended practices not included in J1132 be those published in the 1976 SAE Handbook. Those that have been updated from the 1975 Handbook are: J571d, "Dimensional Specifications for Sealed Beam Headlamp Units", J573f, "Lamp Bulbs and Sealed Units", J575f, "Tests for Motor Vehicle Lighting Devices and Components", J579c, "Sealed Beam Handlamp Units for Motor Vehicles", and J599d, "Lighting Inspection Code".

In consideration of the foregoing it is proposed that a new paragraph, S4.1.1.34, be added to 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, to read as follows:

S4.1.1.34 (a) Instead of a headlighting system employing two Type 2, 7-inch headlamp units, a passenger car, multipurpose passenger vehicle, truck, or bus may be equipped with a system of two Type 2B headlamp units. A motorcycle may be equipped with a system of either one or two Type 2B headlamp units. Each Type 2B headlamp shall conform to SAE Recommended Practice J1132, "142mm x 200mm Sealed Beam Headlamp Unit," January 1976, [See Supplement below] except that Paragraph 5 titled "Service Performance" is not applicable.

(b) Applicable referenced and subreferenced SAE Standards and Recommended Practices not specifically included in SAE J1132 are those published in the 1976 edition of the SAE Handbook.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: June 11, 1976.

Proposed effective date: Publication date of final rule.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on April 5, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

142 mm x 200 mm Sealed Beam Headlamp Unit—SAE J1132, SAE Recommended Practice

1. *Scope*—This Recommended Practice covers design parameters of a rectangular, mechanically aimable, 2-beam sealed headlighting unit.

2. *Laboratory Requirements*

2.1 Test Voltage—In conducting tests to this Recommended Practice, the sealed beam unit shall be operated at 12.8 v for 12 v electrical systems.

2.2 The following sections from SAE J575f are part of this specification:

2.2.1 Section 2—Samples for Test.

2.2.2 Section 3—Laboratory Facilities.

2.2.3 Section 4.6—Photometry.

2.3 Color Test—The color of the light from this sealed beam unit shall be white, as defined in SAE J578a.

3. *Photometric Design and Beam Pattern Requirements*—The provisions contained in Table 1, Fig. 2 and Fig. 3 of SAE J579c shall be a part of this specification.

4. *Inspection*—The provisions of Lighting Inspection Code, SAE J599d, which apply to the 7 in. Type 2 (178 mm) Sealed Beam Unit shall also apply to the 142 mm x 200 mm unit.

5. *Service Performance*—The photometric requirements for Type 2 units and contained in Table 1 of SAE J32a shall be considered a part of this Recommended Practice.

6. *Electrical Specifications*

6.1 Design wattage (max. wattage shall not exceed design wattage by more than 7.5%; there is no min. spec.): U.B., 65 watts; L.B., 55 watts.

6.2 Average design life (test at 14 v): U.B., 150 hrs.; L.B. 320 hrs.

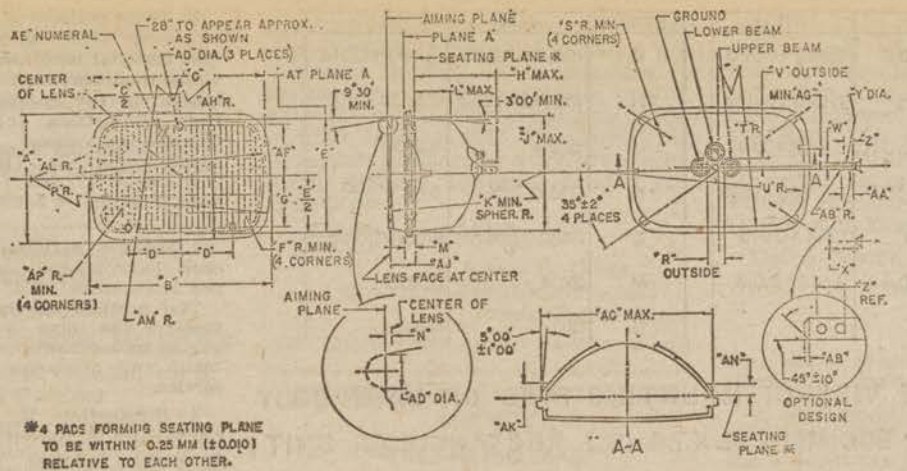
6. *Dimensional Requirements* — See Figs. 1 and 2.

8. *General Requirements*

8.1 There shall be no raised letters or embossing on the outside surface of the lens within a maximum diameter of 71.12 mm (2.8 in.) about the center of the lens.

8.2 The provisions of Sections 2.3 to 2.7 (inclusive) of SAE J571d shall also apply to the 142 mm x 200 mm unit.

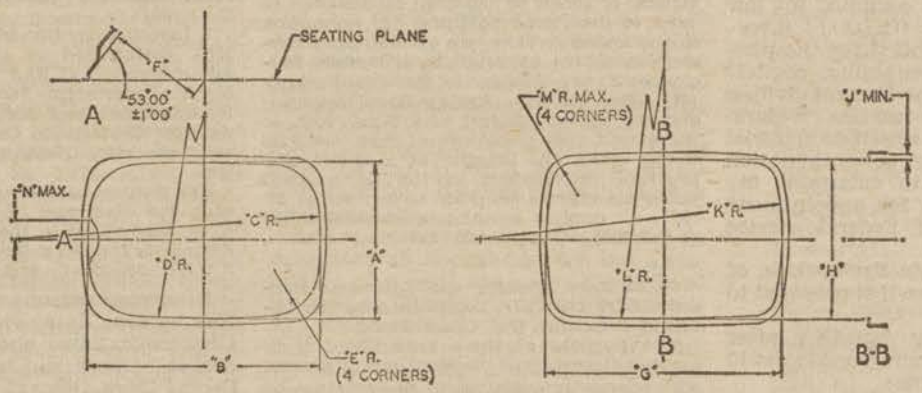
NOTE.—Upon approval of this Recommended Practice, Dimensional Specifications for Headlamp Aimer Locating Plate, and contained in SAE J602c, will be revised to include the 142mm x 200mm unit.



LETTER	MM	INCH
A	142.0 +0.8 −4.2	5.591 +0.032 −0.165
B	200.0 +0.8 −4.2	7.874 +0.032 −0.165
C	189.73 ±0.30 −0.80	7.470 +0.012 −0.032
D	64.0 ± 1.0	2.520±0.039
E	131.73 +0.30 −0.80	5.186 +0.012 −0.032
F	25.5	1.004
G	59.6 ± 1.0	2.346±0.039
H	107.0	4.213
J	132.23	5.206
K	1200.0	47.244
L	49.0	1.929
M	11.1 ± 1.0	0.437 ±0.039
N	0.5 +4.0 −0.5	0.020 +0.157 −0.020
P	254.0±5.0	10.000±0.197
R	17.0 +0.9 −0	0.669 +0.035 −0.000
S	42.7	1.681
T	2401.5 ± 13.0	94.547±0.512
U	249.0±5.0	9.803 ±0.197
V	8.5 +0.5 −0	0.335 +0.020 −0.000
W	7.72 +0.40 −0	0.304 +0.016 −0.000
X	0.76±0.05	0.030±0.002
Y	3.05 +0.25 −0	0.120 +0.010 −0.000
Z	8.76 +1.50 −0	0.345 +0.059 −0.000
AA	13.58 +0 −1.80	0.535 +0.000 −0.071
AB	1.52 ±0.50	0.060 ±0.020
AC	190.23	7.489
AD	5.0 ± 1.0	0.197 ±0.039
AE	6.35 ±0.80	0.250±0.032
AF	60.5 ± 1.0	2.382±0.039
AG	19.7	0.776
AH	2406.5 ± 13.0	94.744±0.512
AJ	26.7 +4.0 −1.0	1.051 +0.157 −0.039
AK	16.0 +2.0 −1.0	0.630 +0.079 −0.039
AL	250.0 +0 −25.0	9.843 +0.000 −0.984
AM	2402.0 +0 −775.8	94.567 +0.000 −30.512
AN	12.0 +2.0 −1.0	0.472 +0.079 −0.039
AP	20.4	0.803

FIG. 1. TYPE 2B SEALED BEAM HEADLAMP 142 x 200 MM (5.6 x 7.9 IN.) RECTANGULAR UNIT

12-8-75



DIMENSIONS APPLY AT SEATING PLANE SURFACE

MOUNTING RING (A)

RETAINING RING (B)

LETTER	MM	INCH
A	132.9 ± 0.5	5.232 ± 0.020
B	191.0 ± 0.5	7.520 ± 0.020
C	250.0 ± 5.0	9.843 ± 0.197
D	2400.0 ± 50.0	94.488 ± 1.969
E	41.0 ± 2.0	1.614 ± 0.079
F	79.90 ± 0.40	3.146 ± 0.016

LETTER	MM	INCH
G	190.42 ± 0.30	7.497 ± 0.012
H	132.42 ± 0.30	5.213 ± 0.012
J	5.34	0.210
K	$250.0^{+30.0}_{-0}$	$9.843^{+1.181}_{-0.000}$
L	$2402.0^{+2250.0}_{-0}$	$94.567^{+88.583}_{-0.000}$
M	20.4	0.803
N	19.0	0.748

FIG. 2. (A) FRONT VIEW OF MOUNTING RING OR LAMP BODY FOR 142 x 200 MM (5.6 x 7.9 IN.) RECTANGULAR UNIT; (B) RETAINING RING

12-8-75

[FR Doc.76-10418 Filed 4-14-76;8:45 am]

Office of the Secretary

[49 CFR Part 10]

[OST Docket No. 39; Notice 76-4]

PRIVACY ACT OF 1974

Maintenance of and Access to Records Pertaining to Individuals-Exemptions

The Department of Transportation purposes to amend Appendix I of Part 10 of Title 49, Code of Federal Regulations, to exempt additional systems of records from certain provisions of the Privacy Act of 1974 (5 U.S.C. 552a), pursuant to the specific exemptions provisions thereof (5 U.S.C. 552a(k)). The systems of records proposed to be exempted consist of material specifically authorized to be kept secret in the interest of national defense or foreign policy ((k)(1)); investigatory material complied for law enforcement purposes ((k)(2)); investigatory material compiled for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified material ((k)(5)); and testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service ((k)(6)).

In Section II, *Specific Exemptions*, of Appendix I, *Exemptions*, it is proposed to amend:

1. Subsection A, by inserting after paragraph 11 thereof new paragraphs 12 and 13, to read as follows:

II. *Specific exemptions.* A. The following systems of records are exempt from subsections (c)(3) (Accounting of Certain Disclosures), (d) (Access to Records), (e)(4)(G), (H), and (I) (Agency Requirements), and (f) (Agency Rules) of 5 U.S.C. 552a, to the extent that they contain investigatory material compiled for law enforcement purposes, in accordance with 5 U.S.C. 552a(k)(2):

* * * * *

12. Investigations of Violations of Marine Safety Laws (DOT/CG 587), maintained by the Office of Merchant Marine Safety, U.S. Coast Guard.

13. Civil Aviation Security System (DOT/FAA 813), maintained by the Civil Aviation Security Service, Federal Aviation Administration.

The purpose of these exemptions is to protect investigatory materials compiled for law enforcement purposes. Disclosure of such material would hamper law enforcement by prematurely disclosing the knowledge of illegal activity and the evidentiary basis for possible enforcement actions.

2. Subsection D, by inserting after paragraph 10 thereof a new paragraph 11, to read as follows:

D. Those portions of the following systems of records consisting of investigatory material compiled for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, or access to classified information or used to determine potential for promotion in the armed services, are exempt from subsections (c)(3) (Accounting of Certain Disclosures), (d) (Access to Records), (e)(4)(G), (H), and (I) (Agency Requirements), and (f) (Agency Rules) of 5 U.S.C. 552a to the extent that disclosure of such material would reveal the identity of a source who provided information to the Government under an express or, prior to September 27, 1975, an implied promise of confidentiality (5 U.S.C. 552a(k)(5) and (7)):

* * * * *

11. Military Training and Education Records (DOT/CG 622), maintained by the Office of Personnel, U.S. Coast Guard.

The purpose of these exemptions is to prevent disclosure of the identities of sources who provide information to the government concerning the suitability, eligibility, or qualifications of individuals for Federal civilian employment, contracts, access to classified information, or appointment or promotion in the armed services, and who are expressly or, prior to September 27, 1975, impliedly promised confidentiality (5 U.S.C. 552a(k)(5) and (7)).

3. Subsection E, by inserting after paragraph 2 thereof a new paragraph 3, to read as follows:

* * * * *

E. Those portions of the following systems of records consisting of testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service are exempt from subsections (c)(3) (Accounting of Certain Disclosures), (d) (Access to Records), (e)(4)(G), (H), and (I) (Agency Requirements), and (f) (Agency Rules) of 5 U.S.C. 552a:

* * * * *

3. Military Training and Education Records (DOT/CG 622), maintained by the Office of Personnel, U.S. Coast Guard.

The purpose of these exemptions is to preserve the value of these records as impartial measurement standards for appointment and promotion within the Federal service.

4. Subsection F, by inserting after paragraph 2 thereof a new paragraph 3, to read as follows:

F. Those portions of the following systems of records which consist of information properly classified in the interest of national defense or foreign policy in accordance with 5 U.S.C. 552(b)(1) are exempt from subsections (c)(3) (Accounting of Certain Disclosures), (d) (Access to Records), (e)(4)(G), (H), and (I) (Agency Requirements), and (f) (Agency Rules) of 5 U.S.C. 552a:

* * * * *

3. Civil Aviation Security System (DOT/FAA 813), maintained by the Civil Aviation Security Service, Federal Aviation Administration.

The purpose of these exemptions is to prevent the disclosure of material authorized to be kept secret in the interest of national defense or foreign policy, in accordance with 5 U.S.C. 552(b)(1) and 552a(k)(1).

5. By adding a new subsection G, to read as follows:

G. Those portions of the following systems of records which consist of information properly classified in the interest of national defense or foreign policy in accordance with 5 U.S.C. 552a(b)(1) are exempt from subsections (c)(3) (Accounting of Certain Disclosures) and (d) (Access to Records) of 5 U.S.C. 552a:

1. Investigative Records System (DOT/FAA 815), maintained by the Federal Aviation Administration at FAA Regional and Center Air Transportation Security Divisions; the Investigations and Security Division, Aeronautical Center; and Office of Investigations and Security, Headquarters, Washington, D.C.

The purpose of these exemptions is to prevent the disclosure of material authorized to be kept secret in the interest of national defense or foreign policy, in accordance with 5 U.S.C. 552(b)(1) and 552a(k)(1).

Interested persons are invited to submit written data, views, or comments. Communications should identify the docket number and be submitted to the Docket Clerk, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590. Comments received on or before May 17, 1976 will be considered in preparation of the final rules. Copies of all written comments received will be available for inspection and copying, and responsive comment, in the Office of the Assistant General Counsel for Operations and Legal Counsel, room 10100, 400 Seventh Street, S.W., Washington, D.C., between 9:00 a.m. and 5:30 p.m., Monday through Friday except Federal holidays.

This notice is issued under authority of section 3 of the Privacy Act of 1974 (5 U.S.C. 552a) and 5 U.S.C. 553.

Issued in Washington, D.C. on April 1, 1976.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

[FR Doc.76-10823 Filed 4-14-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1201]

ARCHITECTURAL GLAZING MATERIALS

Extension of Time for Development of Safety Standard

The purpose of this notice is to extend by 60 days until June 11, 1976, the period in which the Consumer Product Safety Commission must publish in the FEDERAL REGISTER a final consumer product safety standard for architectural glazing materials, or a notice withdrawing the notice of proceeding for the development of a standard.

On June 20, 1973 the Consumer Safety Glazing Committee (CSGC) petitioned the Commission under section 10 of the Consumer Product Safety Act (15 U.S.C. 2059), to commence a proceeding for the development of a consumer product safety standard to address the hazards associated with architectural glass.

On November 1, 1973, the Commission, on the basis of information submitted by the CSGC, consideration of reported injury data, and review of data and information gathered by the National Commission on Product Safety, granted CSGC's petition. Thereafter, a standard development proceeding applicable to architectural glass was commenced under the Consumer Product Safety Act by notice in the FEDERAL REGISTER of May 28, 1974 (39 FR 18502), soliciting offers to develop a recommended consumer product safety standard or submission of previously existing standards for consideration as a proposed standard. The Commission subsequently accepted the offer of the CSGC which submitted a recommended standard to the Commission on January 24, 1975. After some modification to the recommended standard, the Commission published for comment in the FEDERAL REGISTER of February 11, 1976 (41 FR 6178) a proposed standard for materials whose name, commencing with the February 11, 1976 proposal, had been changed from architectural glass to architectural glazing materials. A more detailed discussion of the history of the development of this proposed standard appears in the FEDERAL REGISTER of February 11, 1976.

The Commission received 30 written comments on the proposed standard, and 8 oral presentations concerning the proposal were made. The Commission staff has been reviewing and analyzing all the comments. However, in order for the Commission to adequately examine the comments and the responses thereto and to consider a number of complex issues that have been raised in the comments, the Commission hereby extends the period in which it must either issue a final consumer product safety standard for architectural glazing materials, or withdraw the notice of proceeding by 60 days or until June 11, 1976. This period may be further extended by a notice published in the FEDERAL REGISTER showing good cause.

Dated: April 12, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-10887 Filed 4-14-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[(FRL 524-1) PP6E1706/P21]

PESTICIDE PROGRAMS

Tolerance for the Pesticide Chemical Tricyclohexyltin Hydroxide

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, has submitted a pesticide petition (PP 6E1706) to the Environmental Protection Agency (EPA) on behalf of the IR-4 Technical Committee and the State Agricultural Experiment Station of Hawaii. This petition requests that the Administrator propose, pursuant to Section 408(e) of the Federal Food, Drug, and Cosmetic Act, that 40 CFR 180.144 be amended by the establishment of a tolerance for combined residues of the insecticide tricyclohexyltin hydroxide and its organotin metabolites (calculated as tricyclohexyltin hydroxide) in or on the raw agricultural commodity macadamia nuts at 0.5 part per million (ppm).

The data submitted in the petition and all other relevant material have been evaluated, and it is concluded that the tolerance of 0.5 ppm established by amending 40 CFR 180.144 will protect the public health. There is no reasonable expectation of residues in eggs, milk, meat, and poultry as delineated in 40 CFR 186.6(a)(3). It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, by May 17, 1976, that this proposal be referred to an advisory committee in accordance with Section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before May 17, 1976 and should bear a notation indicating both the subject and the petition/document control number "PP6E 1706/P21". All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 8, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)])

It is proposed that Part 180, Subpart C, Section 180.144 be amended by adding a tolerance of 0.5 ppm for residues of the insecticide and its organotin metabolites in or on macadamia nuts and by editorially restructuring the section into an alphabetized columnar listing, to read as follows:

Section 180.144 Tricyclohexyltin hydroxide; tolerances for residues.

Tolerances are established for residues of the insecticide tricyclohexyltin hydroxide and its organotin metabolites (calculated as tricyclohexyltin hydroxide) in or on the following raw agricultural commodities:

Commodity:	Parts per million
Almonds	0.5
Almonds, hulls	60
Apples	2
Cattle, fat	.2
Cattle, kidney	.5
Cattle, liver	.5
Cattle, mbyp (excluding kidney, liver)	.2
Cattle, meat	.2
Citrus fruits	2
Goats, fat	.2
Goats, kidney	.5
Goats, liver	.5
Goats, mbyp (excluding kidney, liver)	.2
Goats, meat	.2
Hogs, fat	.2
Hogs, kidney	.5
Hogs, liver	.5
Hogs, mbyp (excluding kidney, liver)	.2
Hogs, meat	.2
Hops	30
Horses, fat	.2
Horses, kidney	.5
Horses, liver	.5
Horses, mbyp (excluding kidney, liver)	.2
Horses, meat	.2
Macadamia nuts	.5
Milk, fat (=N in milk)	.05
Nectarines	4
Peaches	4
Pears	2
Plums (fresh prunes)	1
Sheep, fat	.2
Sheep, kidney	.5
Sheep, liver	.5
Sheep, mbyp (excluding kidney, liver)	.2
Sheep, meat	.2
Strawberries	3
Walnuts	.5

* * * * *

[FR Doc.76-10809 Filed 4-14-76;8:45 am]

[40 CFR Part 180]

[(FRL523-8)PP3E1390/P22]

PESTICIDE PROGRAMS

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Proposed Tolerance for the Pesticide Chemical 2,4-D

The Tennessee Valley Authority, 268–401 Building, Chattanooga, TN 37401, has submitted a petition (PP 3E1390) to the Environmental Protection Agency (EPA). This petition requested that the Administrator propose, pursuant to Section 408 (e) of the Federal Food, Drug and Cosmetic Act, the establishment of a tolerance for residues of the herbicide and plant regulator 2,4-dichlorophenoxyacetic acid (2,4-D) in or on the raw agricultural commodity fish at 1.0 part per million (ppm). Residues of 2,4-D would result from the application of its dimethylamine salt or its butoxyethanol ester in aquatic weed control programs conducted by the Tennessee Valley Authority in dams and reservoirs of the TVA system. The Tennessee Valley Authority has also filed a petition for the establishment of a food additive regulation permitting the use of 2,4-D in potable water (FAP 3H5032). (See 40 FR 13984.)

In a similar action, on December 16, 1975 (40 FR 58294), a tolerance was established for residues of 2,4-D in or on the raw agricultural commodities fish and shellfish and certain irrigated crops at 1.0 ppm resulting from applications of the dimethylamine salt of the herbicide in water hyacinth control programs of public agencies in designated types of bodies of water.

The data submitted in the petition and all other relevant material have been evaluated, and it is concluded that the tolerance of 1.0 ppm for fish established by amending 40 CFR 180.142 will protect the public health. Since applications will be conducted only by the Tennessee Valley Authority in dams and reservoirs of the TVA system and since irrigation of crops is not practiced within that system, it is not considered necessary to establish a tolerance for residues of 2,4-D in or on irrigated crops. Furthermore, shellfish are not harvested for human food from waters of the TVA system and it is not considered necessary to establish a tolerance for that commodity.

For the above reasons, it is proposed that 40 CFR 180.42 be amended as set forth below. The tolerance established by amending the regulation will protect the public health. Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before May 17, 1976, that this proposal be referred to an advisory committee in accordance with Section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before May 17, 1976 and should bear a notation indicating the subject and the petition document control number PP3E1390/P22. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 8, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(c)])

It is proposed that Part 180, Subpart C, Section 180.142, be amended by adding the new subparagraph (i) to read as follows:

Section 180.142 2,4-D; tolerances for residues.

* * * * *

(i) A tolerance is established for residues of 2,4-D (2,4-dichlorophenoxyacetic acid) for applications of its dimethylamine salt or its butoxyethanol ester for Eurasian Watermilfoil control in programs conducted by the Tennessee Valley Authority in dams and reservoirs of the TVA system at 1.0 part per million in or on the raw agricultural commodity fish.

* * * * *

[FR Doc.76-10310 Filed 4-14-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[49 CFR Part 802]

RULES IMPLEMENTING THE PRIVACY ACT OF 1974

Proposed Amendments

On August 29, 1975, the National Transportation Safety Board (NTSB) published its rules implementing the Privacy Act of 1974 (Act) (49 CFR 802). The rules appeared at 40 FR 40134 et seq. In a letter dated December 2, 1975, the Office of Management and Budget (OMB) commented on the rules. The following proposed amendments incorporate the experience of NTSB since the promulgation of its rules and the recommendations of the OMB. Therefore, it is proposed to amend Part 802 as follows:

Section 802.1 is revised by expanding its provision to include: Procedure to correct and amend records; a requirement that the records be annotated with respect to disagreements. NTSB explanations, and resolution thereof; and procedures to notify recipients of records of disagreements, explanations, or corrections made in such records. Section 802.1 also inculdes a statement that the provisions of the Freedom of Information Act shall not curtail any rights of access granted to an individual under the Act.

Section 802.6 is revised to provide for types of requests and the specification of records. A new section, 802.7, is added; it embodies the provisions of former § 802.6 and now prescribes how, when, and where requests should be presented; provides for verification of the identity of individuals making requests; provides for the presence of accompanying persons when records are requested; and prescribes procedures for acknowledgment of requests. The section differentiates between requests that are written and those that are made in person.

Section 802.8 is revised to permit notification of the granting of a request either orally or in writing, and to permit the General Manager, or his designee, to carry out the functions described in the section.

Section 802.14 is revised to add the word "actual" before the phrases "receipt of a denial notice" and "receipt of the appeal." Paragraph (c) is revised and expanded to clarify review of denial of access, in whole or in part, and to clarify review of denial of correction and/or amendment of the record. The right to judicial review is set forth in this section. Paragraph (d) is revised to permit the requester to receive a courtesy copy of a corrected or amended record, in lieu of the present provision which advises the requester of the time and place where the changed record may be reviewed to verify that such changes have been made. The following paragraphs have been added to this section:

(g) Statements of Disagreement.

(h) Notices of correction and/or amendment, or dispute.

(i) Disclosure to others of records about individuals.

(j) Notices of subpoenas.

(k) Notices of emergency disclosures.

Section 802.15 is revised with respect to fees. At the end of the section the following words are added: "* * * as amended from time to time, except that the cost of any search for and review of the record shall not be included in any fee under this Act, pursuant to subsection (f)(5) of the Act."

Any person interested in the amendments herein may participate in this proposed rulemaking by submitting written data, views, or arguments, to the General Counsel, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594, on or before May 17, 1976.

Accordingly, the National Transportation Safety Board hereby proposes to amend Subparts B, C, E, and F of Part 802, Chapter VIII, Title 49, Code of Federal Regulations, and to adapt the Table of Contents to conform thereto, as follows:

1. In the Table of Contents, in Subpart B, by amending the heading for § 802.6 and by adding a heading for new § 802.7; and, in Subpart E, by amending the heading for § 802.14, as follows:

Subpart B—Initial Procedures and Requirements

Sec.

* * * * *

802.6 Types of requests and specification of records.

802.7 Requests: how, where, and when presented; verification of identity of individuals making requests; accompanying persons; and procedures for acknowledgment of requests.

* * * * *

Subpart E—Review of Initial Adverse Determination

802.14 Review procedure and judicial review.

2. By revising § 802.1 to read as follows:

§ 802.1 Purpose and scope.

The purpose of this part is to implement the provisions of the Privacy Act of 1974 (Act) with respect to the availability to an individual of records of the National Transportation Safety Board (NTSB) maintained on individuals, whether the records predate or postdate September 27, 1975, the effective date set forth in section 8 of the Act. NTSB policy encompasses the safeguarding of individual privacy from any misuse of Federal records, or the retention of incorrect data therein. To this end, this part: Provides individuals with access to NTSB records concerning them personally and provides a procedure for correcting errors which might be contained in the records; prohibits the dissemination of such records, except as provided in published routine uses of the named system of records involved, or in exceptions provided in this part or in the Act; and provides for annotating the records with information concerning disagreements, explanations, and resolution thereof, and notifying recipients of disagreements, explanations, and corrections made in such records. The provisions of the Freedom of Information Act (FOIA) shall not curtail any right of access granted an individual under this Act.

3. By revising § 802.6 to read as follows:

§ 802.6 Types of requests and specification of records.

(a) *Types of requests.* An individual may make the following request respecting records about himself maintained by NTSB in any system of records subject to the Act:

(1) Whether information concerning himself is contained in any system of records.

(2) Access to a record concerning himself. Such request may include a request to review the record and/or obtain a copy of all or any portion thereof.

(3) Correction or amendment of a record concerning himself.

(4) Accounting of disclosure to any other person or Government agency of any record concerning himself contained in any system of records controlled by NTSB, except (i) disclosures made pursuant to the FOIA; (ii) disclosures made within the NTSB; (iii) disclosures made to another Government agency or instrumentality for an authorized law enforcement activity pursuant to subsection (b)(7) of the Act; and (iv) disclosures expressly exempted by NTSB from the requirements of subsection (c)(3) of the Act, pursuant to subsection (k) thereof.

(b) *Specification of records.* All requests for access to records must reasonably describe the system of records and the individual's record within the system of records in sufficient detail to permit identification of the requested record. Specific information regarding the system name, the individual's full name, and other information helpful in identifying the record or records shall be included. Requests for correction or amendment of records shall, in addition, specify the particular record involved, state the nature of the correction or amendment sought, and furnish justification for the correction or amendment.

(c) *Inadequate identification of record.* Requests which do not contain information sufficient to identify the record requested will be returned promptly to the requester, with a notice indicating what information is lacking. Individuals making requests in person will be informed of any deficiency in the specification of the records at the time the request is made. Individuals making requests in writing will be notified of any such deficiency when their request is acknowledged.

4. By adding new § 802.7 to Subpart B to read as follows:

§ 802.7 Requests: how, when, and where presented; verification of identity of individuals making requests; accompanying persons; and procedures for acknowledgment of requests.

(a) *Requests—general.* Requests may be made in person or in writing. Assistance regarding requests or other matters relating to the Act may be obtained by writing to the General Manager, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594. The General Manager, or his designee, on request, will aid an individual in preparing an amendment to the record or to an appeal following denial of a request to amend the record, pursuant to subsection (f)(4) of the Act.

(b) *Written requests.* Written requests shall be made to the General Manager at the address given above, and shall clearly state on the envelope and on the request itself, "Privacy Act Request," "Privacy Act Statement of Disagreement," "Privacy Act Disclosure Accounting Request," "Appeal from Privacy Act Adverse Determination," or "Privacy Act Correction Request," as the case may be. Actual receipt by the General Manager, or his designee, shall constitute receipt.

(c) *Requests made in person.* Requests may be made in person during official working hours of the NTSB at the office where the record is located, as listed in the "Notice of Systems of Records" for the system in which the record is contained.

(d) *Verification of identity of requester.* (1) For written requests, the requester's identity must be verified before the release of any record, unless exempted under the FOIA. This may be accomplished by adequate proof of identity in the form of a driver's license or other acceptable item of the same type.

(2) For requests in person, the requester's identity may be established by a single document bearing a photograph (such as a passport or identification badge) or by two items of identification containing name, address, and signature (such as a driver's license or credit card).

(3) Where a request is made for reproduced records which are to be delivered by mail, the request must include a notarized statement verifying the requester's identity.

(e) *Inability to provide requisite documentation of identity.* A requester who cannot provide the necessary documentation of identity may provide a notarized statement, swearing or affirming his identity and the fact that he is aware of the penalties for false statement imposed pursuant to 18 U.S.C. 1001, and subsection (i)(3) of the Act. Where requested, the General Manager, or his designee, will assist the requester in formulating the necessary document.

(f) *Accompanying persons.* A requester may wish to have a person of his choice accompany him to review the requested record. Prior to the release of the record, the NTSB will require the requester to furnish the General Manager, or his designee, with a written statement authorizing disclosure of the record in the accompanying person's presence.

(g) *Acknowledgment of requests.* Written requests to verify the existence of, to obtain access to, or to correct or amend records about the requester maintained by NTSB in any system of records subject to the Act, shall be acknowledged in writing by the General Manager, or his designee, within 3 working days after the date of actual receipt of the request by the General Manager, or his designee. The acknowledgment shall advise the requester of the need for any additional information to process the request. Wherever practicable, the acknowledgment shall notify the individual whether his request has been granted or denied. When a request is made in person, every effort will be made to determine immediately whether the request will be granted. If such decision cannot be made, the request will be processed in the same manner as a written request. Records will be made available for immediate inspection whenever possible.

5. By revising § 802.8(a)(1), the introductory text of (b) and (c) to read as follows:

§ 802.8 Disclosure of requested information.

(a) The System Manager may initially determine that the request be granted. If so, the individual making the request shall be notified orally, or in writing, that:

(1) A brief description of the information is to be made available;

* * * * *

(b) Within 10 working days after actual receipt of the request by the General Manager, or his designee, in appropriate cases, the requester will be informed:

* * * * *

(c) The System Manager shall advise the requester within 10 working days after actual receipt of the request by the General Manager, or his designee, that the request for access has been denied, and the reason for the denial, or that the determination has been made to grant the request, either in whole or in part, in which case the relevant information will be provided.

§ 802.10 [Amended]

6. By amending § 802.10 to delete the words "Privacy Act Request for Correcting or Amending Records" and to substitute therefor the words "Privacy Act Correction Request."

7. By revising § 802.11 to read as follows:

§ 802.11 Agency review of requests for correction or amendment of record.

Within 10 working days after actual receipt of the request by the General Manager, or his designee, to correct or amend the record, the System Manager shall either make the correction in whole or in part, or inform the individual of the refusal to correct or amend the record as requested, and shall present the reasons for any denials.

§ 802.12 [Amended]

8. By deleting from the first paragraph of § 802.12 the sentence, "The requester shall be notified within 10 working days of the refusal to correct or amend the record."

9. By revising § 802.14 (a), (b), (c), and (d) and by adding new paragraphs (g), (h), (i), (j), and (k) to read as follows:

§ 802.14 Review procedure and judicial review.

(a) A requester may appeal from any adverse determination within 30 days after actual receipt of a denial from the System Manager. The appeal must be in writing addressed to the Chairman, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594, and shall contain a statement on the envelope and in the appeal: "Appeal from Privacy Act Adverse Determination."

(b) The Board shall make a determination with respect to the appeal within 30 working days after the actual receipt of the appeal by the Chairman, except as provided for in "unusual circumstances" infra.

(c) (1) *Review of denial of access.* If the appeal upholds the denial of access to records, the Board shall: Notify the requester in writing, explaining the Board's determination; state that the denial is a final agency action and that judicial review is available in a district court of the United States in the district where the requester resides or has his principal place of business, or where the agency records are located, or in the District of Columbia; and request a filing with the Board of a concise statement enumerating the reasons for the requester's disagreement with the denial, pursuant to subsection (g) of the Act.

(2) *Review of denial of correction or amendment.* If the appeal upholds the denial in whole or in part for correction or amendment of the record, the same notification and judicial review privileges described in paragraph (c)(1) of this section shall apply.

(d) If the denial is reversed on appeal, the Board shall notify the requester in writing of the reversal. The notice shall include a brief statement outlining those portions of the individual's record which were not accurate, relevant, timely, or complete, and corrections of the record which were made, and shall provide the individual with a courtesy copy of the corrected record.

* * * * *

(g) *Statements of Disagreement.* (1) Written Statements of Disagreement may be furnished by the individual within 30 working days of the date of actual receipt of the final adverse determination of the Board. They shall be addressed to the General Manager, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594, and shall be clearly marked, both on the statement and on the envelope, "Privacy Act Statement of Disagreement."

(2) The General Manager, or his designee, shall be responsible for ensuring that:

(i) The Statement of Disagreement is included in the system of records in which the disputed item of information is maintained; and

(ii) The original record is marked to indicate the information disputed, the existence of the Statement of Disagreement, and its location within the relevant system of records.

(3) The General Manager, or his designee, may, if he deems it appropriate, prepare a concise Statement of Explanation indicating why the requested amendments or corrections were not made. Such Statement of Explanation shall be included in the system of records in the same manner as the Statement of Disagreement. Courtesy copies of the NTSB Statement of Explanation and the notation of dispute, as marked on the original record, shall be furnished to the individual who requested correction or amendment of the record.

(h) *Notices of correction and/or amendment, or dispute.* After a record has been corrected or a Statement of Disagreement has been filed, the General Manager, or his designee, shall, within 30 working days thereof, advise all previous recipients of the affected record as to the correction or the filing of the Statement of Disagreement. The identity of such recipients shall be determined pursuant to an accounting of disclosures required by the Act or any other accounting previously made. Any disclosure of disputed information occurring after a Statement of Disagreement has been filed shall clearly identify the specific information disputed and shall be accompanied by a copy of the Statement of Disagreement and a copy of any NTSB Statement of Explanation.

(i) *Disclosure to others of records concerning individuals.* Neither the Board nor other NTSB personnel shall disclose any record which is contained in a system of records maintained by NTSB, by any means of communication, including oral communication, to any person, or to another Government agency, except pursuant to a written request by, or with the prior written consent, of the individual to whom the record pertains, unless disclosure of the record is:

(1) To the Board and NTSB personnel who have a need for the record in the performance of their duties;

(2) Required under the FOIA;

(3) For a routine use published in the FEDERAL REGISTER;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey, or related activity pursuant to the provisions of Title 13 of the United States Code;

(5) To a recipient who has provided NTSB with adequate advance written assurance that the record will be used solely as a statistical research or reporting record and that the record is transferred in a form that is not identifiable with respect to individuals; [1]

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the U.S. Government, or to the Administrator of the General Services Administration, or his designee, for evaluation to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to NTSB specifying the particular portion of the record desired and the law enforcement activity for which the record is sought; [2]

(8) To any person upon a showing of compelling circumstances affecting the health or safety of any individual;

(9) To either House of Congress or, to the extent of matter within its jurisdic-

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[1] The advance written statement of assurance shall state the purpose for which the record is requested and certify that it will be used only for statistical purposes. Prior to release under this paragraph, the record shall be stripped of all personally identifiable information and reviewed to ensure that the identity of any individual cannot reasonably be determined by combining two or more statistical records.

[2] A record may be disclosed to a law enforcement agency at the initiative of NTSB if criminal conduct is suspected, provided that such disclosure has been established as a routine use by publication in the FEDERAL REGISTER, and the instance of misconduct is directly related to the purpose for which the record is maintained.

tion, to any committee, or subcommittee thereof, or to any joint committee of the Congress, or to any subcommittee of such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

(j) *Notices of subpoenas.* When records concerning an individual are subpoenaed or otherwise disclosed pursuant to court order, the NTSB officer or employee served with the subpoena shall be responsible for assuring that the individual is notified of the disclosure within 5 days after such subpoena or other order becomes a matter of public record. The notice shall be mailed to the last known address of the individual and shall contain the following information: (1) The date the subpoena is returnable; (2) the court in which it is returnable; (3) the name and number of the case or proceeding; and (4) the nature of the information sought.

(k) *Notices of emergency disclosures.* When information concerning an individual has been disclosed to any person under compelling circumstances affecting health or safety, the NTSB officer or employee who made or authorized the disclosure shall notify the individual at his last known address within 5 days of the disclosure. The notice shall contain the following information: (1) The nature of the information disclosed; (2) the person or agency to whom the information was disclosed; (3) the date of the disclosure; and (4) the compelling circumstances justifying the disclosure.

10. By revising § 802.15 to read as follows:

§ 802.15 Fees.

No fees shall be charged for providing the first copy of a record, or any portion thereof, to individuals to whom the record pertains. The fee schedule for other records is the same as that appearing in the Appendix to Part 801 of this chapter, implementing the FOIA, as amended from time to time, except that the cost of any search for and review of the record shall not be included in any fee under this Act, pursuant to subsection (f)(5) of the Act.

(Privacy Act of 1974, Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a); Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2166 (49 U.S.C. 1901 et seq.); Freedom of Information Act, Pub. L. 93-502, November 21, 1974, amending 5 U.S.C. 552; 18 U.S.C. 1001; and Title 13 of the United States Code.)

Approved by the National Transportation Safety Board on April 7, 1976.

Signed at Washington, D.C., April 9, 1976.

[SEAL] WEBSTER B. TODD, JR.,
Chairman.

[FR Doc.76-10953 Filed 4-14-76;8:45 am]

VETERANS ADMINISTRATION

[41 CFR Chapter 8]

TRANSPORTATION

Proposed Regulatory Development

The Veterans Administration proposes regulatory revision of Part 8-19, Title 41, Code of Federal Regulations to liberalize the documentation necessary to support the invoicing of transportation charges; incorporate certain regulations into a new section; and reference the location of certain shipping instructions.

Interested persons are invited to submit written comments, suggestions, or objections regarding these proposals to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420. All relevant material received before May 17, 1976 will be considered. All comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm, Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in Room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

It is proposed to amend Chapter 8, Title 41, Code of Federal Regulations, as follows:

1. In § 8-19.302, paragraph (b) is revised to read as follows:

§ 8-19.302 F.o.b. origin.

(b) The vendor will be instructed to forward the merchandise by parcel post utilizing VA Form 07-3017a as an address label and postage. He/she will also be instructed to have Postal Service Form 3817 receipted by the sending post office and returned to the contracting officer as evidence that shipment was mailed. Orders isued on VA Form 07-2138, Order for Supplies or Services, will direct the vendor's attention to Shipping Instruction No. 2 on the reverse of the form.

* * * * *

2. Section 8-19.305 is renumbered § 8-19.350, the title is changed and paragraph (b)(2) is revised to read as follows:

§ 8-19.350 F.o.b. origin transportation prepaid, with transportation charges to be included on the invoice.

* * * * *

(b) Orders issued on VA Form 07-2138 will direct the vendor's attention to Shipping Instructions No. 1 on the reverse of the form. When VA Form 07-2138 is not used, the vendor will be instructed as follows:

* * * * *

(2) Add transportation charges as a separate item on your invoice. Insurance charges will not be paid unless the order specifically requires that the shipment be insured. If shipment is made by other than parcel post, the invoice must bear the following certification: "The invoiced transportation charge have been paid and evidence of such payment will be furnished upon the Government's request."

* * * * *

Approved: April 8, 1976.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.76-10909 Filed 4-14-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

MISSION DIRECTOR, USAID, HAITI

Redelegation of Authority Regarding Contract Function No. 99.1.77

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836), as amended, from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Mission Director, USAID, Haiti, the authority to sign or approve:

1. U.S. Government contracts, and amendments thereto, and AID grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $25,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

3. Grants (other than grants to foreign governments or agencies thereof), and amendments thereto, for technical assistance, provided that the aggregate amount of each individual grant does not exceed $25,000 or local currency equivalent.

The authority herein delegated may be redelegated in writing in whole or in part, by said Mission Director at his discretion to the person or persons designated by the Mission Director as Contracting Officer. Such redelegation shall remain in effect until such designated person or persons designated by the Mission Director as Contracting Officer. Such redelegation shall remain in effect until such designated person or persons cease to hold the office of Contracting Officer for AID programs, or until the redelegation is revoked by the Mission Director, whichever shall first occur. The authority so redelegated by the Mission Director may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within AID and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Mission Director may be exercised by duly authorized persons who are performing the functions of the Mission Director in an acting capacity.

Redelegation of Authority 99.1.30 (38 FR 29095), dated September 21, 1973, as amended (41 FR 12719), dated March 9, 1976, is hereby revoked.

Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are hereby continued in effect, according to their terms until modified, revoked, or superseded by action of the officer to whom I have delegated relevant authority in this delegation.

Actions within the scope of this delegation and any redelegation hereunder heretofore taken by the officials designated in such delegation or redelegations are hereby ratified and confirmed.

This redelegation of authority shall be effective immediately.

Dated: April 5, 1976.

HUGH L. DWELLEY,
Director,
Office of Contract Management.

[FR Doc.76-10915 Filed 4-14-76;8:45 am]

[Public Notice CM-6/44]

ADVISORY COMMITTEE ON THE LAW OF THE SEA

Notice of Partially Closed Meeting

In accordance with Section 10(d) of the Federal Advisory Committee Act (P.L. 92-463), notice is hereby given that the Advisory Committee on the Law of the Sea will meet in closed session on Friday, June 4 and in both open and closed sessions on Saturday, June 5, 1976. The open session of the meeting will convene on Saturday at 2:00 p.m. in the International Conference Room, U.S. Department of State, 21st and C Street NW., Washington, D.C.

The purpose of the closed meeting is to discuss specific conference issues and formal planning and policy preparations prefatory to a further session of the Conference in 1976. During these closed sessions, documents classified under the provisions of Executive Order 11652 will be discussed.

These documents, which contain new substantive proposals as well as revisions of earlier policy statements, relate to the issues which the United States has negotiated and will continue to negotiate at the Conference. The documents are exempt under 5 USC 552(b)(1), and are required to be withheld from disclosure in the public interest.

The issues cover such subjects as freedom of navigation on the high seas and in international straits, the establishment of a deep seabeds mining regime, the breadth of the continental margin, the jurisdical content of the economic zone, and other related topics involving U.S. national security matters. Premature disclosure of the contents of these documents could adversely affect our foreign relations interests and jeopardize the chances of obtaining a timely and satisfactory Law of the Sea Treaty.

The open session of the Advisory Committee meeting will discuss all principal agenda issues to be considered during the Third United Nations Conference on the Law of the Sea, including those issues stated above, but will not examine the classified items discussed during the closed session.

The Advisory Committee on the Law of the Sea represents a broad cross-section of industries, professions, academic disciplines and other public groups. As such, it will comprehensively review the proposals which will come before the Conference.

At the open session, beginning at 2:00 p.m. on June 4, the general public attending may participate in the discussion subject to instructions of the Chairman.

As entrance to the State Department is controlled, members of the public who wish to attend the open session should contact Mr. Peter Bernhardt by May 31 and provide their name and affiliation to facilitate their attendance. Mr. Bernhardt's telephone number is (area code 202) 632-9616.

Dated: April 9, 1976.

ALAN G. JAMES,
Executive Assistant to the Chairman of the Interagency Task Force on the Law of the Sea.

[FR Doc.76-10857 Filed 4-14-76;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEFENSE SCIENCE BOARD TASK FORCE ON NET TECHNICAL ASSESSMENT

Meeting; Correction

In FR Doc. 76-10225, appearing in the issue of April 9, 1976, on page 15039, under the title, change the date from "March 5, 1976", to "April 5, 1976".

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

APRIL 12, 1976.

[FR Doc.76-10926 Filed 4-14-76;8:45 am]

DEFENSE SYSTEMS MANAGEMENT SCHOOL BOARD OF VISITORS

Meeting

A meeting of the Board of Visitors of the Defense Systems Management

School will be in Building 202, Fort Belvoir, VA on Wednesday, April 28, 1976, from 8:30 a.m. until 10:30 a.m. The agenda will include a review of the DSMS Program Management Course and discussion of educational policies and methods. The meeting is open to the public with limitations on space available for observers requiring allocation on a first-come, first-served basis. Persons desiring to attend should call the Secretary of DSMS (664–1314) to reserve space as far in advance as possible.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

APRIL 12, 1976.

[FR Doc.76–10927 Filed 4–14–76;8:45 am]

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, May 4, 1976; Tuesday, May 11, 1976; Tuesday, May 18, 1976; and Tuesday, May 25, 1976 at 9:45 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552(b) of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552(b)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552(b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552(b)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director Correspondence and Directives OASD (Comptroller).

APRIL 12, 1976.

[FR Doc.76–10928 Filed 4–14–76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

EIS PREPARATION SCHEDULE

Proposed Deviation From the Livestock Grazing Environmental Impact Statement Schedule

Pursuant to paragraph 10 of the final judgment in the case entitled *Natural Resources Defense Council, Inc.* v. *Rogers C. B. Morton*, the following notice of proposed deviation from scheduled preparation of an environmental impact statement on livestock grazing is published.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Natural Resources Defense Council Inc., et al., Plaintiffs, v. Rogers C. B. Morton, et al., Defendants. Civil No. 1983–73.

NOTICE OF PROPOSED DEVIATION FROM SCHEDULED PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS ON LIVESTOCK GRAZING

The final judgment of June 18, 1975, in the above-entitled case, involved a schedule for the preparation of a series of environmental impact statements (EISs) by the Bureau of Land Management (BLM), Department of the Interior, on the grazing of livestock in the western states, pursuant to the National Environmental Policy Act (NEPA) 42 U.S.C. 4321 et seq. Paragraph 10 of the judgment contemplated the possibility of material deviations from the judgment and provided for notice as follows:

10. If the Federal Defendants believe, in good faith, that circumstances dictate that any material deviations must be made, then in that event, the Federal Defendants shall give Notice to this Court wherein a detailed explanation shall be made of the deviation which is anticipated to occur together with the reason(s) therefor. This Notice shall be filed prior to the anticipated implementation of such deviation, and contemporaneously a copy of such Notice shall be sent by registered mail to all parties to this action (No. 1983–73) and such Notice shall be published in the FEDERAL REGISTER. Thereafter, if objections are filed with the court within 30 days from the date of publication in the FEDERAL REGISTER, the Federal Defendants and the objecting parties may make such motions and present evidence to the court as to them seems proper, and the court shall determine if such deviations shall be allowed to occur or make any other appropriate order; provided, however, that if no objections are filed with the court within such 30 day period, BLM shall be authorized to implement such deviation.

Paragraph five of the judgment provides that one "EIS on the Challis Planning Unit, Salmon District, Idaho, shall be completed by the end of FY 1976." The federal defendants now give notice that they propose to extend the completion time for that EIS to October 8, 1976. The need for this additional time is as follows.

In preparation of the preliminary draft of the Challis Planning Unit EIS it became clear to Interior officials that a lack of certain basic resource data existed. In some instances existing resource data was either inadequate or non-existent; such information had to be collected and assembled prior to the completion of the draft. The collection of this data has delayed preparation of the formal draft EIS which will be filed with the Council on Environmental Quality (CEQ) and made available to the public for comment. Furthermore, review of the preliminary draft by various Interior officials has resulted in significant revision which is going on at this time. In addition, approximately 2½ months of the schedule must be devoted to printing the draft and final EISs.

It is especially important to Interior that this EIS is carefully prepared to fully comply with the requirements of § 102(2)(C) of NEPA since it "will be used as the initial model for preparation of future EIS's." Judgment, para. 5. Thus it would provide a basis for future livestock grazing EIS's on national resource lands.

Respectfully submitted,

WILLIAM M. COHEN,
Attorney, Department of Justice, Land and Natural Resources Division, Room 2129, Washington, D.C. 20530, Telephone: (202) 739–2775, Attorney for the Federal Defendants.

Of Counsel: James Coda, Attorney Advisor, Department of the Interior, Washington, D.C. 20240.

The above notice was filed with the U.S. District Court for the District of Columbia on April 2, 1976.

GEORGE L. TURCOTT,
Associate Director.

APRIL 9, 1976.

[FR Doc.76–10880 Filed 4–14–76;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Amendment Request

A permit authorizing salvaging activities and/or the conduct of scientific research with specific endangered species was issued to Director, Texas Parks and Wildlife Department on July 17, 1975. A notice containing the applica-

tion for the permit was published in the FEDERAL REGISTER on April 21, 1975 (40 FR 17607-8-9-10-11) soliciting public comments for a period of 30 days. A notice of the issuance was published on October 31, 1975 (40 FR 50738).

Clayton T. Garrison, Executive Director, Texas Parks and Wildlife Department, has submitted a request for significant amendments to the permit. Published herewith is a copy of the request for the amendments. This request is being considered pursuant to Section 13.23 of Fish and Wildlife regulations, Title 50 Code of Federal Regulations (see 39 FR 1162).

Applicant: Texas Parks and Wildlife Department, John H. Reagan Building, Austin, Texas 78701, Clayton T. Garrison, Executive Director.

FEBRUARY 3, 1976.

Mr. C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, D.C.

DEAR MR. BAVIN: We have recently been advised of a serious problem involving a pupfish species (*Cyprinodon variegatus*) hybridizing with another species (*Cyprinodon bovinus*) found in an extremely limited area of Leon Creek in West Texas. Remedial action has been proposed that would completely kill out the fish fauna affected in a two-mile stretch of the intermittent stream. Further, the proposed treatment would involve the killing of some endangered fish (*Gambusia nobilis*), an activity not permitted under our Endangered Species-Scientific Permit Number PRT-8-112-C, dated July 17, 1975. On January 29, Mr. James Hester of your office, in telephone conversation with Mr. P. B. Uzzell of my staff, suggested that an amendment in letter form covering all points in paragraph 17.22 CFR 50, dated September 26, 1975, as a matter of expediency, could be considered for amending our permit to allow killing of a low number of Pecos gambusia (*Gambusia nobilis*).

In accordance with Mr. Hester's suggestion, it is requested that Endangered Species-Scientific Permit Number PRT-8-112-C dated July 17, 1975, be amended to permit the extirpation of a sparse population of the Pecos gambusia (*Gambusia nobilis*) occurring in a two-mile portion of Leon Creek, approximately 11 miles north of Fort Stockton, Pecos County, Texas, the central portion of which passes under the State Highway 18 bridge (see attached copy of Grand Falls Topographic Map). The particular section of the creek targeted for this extirpatory activity is below and separated by a mile of dry creekbed from the west portion of the creek contiguous with outflows from Diamond Y and other springs inhabited by *Gambusia nobilis* and the Leon Springs pupfish (*Cyprinodon bovinus*).

Species lists of ichthyological collections made in the area indicate that some time during the summer of 1974, the sheepshead minnow (*Cyprinodon variegatus*) was introduced into the lower portion of the small system supporting *Cyprinodon bovinus* (probably by disposal of remnant bait minnows from State Highway 18 bridge). In November 1975, Dr. Anthony E. Echelle, a field researcher, noted *Cyprinodon variegatus* and/or hybrids with *Cyprinodon bovinus* along the entire length of the lower portion (two-mile stretch of Leon Creek in the vicinity of State Highway 18 bridge).

The target area constitutes only a small portion of the range of *Gambusia nobilis* (Reeves, Jeff Davis and Pecos Counties of Texas and also in New Mexico). Therefore, it is believed that the removal of a small portion of the population of *Gambusia nobilis* from the target area constitutes little hazard to the total population. The stock of *Gambusia nobilis* maintained at Dexter National Fish Hatchery is from this location. In addition, short-lived chemicals proposed to be used in target area for the killing of total fish fauna, including eggs, permit the reintroduction of sequential habitat subsets (minus *Cyprinodon*) within a few days. This includes the *Gambusia nobilis* taken as a part of each subset.

All of the above is requested as a vehicle to permit the salvaging of what is left of a species once reported extinct, *Cyprinodon bovinus*. It is currently found only in the immediate vicinity of the target area: that is, isolated and semi-isolated springs and two separated sections of the adjacent Leon Creek with a total of six miles between the most widely separated observation points. The time factor is of essence because of the immediate onset of increased *Cyprinodon* breeding activity. A small number of *Cyprinodon* may have already bred—hence the need to select a toxicant which, in addition to being short-lived, will be effective against *Cyprinodon* eggs, as well as adults.

Information required by paragraph 17.22, CFR 50, dated September 26, 1975, is as follows:

(a) (1) Pecos gambusia (*Gambusia nobilis*) and hybrids thereof as are found in the continuous two-mile portion of Leon Creek in the immediate vicinity of the State Highway 18 bridge, 11 miles north of Fort Stockton, Pecos County, Texas. Some of the *Gambusia nobilis* found in this locality will be removed, along with sequential fauna subsets, for reintroduction immediately with their subsets when toxicant levels permit a few hours to a few days after poison administration to extirpate all sheepshead minows (*Cyprinodon variegatus*) and their hybrids with the Leon Springs pupfish (*Cyprinodon bovinus*).

(2) The endangered widlife sought to be covered by the permit is still in the wild.

(3) Not applicable—wildlife not to be obtained except that salvage specimens of *Gambusia nobilis* resulting from eradication of *Cyprinodon* from the stream segment will be retained under currently existing provisions of permit.

(4) Not applicable—still in wild.

(5) Not directly applicable—most specimens that are poisoned will probably remain uncollectible.

(6) Not applicable—live specimens of *Gambusia nobilis* not requested other than just the temporary holding of sequential subsets (including *Gambusia nobilis*) and reintroduction in place a few hours to a few days later.

(7) In addition to personnel of the Texas Parks and Wildlife Department, Dr. Clark Hubbs, The University of Texas at Austin; Dr. Anthony A. Echelle, Baylor University; Dr. Royal D. Suttkus, Tulane University; and Mr. Stephen E. Kennedy, General Land Office, State of Texas, will be participating in the proposed hybrid eradication project. An additional 10 to 15 persons, advanced students of the three faculty members listed above, are expected to participate. All agreements are oral and covered procedurally elsewhere in this letter application.

(8) Justification: *Cyprinodon bovinus* is hybridizing rapidly with (*Cyprinodon variegatus*) in about one-third of its known range, a section of Leon Creek about two miles long. Immediate action is needed in order to prevent the replacement of *Cyprinodon bovinus* by *Cyprinodon variegatus* and hybrids in the target area. The proposed eradication will also cause loss of the *Gambusia nobilis* which is found in the target area. Details are as follows:

(i) Eradicate fish fauna in two-mile portion of Leon Creek, including *Gambusia nobilis*. Permitted activity should also include the removal of some *Gambusia nobilis* as a part of sequential faunal habitat subsets, holding a few hours to a few days, and reintroduction to the parts of the stream from which they were removed.

(ii) Determine exactly where *Cyprinodon variegatus* and its hybrids are found and restrict the target area for poisons to that area. Remove sequential faunal habitat subsets, minus *Cyprinodon*, along the stream and hold them until reduced poison levels permit their reintroduction to the part of the stream from which they were removed.

(iii) *Gambusia nobilis* is not expected to benefit directly from proposed activities. The objective is to salvage as much as possible of the population of *Cyprinodon bovinus* in affected area before it is swamped by *Cyprinodon variegatus*. Anticipated impact on *Gambusia nobilis* is small, however, as the target area is a small part of the overall range of *Gambusia nobilis*. Further, it, too, has lost part of its genetic identity as it is hybridizing with *Gambusia geiseri* and *Gambusia affinis* in the target area. Even further, stocks of *Gambusia nobilis* from the target area are maintained in holding facilities at Dexter National Fish Hatchery.

(iv) Salvaged dead specimens of *Gambusia nobilis* will be retained and disposed of in accordance with paragraph 7i, current permit.

(b) Information of use in setting dates and other criteria for proposed eradication project is as follows:

(1) Personnel, up to 20 persons, are available for field activities February 13 and February 14, 1976. It would be difficult to assemble such a group at another time. Problems of eradication, size of eradication area, and availability of personnel are expected to multiply as the *Cyprinodon* breeding activity progresses. It is imperative that action be taken now to negate the complete hybridization of the site population of *Cyprinidon bovinus* during high-water flows this summer.

(2) Attached is a joint letter from Drs. Clark Hubbs and Anthony A. Echelle pertinent to the proposed project.

(3) Before any toxicant is administered to the proposed project target area, laboratory experiments will be conducted to determine chemicals and strengths required to accomplish a kill, but still have as minimal an effect on the overall target area as possible.

(4) Drs. Clark Hubbs and Anthony A. Echelle stated in a recently conducted planning session that, although potentially endangered invertebrates are in the general area, none are known in the immediate target area proposed for eradication procedures.

(5) Permit amendment should provide for the conducting of follow-up sampling procedures during the course of 1976 and 1977 to ascertain success of eradication project, and also to permit subsequent spot eradications should *Cyprinodon bovinus* hybridization outbreaks be encountered.

Your early consideration of our request to amend Endangered Species Permit PRT-8-112-C to authorize a limited kill of *Gambusia nobilis* in Leon Creek will be appreciated. Should you need additional information on this matter, telephone inquires are invited.

Sincerely,

CLAYTON T. GARRISON,
Executive Director.

JANUARY 29, 1976.

To Whom It May Concern: We have made a preliminary analysis of the current status

of the fish fauna in Leon Creek, Pecos County, Texas. During the 1974 summer, live individuals of *Cyprinodon variegatus* were released into the lower part of that creek in the vicinity of the Highway 18 bridge. These non-indigenous fish have increased in abundance and hybridized with the endemic congener, *Cyprinodon bovinus*. We foresee a replacement of *bovinus* by *variegatus* unless remedial action is taken as soon as possible.

We feel it advisable to eradicate those fishes by chemical means in approximately ¼ of the stream length or less than 2 stream miles. That segment of Leon Creek contains a sparse population of *Gambusia nobilis*. The vast majority of that endangered species in Leon Creek are in the upstream segment not projected for chemical treatment. Moreover, three additional populations of *Gambusia nobilis* at other locations will ensure survival of the endangered species. The *Gambusia nobilis* stock now maintained at Dexter National Fish Hatchery is from this location to further ensure its survivorship.

We endorse the request of Texas Parks and Wildlife Department for permission to carry out this project.

ANTHONY A. ECHELLE,
Assistant Professor, Baylor University.

CLARK HUBBS,
Professor of Zoology and Chairman of Biology, The University of Texas.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 17, 1976 will be considered.

Dated: April 9, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-10886 Filed 4-14-76;8:45 am]

National Park Service

PACIFIC NORTHWEST REGION

Notice of Intent

This announcement is to provide public information that the National Park Service will prepare a draft environmental statement on the following action:

General Management Plan
Crater Lake National Park
Crater Lake, Oregon

The general management plan is the park-wide plan for meeting the management objectives for the Park. It charts a long-range strategy for resource management, visitor use, and development at a level of detail that will facilitate implementation of proposed actions.

If you or your organization needs additional information or wishes to provide information for consideration during preparation of the statement, please advise the Regional Director, Pacific Northwest Region, National Park Service, 601 Fourth and Pike Building, Seattle, Washington 98101.

Dated: March 17, 1976.

EDWARD J. KURTZ,
Acting Regional Director.

[FR Doc.76-10891 Filed 4-14-76;8:45 am]

National Park Service

UPPER ST. CROIX NATIONAL SCENIC RIVERWAY, WISC. AND MINNESOTA

Correction of Boundary Descriptions

There appeared in the FEDERAL REGISTER in Vol. 34, No. 180, on Wednesday, October 1, 1969, a Boundaries Description of Upper St. Croix National Scenic Riverway, and in the FEDERAL REGISTER, Vol. 40, No. 32, on Friday, February 14, 1975, a revised boundary description to correct certain omissions and errors. These boundary determinations were made by the Secretary of the Interior under authority vested in him by the Act of October 2, 1968 (82 Stat. 906).

Now, therefore, in order to correct certain further minor errors, the following corrections are made for the Upper St. Croix National Scenic Riverway:

T. 43 N., R. 7 W.,

Sec. 2, "* * * and NW¼SE¼; NW¼SE¼;" DELETE last "NW¼SE¼;"

Sec. 15, DELETE "* * *, and N½SE¼;" ADD "* * *, and the SE¼, except the following described parcel situate in said SE¼; beginning at the southwest corner SE¼; thence, North along the west line of said SE¼ 50 feet, more or less, to a point, said point being the point of intersection of said west line with a line bearing South 32°56'39" West and extended southwesterly from the northwesterly lot line of Lots 15 through 19 of Stone Pine Subdivision, as per the plat thereof recorded in Volume 5 of Plats, Pages 12 and 13, Document No. 278077 of the Bayfield County, Wisconsin records; thence, North 32°56'39" East, 1700 feet, more or less, to the centerline of Route "M"; thence, Southeasterly, along said centerline, to the east line SE¼; thence, South, along said east line, to the southeast corner SE¼; thence West, along the south line SE¼, 2640 feet, more or less, to the southwest corner SE¼ and the point of beginning."

Sec. 19, DELETE "* * * E½W½, and W½SW¼;" ADD "* * * NE¼NW¼ except the West 202 feet of the North 300 feet of said NE¼NW¼, SE¼NW¼ and the SW¼;"

Sec. 22, DELETE "N½NW¼ * * *" INSERT "That portion of the NE¼NW¼ described as follows: beginning at the northwest corner NE¼NW¼; thence, South, along the west line, 1320 feet, more or less, to the southwest corner NE¼NW¼; thence, East, along the south line NE¼NW¼, 1050 feet; thence, North, 300 feet, more or less, to the southwest corner of the public road of Lake Lodge Addition to Wilde River, as per the plat thereof, recorded in Volume 5 of Plats, Pages 15 to 17 inclusive, Document No. 280047 of the Bayfield County, Wisconsin records; thence, North 17°13'27" East, 66 feet; thence, North 00°27'50" West, along the west line of Outlot 1 of said plat, 509.59 feet; thence, continuing North 00°27'50" West, 430 feet, more or less, to the north line of said NE¼NW¼; thence, West, along said north line to the northwest corner NE¼NW¼ and the point of beginning; NW¼NW¼, and N½S½NW¼.

T. 41 N., R. 9 W.,

Sec. 28, REVISE to read:

Sec. 28, all that part of the NE¼NE¼ SW¼ and the SW¼SW¼ lying south and east of the east right-of-way line of the Chicago and North Western Railroad, all of the SE¼SW¼ and that portion of the SE¼ lying south and east of the east right-of-way line of the Chicago and Northwestern Railroad and west of the centerline of State Highway 27;

T. 40 N., R. 12 W.,

Sec. 18, "* * * E½NW¼ NW NW¼ * * *" SHOULD READ "* * * E½NW¼NW¼ * * *"

T. 40 N., R. 11 W.,

Sec. 14, INSERT after "* * * thereof": "except that part of said NW¼NW¼ SE¼ lying south and west of the northeast boundary line of Block 2, Village of Springbrook, extended to the intersection of said northeast boundary line with the west line of said NW¼NW¼ SE¼," * * *

T. 34 N., R. 18 W.,

Sec. 30, (starting on Line 14) reads "* * * thence, South, along the east line of Lots 6 through 16, Block 39; thence, West, along the south line of Lot 16, Block 39 * * *"

SHOULD READ "* * * thence, South, along the east line of Lots 6 through 10, Block 39 and Lots 13 through 16, Block 32; thence, West, along the south line of Lot 16, Block 32 * * *"

Dated: April 5, 1976.

GARY E. EVERHARDT,
Director, National Park Service.

[FR Doc.76-10890 Filed 4-14-76;8:45 am]

Bureau of Mines

[Bulletin 76-1]

PROCUREMENT REGULATIONS

Legal Review of Procurement Actions

1. *Purpose.* This bulletin advises all Bureau of Mines procurement offices of the change in policy concerning legal review of procurement actions.

2. *Authority.* These procedures are issued in accordance with Department of the Interior Procurement Regulations, Subpart 14-1.352 (40 FR 57671, dated December 11, 1975), which states that selected procurement actions be submitted to the Office of the Solicitor for review as to legal sufficiency prior to the time of execution.

3. *Procurement office action.* The following documents will be submitted to the appropriate Office of the Solicitor (Washington, D.C., Denver, CO, or Philadelphia, PA) for review:

a. All contracts and grants (including supporting documentation) which exceed $150,000; provided, however, that this threshold amount may be modified by written agreement between the Chief, Division of Management Services and the Assistant Solicitor—Procurement. Legal review will be performed expeditiously by the Solicitor's Office.

b. All contracts and grants, regardless of amount, which involved the interpre-

tation of procurement authority not previously approved by the Solicitor's Office.

c. Any solicitation, contract, grant, or other procurement action may be submitted for legal review if, in the judgment of the contracting officer, such review is desirable.

d. All findings and decisions to be issued pursuant to the disputes clause.

e. All proposed notices of termination, whether for default or convenience, cure notices, and show cause letters.

f. All mistakes in bids.

g. All protests.

4. *Effective date.* These procedures are effective immediately upon publication and shall remain in effect until superseded.

Dated: April 9, 1976.

THOMAS V. FALKIE,
Director.

[FR Doc.76-10830 Filed 4-14-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M76-155]

ASSOCIATED DRILLING, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Associated Drilling, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its Kephart Mine located in Cambria County, Pennsylvania.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protest the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner contends that equipping self-propelled electrical face equipment with canopies or cabs will create greater safety hazards than are presently encountered.

2. Petitioner asserts that crowded conditions and lower visibility are some of the major factors constituting such hazards. Petitioner also cites lack of engineering methods and controls on their low seam equipment as factors in requesting a modification of the aforementioned regulation.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 17, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 5, 1976.

[FR Doc.76-10831 Filed 4-14-76;8:45 am]

[Docket No. M 76-184]

BLAIR BROTHERS COAL CO., ET AL.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), the following companies have filed a petition to modify the application of 30 CFR 75.1710 to their mines:

Blair Brothers Coal Co., Mine 2-C, Pike County, Kentucky
D.C. Wellman Coal Co., Mine 3-C, Pike County, Kentucky
D & A Coal Co., Mine 4-C, Pike County, Kentucky
Potter Mining Co., Inc., Mine 8-C, Pike County, Kentucky
Ike Coal Co., Mine 9-C, Pike County, Kentucky
Potter Mining Co., Inc., Mine H-1, Pike County, Kentucky

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * * The substance of Petitioner's statement is as follows:

1. 30 CFR 75.1710, incorporating into the regulations verbatim section 317(j) of the Act, 30 U.S.C. § 877(j), provides:

An authorized representative of the Secretary may require in any coal mine *where the height of the coalbed permits* that electric face equipment, including shuttle cars, be provided with substantially constructed canopies or cabs to protect the miners operating such equipment from roof falls and from rib and face rolls. [Emphasis in original.]

Thus, by reason of the qualifying language in said section, Congress has clearly recognized that the height of a particular coalbed may be insufficient to accommodate canopies, or cabs, on electric face equipment and such is the situation in the captioned mines.

2. (a) Annex A, attached to and made a part of this petition, shows the respective heights of the coalbeds and, where different, haulway clearances for the mines covered by this petition. Clearance heights are 31 inches in Mine 2-C and 4-C, 35 inches in Mines 8-C and 9-C, 41 inches in Mines 3-C and 44 inches in Mine H-1.

(b) Annex B, also attached to and made a part of this petition, lists the equipment used in the respective mines covered by this petition, all of which equipment represents the best available under existing and foreseeable technology with respect to low-ceiling coal mining. The height of said equipment itself varies between 25 and 26 inches. With canopies or cabs otherwise acceptable said equipment presents minimum profile of 39 to 40 inches in height.

(c) Thus, as to all mines covered by this petition except possibly Mine 3-C,

clearances are insufficient to permit installation of the cabs or canopies and as to Mine 3–C the cabs or canopies when installed so greatly impair the vision and freedom of movement of the operator and create such additional hazards that a diminution of safety results, as hereinafter shown.

3. Attempts have been made by the operator to install and use canopies in the single instance where the height of the coalbed appears to be sufficient to permit their use. Such attempts have demonstrated that use of the canopies so limit the scope of the vision of the equipment operator (in his closely confined, semi-prone position on the equipment) that operation created an extremely dangerous situation for both the operator and all other personnel in the work area, in that appendages of the operator's body, such as his head and feet, can and do protrude in such manner as to be in jeopardy of being crushed between the equipment and the coal rib and the operator's limited field of vision endangers his fellow workmen as well. Further, the cab or canopy virtually holds the operator captive so that it would be difficult and, in certain easily conceivable instances, impossible for him to escape when action of the mine roof may clearly indicate such action.

4. The equipment in question is operated at all times under fully supported roof in accordance with an approved roof support plan and which is deemed sufficient for all other personnel in the mine. The addition of canopies on electric face equipment rather than providing additional safety for the operators of such equipment, introduces such an inherently dangerous instrumentality that the overall safety of the miners is severely diminished.

5. Petitioner is entitled to a determination that the application of 30 CFR 75.1710 to its said mines will result in a diminution of safety to the miners therein and by reason thereof is entitled to modification under section 301(c) of the Act.

ANNEX A.—*Thickness of coal seam*

Mine	Height (in inches)	Other clearances
2–C	46–51	31 in haulway.
3–C	41–43	
4–C	35	31 present.
8–C	41	35 in haulway.
23	56–59	
H–1	44	
9–3	38–42	Do.

NOTE.—See the following table:

	Height (in inches)
Equipment without canopy (mine tractors, scoops)	25–26
Equipment with canopy	39–40

ANNEX B

Mine	*Equipment*
2–C	4 Elkhorn scoops AR–4.
3–C	1 S+S scoop UNA–TRAC, 2 S. & S. mine tractors.
4–C	2 Mesher mine tractors.
8–C	1 Elkhorn scoop AR–4, 2 mine tractors Wise 4S4.
23	3 Mine tractors—Wise Manufacturing.
H–1	1 S+S scoop UN–A–TRAC.
9–C	1 Mescher mine tractors, 1 Epling, 1 S+S.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 17, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 5, 1976.

[FR Doc.76–10832 Filed 4–14–76;8:45 am]

[Docket No. M 76–107]

BULL RUN MINING CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Bull Run Mining Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 1 and its Meredith Mine, both located in Preston County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect th miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner's No. 1 Mine and Meredith Mine have a mean height of 47 inches. In order to allow for the irregularities in mining height and allow for the need of various types of roof supports, a distance of 12 inches is substracted from normal measured mean height of 47 inches. Therefore, the maximum height from the pavement to the projected top of the machine canopy would be 35 inches.

2. Petitioner contends that canopies used on machinery in low coal become a hazard to the machine operator and to other miners because of poor visibility and the fact that uncomfortable positions are required to be assumed by the operators in order to operate the machines properly.

3. As pertaining to the S & S Uni-Trac, Model UAT74SSBCA, a machine used for coal haulage from the face to the belt, cleaning up and hauling of supplies. Petitioner contends that with a canpoy, roof support would be either torn out or disturbed, causing a possible roof fall presently or in the future. Petitioner contends also that with a canopy the operator's head would be forced down into such a position that visibility required to operate the machine would be greatly impaired. Petitioner notes also that the operator would be so uncomfortable in such position that he would not be able to operate the machine at all. Further, Petitioner asserts that a canopy might also come into contact with trailing cables hanging from the roof. There is a danger of possible electrical shock should this occur. Finally, Petitioner states that in order to comply, the operator's deck would be only 20 inches high, an insufficient height for a machine operator to be able to sit upright and operate the machine.

4. As pertaining to the Fletcher Single Boom Roof Bolter, Model LTDO–13, a machine used to install roof bolts, Petitioner contends that the installation of a canopy would cause the operator to be forced into such a position that visibility required to operate the machine would be greatly impaired. Petitioner contends also that the canopy would be a hazard in tearing out roof bolts from the roof of the mine. Petitioner states that with a canopy, the operator could not observe the drill steel nor could he observe the condition of the roof, an important factor inasmuch as the roof is unsupported except for temporary support. Further, Petitioner alleges that with the canopy, the machine operator could not control the machine's lift rotation, its tilt and the speed of the machine's drilling head.

In the absence of such canopy, Petitioner contends that the machine operator will be able to maintain complete control of the roof bolting machine.

5. As pertaining to the Joy Cutting Machine, Model 11 RU, a machine used to cut under the coal, there is a ground clearance of 6½ inches and it is 32 inches from the bottom of the operator's deck to the highest operating lever. The deck gives the machine an overall height of 38½ inches. Petitioner contends that if a canopy were installed on this machine, the operator could not get into the cab. Petitioner asserts that if he could get into the operating deck, it would be impossible for him to see adequately in order to operate the machine safely. Petitioner alleges that with an installed canopy, roof support would be torn out or so disturbed that a roof fall would be very likely.

6. Petitioner contends that application of 30 CFR 75.1710 and 1710–1(a)(5) to its present equipment in the No. 1 Mine and Meredith Mine will result in a diminution of safety in the operation of such equipment.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 17, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 5, 1976.

[FR Doc.76–10833 Filed 4–14–76;8:45 am]

[Docket No. M 76–106]

COAL RESOURCES CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Coal Resources Corporation has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 2 Coal Preparation Plant, located in Harlan County, Kentucky.

30 CFR 77.1605 (k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

The substance of Petitioner's statement is as follows:

In attempting to comply with section 77.1605(k), Petitioner observed that it was difficult to travel along the roads because of the following hazards:

(1) Water drainage on the down slope, or berm side, creates a ditch which might throw vehicles into or over the berm. Water freezing on the roads creates a hazard.

(2) Snow cannot be removed from elevated haulage roads due to the berm.

(3) Roads on a 2 to 1 out slope are being narrowed to passage of one vehicle because of the width and height of the berm.

(4) Roads cannot be widened because the inner bank of the road is of solid rock on the high wall side, and widening of the roads may cause landslides in some areas.

(5) Because of the elevation of the roads and numerous switch backs, some roads are underneath each other, thus causing the berms to slide into the road beneath. This is causing a danger to vehicles traveling underneath, and is also stopping all drainage on roads.

(6) Where guard rails are installed the posts are not stable enough because there is not enough area to hold the posts, even after concrete.

(7) Visibility of the operators of vehicles is hampered by road berms for oncoming traffic, mainly on switch backs and curves.

Petitioner's Alternate Method. Petitioner proposes the following alternate method for maintenance of safety along elevated roadways at its No. 2 Preparation Plant:

1. All loaded haulage vehicles will have the right-of-way on high wall sides of the roads regardless of their direction of travel.

2. Training of operators of haulage vehicles in the manner and safety of handling haulage vehicles on haulage roads.

3. Roads are to be maintained in a safe condition; surface, ditches, and passing areas.

4. All haulage vehicles are to have: (a) original manufacturer's brakes, (b) Engine or Jacobs brake, and (c) Emergency braking system.

5. Roads are and will be maintained as good as or better than unpaved secondary roads in the State of Kentucky in elevated areas.

6. Petitioner contends that the road sides are lined with good sized trees which contributes substantially to keeping a vehicle from going over the slope of the elevated roadways.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 17, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 5, 1976.

[FR Doc.76–10834 Filed 4–14–76;8:45 am]

[Docket No. M 76–190]

CONSOLIDATION COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Consolidation Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Lynco No. 2 Mine located in Wyoming County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. By memorandum to all district managers dated September 20, 1973, the MESA Acting Assistant Administrator further interpreted these sections to mean that the mining heights listed in 30 CFR 75.1710–1 were "the distance from the floor to the finished roof *less 12 inches.*"

2. The unadjusted coalbed height at Petitioner's Lynco No. 2 Mine presently varies between 42 inches and 48 inches, and Petitioner anticipates that the coalbed height will go below 42 inches in the future.

3. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit the installation of cabs or canopies which will allow the operator proper visibility for safe operation of the equipment while remaining under the cab or canopy.

4. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit

the installation of cabs or canopies which will clear the top in areas where the equipment must operate in these mines.

5. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit the installation of cabs or canopies which will allow the operator to escape rapidly from the confines of such cabs or canopies in the event of an emergency.

6. Petitioner has experimented with various cab and canopy designs on the electrical face equipment presently in use but has not been able to find an effective and safe configuration which will allow proper visibility for the operator, prevent "roofing" caused by operation over uneven bottom or under uneven top, or which will allow the operator to escape rapidly from under the cab or canopy in the event of an emergency.

7. Petitioner has been unable to discover any form of prefabricated cab or canopy which can be fitted to the present electrical face equipment in a manner to remove or reduce the visibility, "roofing" and entrapment dangers. Petitioner has been unable to discover any design for construction of a cab or canopy for the present electrical face equipment in the coalbed heights cited which will remove or reduce these dangers.

8. Many UMW members employed at Petitioner's mine have complained that installation of cabs or canopies on the present electrical face equipment in the coalbed heights cited will reduce safety. In some cases, UMW members have threatened to stop work if they are required to operate electrical face equipment hampered by a cab or canopy which reduces visibility, bumps or catches the top or prevents rapid escape from its confines.

9. Petitioner contends that application of 30 CFR 75.1710 and 75.1710–1(a)(5) to its present electrical face equipment, given the coalbed heights cited in paragraph 2, will result in a diminution of safety in the operation of said equipment at its Lynco No. 2 Mine.

PETITIONER'S ALTERNATE METHOD

Petitioner proposes the following method in lieu of compliance with 30 CFR 75.1710 and 75.1710–1(a)(5):

1. Petitioner will replace its present electrical face equipment as that equipment wears out with new redesigned smaller equipment with cabs or canopies installed to the extent that the cabs or canopies on such new equipment may satisfy the human and physical engineering problems identified in paragraphs 3, 4, and 5 above.

2. Petitioner will continue to perform research in order to enable experimental design of a cab or canopy for each piece of electrical face equipment which will overcome or alleviate the human and physical engineering problems outlined in paragraphs 3, 4, and 5 of this Petition.

3. If a workable design is discovered by Petitioner's engineers, said design will be implemented on an experimental basis for evaluation by Petitioner, MESA and UMW personnel under actual working conditions. If said experimental operation is successful, Petitioner will retrofit those pieces of electrical face equipment with the form of cab or canopy for which successful evaluation has been made.

4. Petitioner will affirmatively seek ideas from UMW personnel as to design for cabs and canopies for use in low coal.

5. Petitioner will, by letter, advise MESA's local District Manager with jurisdiction over the subject mine of the progress being made if requested by the District Manager.

6. In addition to complying with the roof control plan in effect at the subject mine, Petitioner will reinstruct all face workers and section supervisory and inspection personnel in roof and rib fall recognition and prevention techniques as well as safe equipment operation.

7. Petitioner respectfully requests that its Petition for Modification of the application of 30 CFR 75.1710 and 1710–1(a)(5) be granted until such time as it is able to acquire or construct cabs or canopies configured for safe operation in the coalbed height at the Lynco No. 2 Mine.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 17, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 5, 1976.

[FR Doc.76–10835 Filed 4–14–76;8:45 am]

[Docket No. M 76–148]

EASTERN ASSOCIATED COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Eastern Associated Coal Corporation has filed a petition to modify the application of 30 CFR 75.402 to its Federal No. 2 Mine located in Monongalia County, West Virginia.

30 CFR 75.402 provides:

All underground areas of a coal mine, except those areas in which the dust is too wet or too high in incombustible content to propagate an explosion, shall be rock dusted to within 40 feet of all working faces, unless such areas are inaccessible or unsafe to enter or unless the Secretary or his authorized representative permits an exception upon his finding that such exception will not pose a hazard to the miners. All crosscuts that are less than 40 feet from a working face shall also be rock dusted.

The substance of Petitioner's statement is as follows:

1. Petitioner is the owner and operator of the Federal No. 2 Mine located at Miracle Run, Monongalia County, West Virginia. Said mine is subject to the jurisdiction of the Act.

2. Section 304(c) of the Act and 30 CFR 75.402 provide that "[a]ll underground areas of a coal mine * * * shall be rock dusted to within 40 feet of all working faces."

3. Petitioner is currently beginning the operational stage of an experimental project involving the use of an 18-foot diameter tunnel boring machine for the development of underground coal mines. The project is jointly managed and funded by Petitioner, Eastern Associated Coal Corporation, and the United States Bureau of Mines, pursuant to Cost Sharing Contract No. S0144075 dated June 28, 1974. If the project is successful, it will result in a most significant enhancement of safety and effectiveness in the process of underground mining.

4. The roof support system for the tunnel created by the tunnel boring machine comprises the use of conventional roof bolts installed on no more than 5-foot centers and a layer of "shotcrete" applied around the walls of the tunnel. "Shotcrete" is a type of cement having superior properties for underground use, including the absence of shrinkage during the curing stage, and is applied pneumatically. "Shotcrete" not only provides support to the roof, ribs and floor, but seals the natural walls of the tunnel against structural deterioration by oxidation.

5. Construction of and location of equipment within the tunnel boring machine is such as to make the areas above the machine practically inaccessible for rock dusting for a distance of approximately 50 feet outby the working face. Further, areas below said machine are practically inaccessible for rock dusting for a distance of approximately 90 feet outby the face.

6. For the same reasons that areas outby the face of the tunneling machine cannot practically be rock dusted for distances of approximately 50 feet (above the machine) and 90 feet (below the machine), "shotcrete" applications cannot be effected closer to the face than approximately 50 feet (above the machine) and 90 feet (below the machine).

7. Even small amounts of rock dust applied to the walls of the tunnel prevent adequate bonding of the "shotcrete." If rock dusting of the tunnel walls before "shotcrete" application is attempted, even though restricted by the congestion of operating equipment associated with the machine itself, in areas in by 50 feet and 90 feet of the face, subsequent application of "shotcrete" and its reliability as an effective means of roof support and sealing will be jeopardized.

8. If rock dusting of the tunnel walls before "shotcrete" application is required, as it currently is by section 304(c) of the Act and 30 CFR 75.402, the safety of the miners will be diminished due to the interference of the rock dust with effective application of "shotcrete."

9. Among the features in addition to the use of "shotcrete" which are incorporated into the tunnel boring machine

as a system for mining and which contribute to greater safety than is present in conventional mining machines or methods are the following:

(a) degasification lines are bored into the walls of the tunnel created by the tunnel boring machine in order to carry away methane and reduce the possibility of explosive concentrations occurring:

(b) only about 50 percent of the face by area and only about 25 percent of the material cut from the face by weight consists of combustible material; and

(c) an extensive fire control and suppression system using both water and chemical retardants is installed on the machine.

10. Considered as an integrated system, the operation of the tunnel boring machine as above described, whereby rock dustings is not applied until after "shotcrete" is applied to the roof, ribs and floor of the tunnel, provides no less than the same degree of safety to the miners as does rock dusting to within 40 feet of the face in more conventional mining systems.

Petitioner respectfully requests that the within petition for modification of the application of section 304(c) of the Act and 30 CFR 75.402 be granted, and the application of section 304(c) of the Act and 30 CFR 75.402 be modified to require rock dusting in the case of mining by the tunnel boring machine at its Federal No. 2 Mine to take place only after the application of "shotcrete" at a distance of approximately 50 feet outby the face above the tunnel boring machine and 90 feet outby the face below the tunnel boring machine.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 17, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 5, 1976.

[FR Doc.76-10836 Filed 4-14-76;8:45 am]

[Docket No. M 76-170]

H & W COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), H & W Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 2 located in Anderson County, Tennessee.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls.

The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more ;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner contends that installation of canopies or cabs on the cutting machines and scoop loaders used in its Mine No. 2 will create more hazards than presently exist without canopies or cabs thereon.

2. Petitioner asserts that the mine roof is not uniform. The average thickness of the coal is only 36 inches, so that the operator of equipment could be fatally injured by the projection of the canopy or cab higher than the space provided in the mine.

3. Petitioner contends that present safety rules in effect at the mine have prevented accidents to operators of cutting machines and scoop loaders and that these measures will be of more benefit than installation of canopies or cabs on the aforementioned equipment.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 17, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 5, 1976.

[FR Doc.76-10837 Filed 4-14-76;8:45 am]

[Docket No. M 76-108]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Island Creek Coal Company has filed a petition to modify the application of 30 CFR 75.155(b)(1) and 30 CFR 77.105(a)(1) to its Big Creek Mine No. 2 located in Pike County, Kentucky.

30 CFR 75.155(b)(1) provides:

A person is a qualified hoisting engineer within the provisions of Subpart O of this part, for the purpose of operating an electrically driven hoist in a coal mine, if he has at least 1 year experience operating a hoist plant in a mine or maintaining electric-hoist equipment in a mine and is qualified by the State in which the mine is located as an electric-hoisting engineer.

30 CFR 77.105(a)(1) provides:

A person is a qualified hoistman within the provisions of Subpart T of this part, for the purpose of operating a hoist at a slope or shaft sinking operation if he has at least 1 year experience operating a hoist plant or maintaining hoist equipment and is qualified by any State as a hoistman or its equivalency.

The substance of Petitioner's statement is as follows:

1. Petitioner's Big Creek No. 2 Mine is in the development stage and there is a current unavailability of experienced hoistmen in the geographical area of the mine. Thus, Petitioner has been and is unable to employ hoistmen who are certified and have more than 1 year's experience required by 30 CFR 75.155(b)(1) and 30 CFR 77.105(a)(1).

2. Petitioner has employees at its mine who have some experience operating a hoist plant or maintaining hoist equipment who are certified as hoistmen by the State of Kentucky. The extent of experience of such employees is less than 1 year. Prior to certification, these employees completed a special training program at Petitioner's mine to further train them in hoist operation and safety. This training program includes no less than 30 days instruction under the direct supervision of certified and qualified hoistmen.

3. Petitioner states that those employees at its mine who have completed its training program and have been certified as hoistmen by the State of Kentucky will be capable of responsibly and safely performing the duties of hoistmen in a manner that will at all times guarantee the same or greater safety of

the miners as afforded by the standards of 30 CFR 77.105(a)(1) and 30 CFR 75.155(b)(1).

Petitioner respectfully requests that the Secretary modify the application of 30 CFR 77.105(a)(1) and 30 CFR 77.155(b)(1) at Petitioner's mine by waiving the requirement that a qualified hoistman have at least 1 year's experience and substituting therefor the requirement that a qualified hoistman have completed Petitioner's training program, thereby allowing those employees of Petitioner who have completed Petitioner's training program and are certified hoistmen in the State of Kentucky to perform the duties of a qualified hoistman.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 17, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 5, 1976.

[FR Doc.76-10838 Filed 4-14-76;8:45 am]

[Docket No. M76-191]

JEWELL RIDGE COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Jewell Ridge Coal Corporation has filed a petition to modify the application of 30 CFR 77.214(a) to its Jewell Ridge No. 18 Mine located in Buchanan County, Virginia.

30 CFR 77.214(a) provides:

Refuse piles constructed on or after July 1, 1971, shall be located in areas which are a safe distance from all underground mine airshafts, preparation plants, tipples, or other surface installations and such piles shall not be located over abandoned openings or steamlines.

The substance of Petitioner's statement is as follows:

1. Petitioner is proposing to place coal refuse from its No. 18 Mine over two existing abandoned mine openings leaving one mine opening approximately 200 feet away and part of this particular abandoned mine free and clear from all refuse. Roof support at the month of the openings which are proposed for covering will be provided and engineered drainage facilities will be provided to allow drainage from the mine and under the refuse pile. Natural noncombustible material will be placed in the abandoned openings and will be used in the construction of drainage facilities. A layer of impervious and noncombustible material will be provided between the previous roof support and drainage material and the proposed overlying refuse.

2. Petitioner has surveyed other optional sites, but believes this particular site is the best suited from both an environmental and safety standpoint. Petitioner believes that with its engineering design and application it can affectively eliminate all of the hazard which the subject regulation is designed to protect against and thereby its proposal will guarantee no less a degree of safety than that which the regulation is designed to produce.

3. Petitioner submits that the waiver of the foregoing provisions of the regulations, if applied to Petitioner's mine will not create any lesser degree of safety than is now maintained and its implementation and result in severe economic hardship to the mine involved.

4. Pursuant to Section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, in view of all of the foregoing, Petitioner requests since the standard involved herein be waived as to its No. 18 Mine since its application will not in any way accomplish any increased safety, and the technological difficulties involved if the regulation is literally implemented, will create a severe economic impact on the mine involved.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 17, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 5, 1976.

[FR Doc.76-10839 Filed 4-14-76;8:45 am]

[Docket No. M 76-186]

JIM WALTER RESOURCES, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Jim Walter Resources, Inc., has filed a petition to modify the application of 30 CFR 75.1405 and 75.1405-1 to its Flat Top Mine located in Jefferson County, Alabama.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

30 CFR 75.1405-1 provides:

The requirement of 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled. The substance of Petitioner's statement is as follows:

1. The Petitioner is the successor as of January 26, 1976, to the Coal Iron and Chemicals Division of United States Pipe and Foundry Company, and is the mine operator of Flat Top Mine (MESA Identification Number 01 00327), located 5 miles northwest of Route 78 near Graysville in Jefferson County, Alabama.

2. Flat Top Mine is a bituminous coal mine first opened in 1900. The coal seam being mined is the Mary Lee Seam, which ranges in thickness from 84 to 120 inches.

3. At the present time Flat Top Mine is operating only one section and produces less than one thousand (1,000) tons per day on a two-production shift operation. Flat Top Mine has a life expectancy of less than 1 year.

4. Flat Top Mine currently employs approximately 130 wage employees, whose collective bargaining representative is United Mine Workers of America, International Union Local Number 6255, and whose President is Willie Wade, 5112 Hillside Drive, Adamsville, Alabama 35005.

5. In Flat Top Mine, the coal mined from the faces is transported by a belt conveyor to the track where it is loaded into mine cars connected together to make a 16-car unit train. The loaded unit train of mine cars is then transported by an electrically powered mine locomotive to the underground chain yard where it is then attached to a hoist rope and pulled to the surface. When the unit train of mine cars reaches the surface, they are then emptied one car at a time in a rotary dump while still coupled together as a unit train.

6. There are currently in use at this mine 150 mine cars which are fitted with swivel link and pin coupling devices. The pin is secured by a slot-type keeper.

7. The cars are pulled over track that follows the natural bottom of the coal seam. In Flat Top, the natural bottom undulates rapidly throughout the mine. Because of these undulations, the track has many short vertical radius curves.

Petitioner's Alternate Method. 1. Petitioner proposes as an alternate method in lieu of the said mandatory standard that it will continue using the trips of cars coupled in 16 car trips as a unit train.

2. Petitioner alleges that the alternate method as outlined in the above paragraph will at all times guarantee no less than the same measure of protection afforded the miners at Flat Top Mine by the said mandatory standard or that the application of the said mandatory standard will result in diminution of safety to miners in the Flat Top Mine because:

(a) The hauling unit train cars over the rapidly changing grades could strain automatic couplers to the point where the couplers would break, disengage and cause the cars to derail.

(b) The mine cars are not regularly coupled and uncoupled due to the unit car haulage system.

(c) The mine cars are old; and, they are light weight 4-ton capacity. The impact required to make an automatic coupling of cars would create a potential hazard of derailment.

(d) Irregular grades on Flat Top Mine haulage road would potentially cause frequent derailments using more rigid automatic couplers.

(e) Flat Top Mine has had a very favorable haulage accident record for several years since the unit train haulage system has been in use. Based on our favorable haulage accident record, there is no imminent danger at Flat Top Mine in using our present system of mine car haulage.

(f) Because the life expectancy of Flat Top Mine is less than 1 year, the cost benefit of haulage track, improving the track curve radii and automatic couplers is not justified.

Request for Hearings or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 17, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 5, 1976.

[FR Doc.76-10840 Filed 4-14-76;8:45 am]

[Docket No. M 76-142]

LAMBERT COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Lambert Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 14, No. 39 and No. 40 Mines located in Dickenson County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. As pertaining to the No. 14 Mine, the coal seam is 38 to 42 inches in thickness. The equipment to be used in the mine for which modification is requested includes one 245 Lee-Norse Continuous Miner, two 5L Galis Shuttle cars, one Acme SPHRD Roof Drill, one Model 300 Galis Roof Bolting Machine and one BMUAT 74 Scoop. The No. 14 Mine is presently being rehabilitated and no coal is produced from it. Petitioner contends there is insufficient height to clear both cabs and canopies. Petitioner asserts that the use of cabs and canopies would restrict the vision of the machine operators. Petitioners contends that Virginia State inspectors require a 6-inch clearance between the cabs and canopies and the roof of the machine, which would not be possible with the installation of canopies.

2. As pertaining to the No. 39 Mine, the coal seam is 38 to 42 inches in thickness. The equipment used in the mine for which modification is requested includes one 26H Lee-Norse Continuous Miner, two 21 SC Joy Shuttle Cars, one Model 300 Galis Roof Drill, two Acme SPHRD Roof Bolting Machines and one BMUAT Scoop. Petitioner contends that there is insufficient height to clear the cabs and canopies on the above-mentioned machinery. Petitioner asserts that the use of cabs and canopies would restrict the vision of the machine operators. Petitioner states that Virginia State inspectors require a 6-inch clearance between the cabs and canopies and the roof of the machine. With the installation of canoppies, Petitioner contends that there is insufficient height to maintain this clearance. Also, Petitioner contends that the unevenness of the mine bottom would cause the equipment to bump the roof, which it presently does in the absence of the required canopies.

3. As pertaining to the No. 40 Mine, the coal seam is 38 to 40 inches in thickness. The equipment used in the mine for which modification is requested includes one 245 Lee-Norse Continous Miner, two 5L Galis Shuttle Cars, two 300 Galis Roof Drills and one BMUAT 74 S & S Scoop. Petitioner contends that there is insufficient height in the mine to clear the cabs and canopies. Petitioner asserts that the use of cabs and canopies would restrict the vision of the machine operators. Petitioner states also that Virginia State inspectors require a 6-inch clearance between cabs and canopies and the roof of the mine. With the installation of canopies. Petitioner contends that there is insufficient height to maintain this clearance. Petitioner states also that the unevenness of the mine bottom would cause the equipment to bump the roof, which it presently does in the absence of the required canopies.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 17, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 5, 1976.

[FR Doc.76-10841 Filed 4-14-76;8:45 am]

[Docket No. M 76-181]

MODERN MINING, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Modern Mining, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine located in Buchanan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and

installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner has not applied to the Assistant Administrator-Technical Support for approval of devices to be used in lieu of cabs or canopies as permitted by 30 CFR 75.1710–1(f) since the Petitioner is without knowledge of any alternate devices which could be installed on equipment at Petitioner's mine which would be safe and otherwise suitable.

2. The Petitioner submits, however, that both canopies and cabs are incompatible with the operations in its mine (primarily because of the size of the equipment in relation to the seam height) and that installation of canopies, cabs or any similar device would result in such a serious diminution of safety that the mine would not be able to continue to operate.

3. Petitioner's mine is located at Lower Wolfpen, Looney Creek (near Grundy), Buchanan County, Virginia. The coal seam being mined is the Glamorgan seam.

4. The mine operates one production shift per day utilizing remote control continuous mining methods. An average of 250 tons of coal is produced each day.

5. On the basis of present projections it is estimated that there is enough coal for this mine to continue operating for 6 years.

6. The average height of the coal seam in this mine is 39 inches.

7. For purposes of the regulation at 30 CFR 75.1710–1, the mining height in this mine is 27 inches.

8. The regulatory requirement for installation of canopies or cabs became applicable to this mine on January 1, 1976.

9. The electric face equipment subject to the regulation in this mine consists of the following:

18SC Joy Shuttle Car
300 Galis Model Roof Bolting Machine

10. This equipment operates in entries which are cut 20 feet wide with 20 feet penetration; there are no adverse rib conditions and there is no history of roof falls in any of the face areas.

11. Roof bolts 36 inches long are utilized in a 4 x 4 pattern with a 5-foot test hole drilled in every 20-foot cut. Six metal screw jacks are installed in each cut before the pinning cycle.

12. The Petitioner has investigated various methods of installing canopies or cabs, without encountering a single method which would be safe in its mine.

13. There are 11 underground employees at Petitioner's mine; none of these employees are members of any labor union.

14. Each of the employees at the mine has been consulted regarding his ideas and feelings concerning operation of equipment in this particular mine with canopies or cabs installed and each of these employees has expressed strenuous objections for reasons of safety.

15. The safety record of the employees in this mine has been excellent during the 6 months that this mine has been in existence.

16. The Petitioner does not have an alternate method for achieving the safety results intended by 30 CFR 75.1710–1 for its shuttle car but Petitioner maintains that application of 30 CFR 75.1710–1 to the shuttle car in Petitioner's mine will result in a diminution of safety to the miners in this mine.

17. For the Galis 300 roof bolter, the Petitioner proposes to use additional safety jacks above the six that are required, adjusting the position of each additional jack as each hole is drilled, for achieving the safety results intended by 30 CFR 75.1710–1. Petitioner already has a roof bolter helper with the operator at all times to position jacks and to observe and look for changes in the top.

18. Miners will be trained in the use of additional jacks with the roof bolter by demonstrations and on the job training. Company rules on this procedure will be posted.

19. Petitioner prays that an investigation be made into the hazards associated with the application of 30 CFR 75.1710–1 to this mine; and further Petitioner prays that after appropriate investigation and consideration the petition herein be granted.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 17, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 5, 1976.

[FR Doc.76–10842 Filed 4–14–76;8:45 am]

[Docket No. M 76–182]

NATIONAL COAL MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), National Coal Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 14 mine located in Mingo County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or ribs, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. The height of the coalbed in Petitioner's mine varies from 52 inches at the highest points to less than 36 inches at the lower points. A minimum of 12 inches vertical clearance from the roof is required to insure that during operation face equipment at all times avoids contact with the roof support systems at the working faces of the mine. Therefore, the vertical distance from the floor of the

mine in which any electric face equipment can operate is effectively reduced 12 inches from the height of the coalbed at any given point at the working faces of the mine.

2. At the present time, Petitioner operates the following types of self-propelled electric face equipment at its mine:

(a) Shuttle Cars—18SE Joy
(b) Loading Machines—14BU–10 Joy
(c) Roof Bolters—300 Galis
(d) Cutters—16RB & 11 RU Joy
(e) Drills—TDF 24 Long Airdox & Galis 410
(f) 120L Jeffery Miner—with Two Mobil Belt Carriers.

Because of the variation of the physical characteristics of each of these types of equipment (i.e.; heights, width, location of operator compartment and positioning of controls) each may require a different style of canopy.

3. Petitioner has developed on its own or there are available from equipment manufacturers, canopies, for each type of the above-listed equipment, which meet the structural capacity requirements of 30 CFR 75.1710–1(d). However, to meet these requirements it is necessary that these canopies be constructed of heavy gauge steel. The result is a canopy which is both bulky and extremely heavy. Because of the bulk and weight of these canopies, structural modifications to each piece of face equipment are necessary before these canopies can be installed on face equipment.

4. Petitioner has made the required modifications and has installed certified canopies on each type of face equipment operated at its mine.

5. Petitioner states that in some, but not all, instances the installation of available certified canopies on the face equipment at Petitioner's mine creates, among others, the following safety hazards:

(a) The field of vision of the operator is significantly reduced as a result of the close proximity of the canopy top to the operator's compartment;

(b) The operator's arm and leg movements in operating the equipment are more restricted as a result of reduced space in the operator's compartment; and

(c) Operator fatigue is greatly increased as a result of reduced operator compartment space.

The above safety hazards are not present in the operation of all pieces of face equipment on which canopies have been installed in Petitioner's mine. However, the use of canopies on certain types of face equipment in certain locations of Petitioner's mine does create the above safety hazards, thereby reducing the overall safety of the miners.

6. Petitioner states that it is at present unable to construct itself, or to procure from equipment manufacturers, canopies which, if installed on face equipment at Petitioner's mine will both meet the required structural capacity and at all times allow operation of face equipment without creating the safety hazards herein stated. Petitioner further states that there are no new types or designs of face equipment immediately available from equipment manufacturers which eliminate the safety habards herein stated.

7. Petitioner states that, for the reasons herein set forth, the application of the standard of 30 CFR 75.1710–1(a) to all face equipment at all locations of Petitioner's mine will in fact result in a diminution of safety to the miners at this mine.

8. Petitioner does not propose herein to eliminate the installation of certified canopies on face equipment at Petitioner's mine where such installation is presently possible without creating the safety hazards herein set forth. Petitioner does, however, propose to develop, in cooperation with MESA, an orderly plan and/or schedule for the installation of certified canopies on all electric self-propelled face equipment at Petitioner's mine in those instances where the present installation of said canopies on said equipment will create the safety hazards herein set forth. Said plan may include, among others, the following considerations:

(a) The height of the coalbed and mining conditions at various locations and Petitioner's mine;

(b) The present state and future development and availability of canopies and face equipment; and

(c) The overall safety of the miners at Petitioner's mine.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 17, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 5, 1976.

[FR Doc.76–10843 Filed 4–14–76;8:45 am]

[Docket No. M 76–120]

POWELLTON CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), the Powellton Company has filed a petition to modify the application of 30 CFR 75.1710 to its Jane Ann No. 15–A, Jane Ann No. 11, Jane Ann No. 17, Jane Ann No. 7–B, Jane Ann No. 25 and Jane Ann No. 31 Mines located in Logan County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

Petitioner has installed an approved canopy on one roof bolter at one mine which has the highest coal of any mine operated by Petitioner. Petitioner is of the opinion that the canopy as installed diminishes the safety conditions within the mine for the following reasons:

1. The canopy tends to reduce visibility of the operator.

2. The canopy limits the opportunity of the operator to remove himself from the machine in the event of an emergency.

3. The canopy prevents the placement of roof bolts at breakthroughs and corners in accordance with the approved roof control plan.

4. Because of variances in the height of the roof within the mine, the canopy collides with and loosens roof bolts previously placed.

5. Petitioner's roof bolt plan requires that four timbers be placed in the face area before bolting is begun. This timbering affords adequate protection and additional timbers will be set when necessary.

6. No one is permitted beyond the last roof bolt under an unsupported roof except to set safety posts.

7. All brows that overhang 12 inches or more are taken down or secured.

8. With the roof bolt and timbering plan, the people in the mine have a minimum exposure to falls of rib and roof.

Requests for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 17, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 5, 1976.

[FR Doc.76-10844 Filed 4-14-76;8:45 am]

[Docket No. M 76-101]

TESORO COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Tesoro Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 2 located in Perry County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner respectfully requests modification of the application of the mandatory safety standard 30 CFR 75.1710-1(a) for the reason that the application of such standard will result in a diminution of safety to the miners in the affected mine.

2. The average height of the seam of coal in the affected mine ranges between 37 to 44 inches. The seam height varies over short distances in the mine and frequently rolls.

3. The face equipment currently in use at the mine includes one Lee Norse Model 245 continuous miner, one Acme Model D-3 roof bolter, and three Joy Model 6-SC shuttle cars. The Lee Norse continuous miner has remote controls and a canopy is not required for the operator. The other equipment was designed to operate without canopies, in coal of the heights encountered in the mine.

4. Petitioner installed canopies approved by the Mining Enforcement and Safety Administration on its Acme roof bolter and on one of its Joy 6-SC shuttle cars.

5. The Acme roof bolter was operated with a canopy for approximately 6 days between December 30, 1975, and January 9, 1976, before the canopy was removed. During this period of operation sufficient safety hazards were created by the use of the canopy to warrant its removal. Some of the hazards created were:

(a) Due to close confinement of the canopy, it is not possible for the operator to remain under the protection of the canopy while tramming the roof bolter.

(b) The operator is exposed to this risk of being pinned between the canopy, which extends beyond the extremities of the roof bolter, and the rib while tramming.

(c) The operator's vision is severely impaired when he is roof bolting under the protection of the canopy which could result in injury to the roof bolter helper.

6. One Joy 6-SC shuttle car was equipped with a canopy for less than one working shift. The canopy was mounted at the lowest position to permit the operator to sit on the shuttle car seat. The canopy had to be removed because it would not clear the roof or roof supports in many areas of the mine, particularly in areas where the coal seam rolled. During this period of operation, sufficient safety hazards were created by use of the canopy to warrant its removal. Some of the hazards created were:

(a) The operator's vision is severely impaired in that he cannot see over the top of the shuttle car. Operation of the shuttle car in this manner is hazardous to fellow workers as well as the operator.

(b) Due to close confinement of the canopy, the operator's head must extend beyond the protection of the canopy in order to observe in front of or behind the shuttle car, resulting in danger of being crushed between the canopy and rib.

(c) Ingress and egress from the car is so limited that the operator might be held captive preventing escape when such action is clearly warranted. The operator could also be held captive for indefinite periods in case of machine malfunction or power failure.

7. Modification of the canopies has been considered by Petitioner but at the present time, Petitioner is unaware of any means of modification to the canopies which could be made and utilized with the same degree of safety as complete removal of the canopies would insure.

8. Petitioner's mine was inspected by the Commonwealth of Kentucky, Department of Mines and Minerals on the 6th day of January, 1976, and the inspector observed the roof bolter and shuttle car operating with the canopies installed. The inspector issued Petitioner an Underground Mine Inspection Report requiring Petitioner to remove the canopies on the shuttle car and roof bolter and requiring that no canopies be installed on this machinery without approval of the Kentucky Department of Mines and Minerals. Petitioner received on January 9, 1976, a letter dated January 8, 1976, from the Commissioner, Kentucky Department of Mines and Minerals, requesting Petitioner to correct unsafe practices or violations of Kentucky Mining Law of a serious nature which were noted on the Underground Mine Inspection Report referred to above, and to notify the Kentucky Department of Mines and Minerals when Petitioner had complied with such request.

9. No history of injury resulting from the use of the face equipment without protective canopies exists in said mine. The operators are under fully supported roof at all times pursuant to an approved roof bolting plan. Such roof support is deemed satisfactory for all other personnel in the mine, including the helpers on self-propelled electric face equipment and the operator of the continuous miner. Other personnel and supervisors move around and adjacent to the equipment under the protection of the roof supports.

10. The miners observed and reported safety hazards resulting from the use of canopies and requested Petitioner to remove the canopies.

11. Petitioner states that with respect to low ceiling mines, the use of currently available canopies with mobile electrical face equipment severely diminishes rather than increases the overall safety of the miners, and that further use of these canopies in the said mine will inevitably cause injuries to the operators or other personnel.

12. For the foregoing reasons, Petitioner requests that the application of the mandatory safety standard 30 CFR 75.-1710-1(a) with respect to the subject mine be modified.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 17, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 5, 1976.

[FR Doc.76-10845 Filed 4-14-76;8:45 am]

[Docket No. M76-161]

UNITED POCAHONTAS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), United Pocahontas Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 10, No. 18 and No. 19 mines, all located in McDowell County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. The United No. 10 Mine has an average mining height of 57 inches. The United No. 18 Mine has an average mining height of 45 inches. The United No. 19 Mine has an average mining height of 46 inches. Due to the limited clearance between equipment and roof support in a seam of this height, the operator must, necessarily, operate under conditions of reduced visibility. The addition of a cab or canopy reduces existing visibility to the point that three hazards are created:

a. Collisions with roof support.

1. In order to allow an operator even minimal visibility across the top of his machine, a canopy must add several inches of height to a piece of equipment. In a mining height of less than 48 inches, the dimensions of roof support used to supplement the regular bolting plan become very critical; thus, the strength of supplemental roof support must be limited in lower areas in order to accommodate the enlarged equipment.

2. A canopy obscures an operator's view of overhead roof support; this, along with the accompanying increase in equipment height, substantially increases the probability of roof support being dislodged through an error in judgment by the operator. While a roof fall is not normally the immediate result of such an occurrence, the roof is weakened each time its support is disturbed.

b. Injury to the operator

1. In mining heights under 48 inches, equipment operators use variations in seam height to great advantage. Whenever possible, switching and maneuvering operations are performed where seam height allows the best visibility. In order for a piece of equipment to be used on a given section, its canopy must be lowered to allow clearance under the lowest conditions on that section. Thus, the advantage of using higher areas for difficult maneuvering and the safety which goes with it are lost. The operator is forced to negotiate the entire section under the limiting conditions of only a part of it.

2. Due to the severely reduced visibility caused by a cab or canopy in mining heights below 48 inches, an operator often must extend his head beyond the side support of the canopy in order to see ahead of his machine. Extending himself to the side of the equipment results in an unnatural operating position for the driver and, thus, reduces his ability to control the equipment. In this position, the operator is vulnerable to injury due to collision with the rib or other obstacles in tight-clearance situations.

c. Injury to other persons

1. When an operator's vision is restricted by the addition of a cab or canopy, the increased hazard to persons working near the moving equipment is obvious. This hazard is made worse when side clearances are reduced due to the installation of a cab, thereby creating a "pinch-point" for persons who happen to be beside a machine while it is in motion.

2. At present, technology is not available to allow us to install cabs or canopies on the equipment in use at the above-mentioned mines without creating serious safety hazards.

3. On March 18, 1975, the Board of Mine Operations Appeal ruled that a violation of a mandatory health or safety standard is not established where compliance is impossible due to the unavailability of equipment, materials, or qualified technicians. On this basis and until such time as equipment is available which meets the standards set forth in Section 75.1710-1 and can be operated safely in the mining of coal at the United No. 10, 18 and 19 Mines, we request that the Secretary modify Section 75.1710-1, paragraph (a) by waiving subparagraphs (5) and (6) which would require the installation and use of cabs or canopies at the United No. 10, 18 and 19 Mines.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 17, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 5, 1976.

[FR Doc.76-10846 Filed 4-14-76;8:45 am]

Office of the Secretary

[Order No. 2989]

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Authority

Notice is hereby given that the Acting Secretary of the Interior has issued Secretarial Order No. 2989 dated March 24, 1976 regarding the authority of the Government of the Mariana Islands District of the Trust Territory of the Pacific Islands (renamed the "Government of the Northern Mariana Island"). The Order delimits the extent and nature of the authority of the Government of the Northern Mariana Islands, and prescribes the manner in which its relationships shall be established and maintained with the Congress, the Department of the Interior and other Federal agencies, and with foreign governments and international bodies.

The Order is published in its entirety below. Further information can be obtained from the Director, Office of Territorial Affairs, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202-343-6971.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

APRIL 7, 1976.

Subject: Government of the Northern Mariana Islands of the Trust Territory of the Pacific Islands

Whereas, the United States is the administering authority of the Trust Territory of the Pacific Islands under the terms of the Trusteeship Agreement entered into by the United States with the Security Council of the United Nations on April 2, 1947, and approved by the United States on July 19, 1947; and

Whereas, the United States, in response to the desires of the people of the Northern Mariana Islands clearly expressed over the past twenty years through public petition and referendum, and in response to its own obligations under the Trusteeship Agreement to promote self-determination, entered into political status negotiations with representatives of the people of the Mariana Islands; and

Whereas, the people of the Northern Mariana Islands approved the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America in the plebiscite on June 17, 1975; and

Whereas, on September 7, 1974, the Mariana Islands District Legislature indicated popular support for separate administration by passing unanimously Resolution No. 1–1974, which contained the joint position of the Marianas Political Status Commission and the District Legislature that a separate administration of the Northern Marianas under the Trusteeship Agreement should commence after the people have approved Commonwealth in their plebiscite; and

Whereas, the United States agreed to this request and has approved the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America;

Now, therefore, the following single basic Order respecting the Government of the Northern Mariana Islands of the Trust Territory of the Pacific Islands is issued:

PART I. PURPOSE

The purpose of this document is to delimit the extent and nature of the authority of the Government of the Mariana Islands District of the Trust Territory of the Pacific Islands (hereinafter called "Government of the Northern Mariana Islands"), as it will be exercised under the jurisdiction of the Secretary of the Interior (hereinafter called "the Secretary"), pursuant to Executive Order No. 11021 of May 7, 1962, and to prescribe the manner in which the relationships of the Government of the Northern Mariana Islands shall be established and maintained with the Congress, the Department of the Interior and other Federal agencies, and with foreign governments and international bodies. "Northern Mariana Islands" means the area now known as the Mariana Islands District of the Trust Territory of the Pacific Islands, as described in Section 1(1) of Title 3 of the Trust Territory Code, as amended.

PART II. EXECUTIVE AUTHORITY

Section 1. The executive authority of the Government of the Northen Mariana Islands, the responsibility to carry out the effective provisions of the "Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America," and all laws and regulations in effect at the time of this Order and which may subsequently come into force through means established herein, and the responsibility for carrying out the international obligations undertaken by the United States with respect to the Northern Mariana Islands shall be vested in a United States Resident Commissioner of the Northern Mariana Islands (hereinafter called "the Resident Commissioner"). The Resident Commissioner will be appointed by, and his responsibilities shal be exercised under the general supervision and direction of, the Secretary. The Resident Commissioner may, in the case of his temporary absence, designate the Executive Officer of the Government of the Northern Marianas to act in his stead after having received approval of the Director of Territorial Affairs, Department of the Interior. The Executive Officer shall be appointed by the Resident Commissioner.

Section 2. With freedom to consult directly with the Secretary when necessary, the Resident Commissioner shall normally communicate with the Secretary through the Director of Territorial Affairs. The Resident Commissioner shall be responsible for all United States property in the Northern Mariana Islands which is required for the operation of the Government of the Northern Mariana Islands and for which the Department of the Interior has administrative responsibility. The Resident Commissioner shall perform such other functions for the Department of the Interior in the Northern Mariana Islands as may be assigned to him by the Secretary or his delegate.

Section 3. The Resident Commissioner shall have the authority to hire such professional and clerical staff as may be necessary to carry out his duties and responsibilities. Reorganizations of the Mariana Islands District Government as it exists on the effective date of this Order may be made by the Resident Commissioner including the establishment of new departments, offices, and lines of authority. Such reorganizations, however, shall be subject to the approval of the Director of Territorial Affairs and the appointment of new department and office heads shall be further subject to the advice and consent of the Northern Mariana Islands Legislature. Department and office subdivisions and lines of authority shall be set forth in a table of organization approved by the Resident Commissioner.

Section 4. In exercising his authority the Resident Commissioner shall obtain prior Secretarial approval of any significant deviation from the budget justification presented to the Congress, and any significant transfer of funds between programs or between administration and construction funds.

Section 5. The relations of the Government of the Northern Mariana Islands with the Congress of the United States on all legislative matters, including appropriations, shall be conducted through the Department of the Interior.

Section 6. All contact by the Government of the Northern Mariana Islands with Federal agencies outside the Department of the Interior shall be through the Director of Territorial Affairs of the Department of the Interior. Specific contact channels between the Government of the Northern Mariana Islands and Federal agencies other than the Department of the Interior on routine matters shall be established by the Director of Territorial Affairs.

Section 7. All communications of the Government of the Northern Mariana Islands with foreign governments and international bodies shall be through the Department of the Interior for transmittal by the Department of State, unless some other procedure is approved by the Secretary. Communications between the High Commissioner of the Trust Territory (hereinafter referred to as "the High Commissioner") and the Resident Commissioner shall be conducted directly.

Section 8. Offices of the Resident Commissioner's Representatives shall be established for and on the municipalities of Rota and Tinian. The Representatives shall be appointed by the Resident Commissioner and under his supervision and guidance. The appointees shall be residents of the respective municipalities.

PART III. LEGISLATIVE AUTHORITY

Section 1. *Organization.* The Legislature of the Government of the Northern Mariana Islands shall be known as the "Northern Mariana Islands Legislature" and shall consist of one House.

The Northern Mariana Islands Legislature (hereinafter referred to as "Legislature") shall organize itself in accordance with the provisions of the Charter of the Marianas District Legislature in force on the effective date of this Order. The presiding officer shall be designated by the title of "Speaker" and the members shall be known as "Senators."

Section 2. *Adoption of Charter.* The Charter of the Mariana Islands District Legislature together with all amendments in effect as of the date of this Order is hereby adopted as the Charter of the Northern Mariana Islands Legislature. Whenever the words "High Commissioner" or "District Administrator" appear in the Charter or its amendments, they shall mean "Resident Commissioner." Any provisions of the Charter or its amendments inconsistent with the provisions of this Order are superseded.

Section 3. *Membership.* The membership of the Northern Mariana Islands Legislature shall be as specified in the

Charter of the Legislature. The membership provisions of the Charter are hereby amended, however, to the effect that the five members of the Mariana Islands District Delegation to the Congress of Micronesia on the effective date of this Order shall become members-at-large of the Northern Mariana Islands Legislature. The terms of the members-at-large shall be co-extensive with the terms of office in the Congress of Micronesia to which they were elected or appointed. Upon expiration of such terms or upon resignation or removal of such persons from the Legislature, no vacancy shall be filled and the number of members-at-large shall be reduced accordingly. Members-at-large of the Legislature shall enjoy all rights, responsibilities and privileges of membership in the Legislature which shall also determine their compensation.

Section 4. *Appointment to New Offices.* No member of the Legislature shall, during the term for which he was elected or during the year following the expiration of the term for which he was elected, be appointed to any office which was created by the Legislature.

Section 5. *Vacancies.* Whenever a vacancy in the membership of the Congress occurs, the provisions of the Charter of the Northern Mariana Islands Legislature shall apply.

Section 6. *Legislative Power.* The legislative power of the Legislature shall extend to all rightful subjects of legislation, except that no legislation may be inconsistent with

(a) Treaties or international agreements of the United States;

(b) The "Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (hereinafter called "the Covenant");

(c) Laws of the United States applicable to the Northern Mariana Islands as part of the Trust Territory of the Pacific Islands or applicable separately to the Northern Mariana Islands;

(d) Executive Orders of the President of the United States and orders of the Secretary of the Interior; or

(e) Sections 1 through 12 of Title 1 of the Trust Territory Code (Bill of Rights).

No law shall be passed by the Legislature imposing any tax upon property of the United States or property of the Northern Mariana Islands or the Trust Territory of the Pacific Islands; nor shall the property of nonresidents be taxed at a higher rate than the property of residents. Any parts of any laws passed by the Congress of Micronesia or district legislatures in the aggregate imposing upon United States agencies, instrumentalities, contractors of the United States and their respective non-Micronesian citizen employees any greater tax, fee, revenue, duty, tariff, impost charge, or cost of any kind that is imposed by Trust Territory of the Pacific Islands Public Law 4C–2 as amended prior to 1975 (77 TTC, Chapter 11) shall, to the extent that it imposes such tax, fee, revenue, duty, tariff, impost, charge, or cost, not be given effect, except that, the exemptions from such tax, fee, revenue, duty, tariff, impost, charge, or cost described above shall not be applicable to activities conducted exclusively for or on behalf of the Trust Territory of the Pacific Islands, by (1) its agencies, instrumentalities, contractors and their respective employees or (2) by non-military United States agencies, instrumentalities, contractors and their respective employees. No import or export levies shall be imposed on goods transported or transhipped between or among the Districts of the Trust Territory of the Pacific Islands and the Northern Mariana Islands, or any political subdivision thereof, and the levy of duties on goods imported into the Northern Mariana Islands is hereby reserved to the Northern Mariana Islands Legislature and the Resident Commissioner; *Provided,* however, that those portions of the Trust Territory Code dealing with the levy of duties on imported goods in effect on the effective date of this Order shall remain in effect in the Northern Mariana Islands subject to collection by the Trust Territory Government revenue division and further subject to the accrual of fifty percent of the annual gross amount of such duties to the Northern Mariana Islands Legislature and the accrual of the remaining fifty percent to the Congress of Micronesia.

Section 7. *Powers of the Resident Commissioner.* The Resident Commissioner may submit legislation to the Legislature prior to and during any legislative session for its consideration.

Section 8. *Approval or Disapproval by the Resident Commissioner.* Every bill passed by the Legislature shall be certified by the Speaker and Legislative Secretary and shall thereupon be presented to the Resident Commissioner. If he approves, he shall sign the bill and it shall become law. If the Resident Commissioner disapproves, he shall so indicate and return it with his objections to the Legislature within ten consecutive calendar days after it shall have been presented to him. If the Resident Commissioner takes no action and does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the Legislature by adjournment prevents its return.

The Resident Commissioner shall have thirty days to consider bills transmitted to him less than ten days before adjournment or presented after adjournment except that appropriation measures shall be considered within fifteen days. If he approves, he shall sign the bill and it shall become law. If the Resident Commissioner disapproves, he shall so indicate and return it with his objections to the Legislature within thirty consecutive calendar days after it shall have been presented to him. If the Resident Commissioner takes no action and does not return the bill within such period, it shall be a law in like manner as if he had signed it.

When a bill is disapproved and returned by the Resident Commissioner to the Legislature with his objections, the Legislature may proceed to reconsider it. If such a bill is repassed by a two-thirds majority of the entire membership (one reading being required for such passage), it shall be presented again to the Resident Commissioner. If he does not approve it within twenty days after presentation, he shall send it together with his comments thereon to the Secretary of the Interior. Within sixty days after its receipt by him, the Secrietary shall either approve or disapprove the bill. If he approves it, it shall become law; otherwise, it shall not.

If any bill presented to the Resident Commissioner shall contain several items of appropriation of money, he may object to one or more such items, or any parts thereof, while approving the other items or parts of the bill. In such case he shall append to the bill, at the time of signing, a statement of the item or items, part or parts thereof, so objected to, and the item or items, part or parts thereof so objected to shall have the effect of being vetoed.

Section 9. *Procedure.*

(a) *Quorum.* A two-thirds (2/3) majority of the members of the Legislature shall constitute a quorum for the transaction of business; *Provided,* however, that at least two members of one or more islands other than Saipan are present, and *Provided,* further, that no member of the Legislature shall refuse to attend a meeting upon duly written notice and shall be excused only in the case of compelling natural or personal emergencies. Should the requisite number of members from islands other than Saipan be unable to attend a meeting in case of such emergencies, the first provision of this section will not apply. No member shall excuse himself from a meeting by the exercise of a boycott.

A smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as the Legislature may provide.

(b) *Reading of Bills—Passage.* A bill in order to become a law shall pass two readings, on separate days, the final passage of which shall be by a majority vote of all the members, which vote shall be entered upon the journal.

(c) *Title.* Every legislative act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such an act shall be void only as to so much thereof as shall not be embraced in the title.

(d) *Amendment and Revision by Reference Prohibited.* No law or section of the law shall be amended or revised by reference to its title only, but in every instance such amendment or revision of the law or section thereof shall be published at full length and in its entirety as amended or revised and shall be reenacted; *Provided,* that the Resident Commissioner may, with the express concurrence of the Secretary or his delegate, introduce to the Legislature and, if therein enacted, approve new legisla-

tion of which the title and substance may be a reference to any part or all of other substantive law.

(e) *Journal.* The Legislature shall keep a journal of its proceedings, and publish the same in English.

(f) *Public Sessions.* The business of the Legislature and of its committees shall be transacted openly and not in secret session except when in executive session.

(g) *Procedural Authority.* The Legislature shall be the sole judge of the election and qualifications of its members, shall have and exercise all the authority and attributes inherent in legislative assemblies and shall have the power to institute and conduct investigations, issue subpoenas to witnesses and other parties concerned, and administer oaths.

Section 10. *Budget.* Appropriation measures enacted by the Legislature shall not provide for the appropriation of funds in excess of such amounts as are available or estimated to be available from revenues raised pursuant to the tax laws and other revenue laws of the Northern Mariana Islands.

Prior to his final submission to the Secretary of requests for Federal funds necessary for the support of governmental functions in the Northern Mariana Islands, the Resident Commissioner shall prepare a preliminary budget plan. He shall submit such plan to the Northern Mariana Islands Legislature for its review and recommendations with respect to such portions as relate to expenditures of funds proposed to be appropriated by the Congress of the United States. With respect to such portions of the preliminary budget plan, the Resident Commissioner shall adopt such recommendations of the Legislature as he shall deem appropriate, but he shall transmit to the Secretary of the Interior all recommendations he has not adopted.

Section 11. *Publication of Laws.* The Resident Commissioner shall cause the resolutions and laws to be published in English within 30 days after they become law, and shall make provision for their distribution to public officials and sale to the public.

Section 12. *Immunity.* No member of the Legislature shall be held to answer before any tribunal other than the Legislature for any speech or debate in the Legislature, and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the Legislature and committee meetings and in going to and from the same. Members of the Congress of Micronesia shall enjoy this same immunity in the Northern Mariana Islands.

Section 13. *Compensation and Expenses.* The members of the Legislature shall receive compensation for their services and expenses as may be prescribed by law. Such compensation and expenses shall be from funds available to and appropriated by the Legislature. Per diem, if paid to the members of the Legislature, shall be in compliance with the law set by the Legislature. Compensation, expenses, per diem, and other expenses shall not be allowed in excess of such amounts as may be budgeted therefor.

Section 14. *Amendment.* This Part may be amended only by further direction of the Secretary who may consult with the Northern Mariana Islands Legislature. The Legislature may, during any regular session, recommend to the Resident Commissioner the amendment of any Section of this Part. The Resident Commissioner shall transmit such recommendation, together with his own recommendation thereon, to the Secretary.

Part IV. Continuity of Laws, Court Proceedings, and Rights

Section 1. The laws of the Trust Territory of the Pacific Islands, of the Mariana Islands District and its local municipalities, and all other Executive and District Orders of a local nature applicable to the Mariana Islands District on the effective date of this Order and not inconsistent with this Order or the applicable provisions of the Covenant or provisions of the Constitution, treaties or laws of the United States applicable to the Northern Mariana Islands will remain in force and effect until they expire by their own limitation, or until and unless altered or repealed by the Northern Mariana Islands Legislature or by such other appropriate bodies.

Section 2. The Resident Commissioner shall enforce all such laws and regulations issued pursuant to this Order and Section One of this Part through the appropriate departments and agencies of the Government of the Northern Mariana Islands.

Section 3. All civil and criminal proceedings now pending before the Judiciary of the Trust Territory shall remain unaffected by the creation of the Government of the Northern Mariana Islands.

Section 4. All civil and criminal proceedings in which the Trust Territory is a party shall remain unaffected; *Provided,* that from the effective date of this Order, (1) criminal proceedings in the Northern Mariana Islands shall be brought in the name of the "Government of the Northern Mariana Islands" and (2) civil proceedings on matters which are within the control or jurisdiction of the Government of the Northern Mariana Islands shall be brought by or against the Government of the Northern Mariana Islands.

Section 5. All contracts, franchises, claims, demands, titles, rights, permits, licenses and other forms of rights, privileges and obligations entered into or obtained prior to the Order shall remain in force and effect until their natural or legal termination.

Part V. Revenues

Section 1. All locally raised revenues, fees, taxes, interest, royalties, fines, licenses, and governmental charges imposed by the Government of the Northern Mariana Islands shall be deposited into the Treasury of the Government of the Northern Mariana Islands for appropriation by the Legislature, subject to the provision of Part III, Section 2 of this Order.

Section 2. All other locally raised revenues, fees, taxes, interest, royalties, fines, licenses, and governmental charges imposed by municipal governments shall be deposited into the Treasury of the appropriate municipality for appropriation by its municipal council.

Part VI. Municipalities

The municipalities and municipal governments in existence in the Mariana Islands District on the effective date of this Order shall remain unaffected until amended by law.

Part VII. Public Lands and Other Properties

Section 1. Title to public lands of the Trust Territory of the Pacific Islands which are situated in the Northern Mariana Islands and which are actively used by the Trust Territory Government is hereby transferred to and vested in the Resident Commissioner subject to the continued use of such land by the Trust Territory Government until relocation of the capital of the Trust Territory of the Pacific Islands, such use to be in accordance with the terms of agreements reached by the Resident Commissioner and the High Commissioner of the Trust Territory. All other public lands situated in the Northern Mariana Islands title to which is now vested with the Trust Territory Government and which have not been transferred to the legal entity created by the Mariana Islands District Legislature according to Secretary of the Interior Order No. 2969 shall vest in the Resident Commissioner. All rights, title and interest of the Government of the Trust Territory of the Pacific Islands in and to all personal property on the effective date of this order or thereafter acquired in any manner whatsoever will, prior to the termination of the Trusteeship Agreement, be distributed equitably in a manner to be determined by the Government of the Trust Territory of the Pacific Islands in consultation with those concerned, including the Government of the Northern Mariana Islands. Any such determination must first be approved by the Secretary before it shall take effect. No properties of the Trust Territory Government presently located in the Mariana Islands District shall, outside of the common course of Government business, be removed unless under the terms of a mutual agreement between the High Commissioner and Resident Commissioner.

Section 2. There is hereby established a Trust Territory Capital District on Saipan Island the exact bounds of which shall be determined by the High Commissioner of the Trust Territory and the Resident Commissioner. In general, except for the exercise of its police powers, the Northern Mariana Islands Legislature shall have no legislative authority within the Capital District. Legislative authority within the Capital District is hereby generally vested in the Congress of Micronesia. When questions of legislative jurisdiction arise with regard to the Capital District, they shall be resolved in consultation between the Gov-

ernments of the Trust Territory and the Northern Mariana Islands and will be finally decided by the Secretary if necessary.

PART VIII. PUBLIC FACILITIES

The use of port facilites, airfields, hospitals, institutions of education and recreation and other governmental facilities situated in the Northern Mariana Islands shall be made available to the Government of the Trust Territory according to the terms agreed upon by the High Commissioner and the Resident Commissioner.

PART IX. JOINT SERVICES—MEMORANDUM OF UNDERSTANDING

During the transitional period, the High Commissioner and the Resident Commissioner shall enter into a Memorandum of Understanding which shall provide for joint and mutual support services on a reciprocal and equitable basis in the interests of both governments. The Secretary shall settle disputes or disagreements as to the terms of the Memorandum of Understanding. The Memorandum of Understanding may be amended by mutual agreement of the High Commissioner and Resident Commissioner.

PART X. JOB PROTECTIONS

Citizens of the Trust Territory who are residents of the Northern Mariana Islands and employed by the Trust Territory Government on the effective date of this Order shall not be denied continued employment or equal training opportunities by reason of the separate administration for the Northern Mariana Islands. Similarly, citizens of the Trust Territory who are residents of the other districts and employed by the Trust Territory Government but work for the Mariana Islands District Administration on the effective date of this Order shall not be denied continued employment or equal training opportunities by reason of the separate administration for the Northern Mariana Islands.

PART XI. FREEDOM OF TRAVEL

Citizens of the Trust Territory shall, regardless of their residences, be free to travel within the Trust Territory as they could have done prior to the separation of the Northern Mariana Islands.

PART XII. JUDICIAL AUTHORITY

Until a judiciary is established for the Northern Mariana Islands in accordance with the Covenant, the judicial authority of the Government of the Northern Mariana Islands shall remain vested in the High Court of the Trust Territory and such other courts as may be established pursuant to law.

PART XIII. FEDERAL AUDIT OF THE GOVERNMENT OF THE NORTHERN MARIANA ISLANDS

The United States Government Comptroller for Guam and the Trust Territory shall have the authority and responsibility for the official audit of the operations of the Government of the Northern Mariana Islands. The authority to make provision out of the Northern Mariana Islands portion of the budget of the Trust Territory for the operation of the Comptroller with regard to the Northern Mariana Islands is hereby reserved to the Secretary.

PART XIV. EFFECTIVE DATE

This Order shall be effective as of April 1, 1976. Its provisions shall remain in effect until the issuance of the proclamation by the President of the United States as described in Section 1003(b) of Article X of the Covenant, or until it is amended, superseded, or revoked, whichever occurs first.

Dated: March 24, 1976.

KENT FRIZZELL,
Acting Secretary of the Interior.

PROCLAMATION

Whereas, the United States as Administering Authority of the Trust Territory of the Pacific Islands has undertaken an obligation under the Trusteeship Agreement and under Article 76 of the United Nations Charter to give the peoples of the Trust Territory the right to choose freely their own political future; and

Whereas, on February 15, 1975, the Marianas Political Status Commission, which was duly created by the Marianas District Legislature, and Ambassador F. Haydn Williams, the Personal Representative of the President of the United States, signed a Covenant which, when fully approved, would, upon termination of the Trusteeship Agreement, establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America; and

Whereas, the people of the Northern Mariana Islands approved the Commonwealth Covenant in a free, fair and impartial plebiscite held on June 17, 1975 and observed by a Special Visiting Mission of the United Nations Trusteeship Council; and

Whereas, the Covenant has now been approved by the Congress of the United States and signed by the President of the United States on March 24, 1976; and

Whereas, the Marianas Political Status Commission and the Marianas District Legislature did, in Legislature Resolution No. 1–1974, proclaim their joint position that a separate administration of the Mariana Islands District of the Trust Territory of the Pacific Islands should commence after the people of the Northern Mariana Islands have approved the Covenant in their plebiscite; and

Whereas, certain important agreements have been reached by the leadership of the Northern Mariana Islands and the Congress of Micronesia regarding such a separate administration;

Now therefore, I, Kent Frizzell, Acting Secretary of the Department of the Interior, by virtue of the powers vested in me under Executive Order No. 11021 of July 1, 1962, do hereby establish in and for the Mariana Islands District of the Trust Territory of the Pacific Islands, a new administration to take effect on April 1, 1976. The Mariana Islands District will hereinafter be referred to as the "Northern Mariana Islands".

The authority and responsibility for the Government of the Northern Mariana Islands shall be vested in a United States Resident Commissioner whose appointment by the Secretary of the Interior will be announced shortly. The Marianas District Legislature will be reconstituted into the "Northern Mariana Islands Legislature" and will be the paramount local legislative authority for the Northern Mariana Islands. The High Court of the Trust Territory will retain judicial authority for the Northern Mariana Islands until a judiciary is established under the terms of the Covenant. Relations between the Government of the Trust Territory and the Government of the Northern Mariana Islands will be set forth in agreements between the High Commissioner of the Trust Territory and the Resident Commissioner.

Until the Resident Commissioner is appointed and on duty, the present District Administrator of the Mariana Islands District, Mr. Francisco Ada, will act in the chief executive capacity and will report to the Director of Territorial Affairs. His functions then, as well as those of the present Marianas District Administration, will temporarily remain unchanged.

The next few months will see important and historic events in the Northern Mariana Islands. I expect that the Northern Mariana Islands Legislature will convene and enact enabling legislation for the Northern Marianas Constitutional Convention. The Phase I Transition program will commence operations right away. There has already been a preparatory meeting of the Joint Transition Commission and the Office of Transition Studies and Plans will soon be organized.

I will today be signing a Secretarial Order which will legally establish the separate administration of the Northern Mariana Islands as of April 1, 1976. This Order will define and delimit the authority of the Government of the Northern Mariana Islands as part of the Trust Territory of the Pacific Islands administered by the United States under its Trusteeship Agreement with the United Nations.

The people of the Northern Mariana Islands have travelled a long and sometimes difficult road to reach this point in their history. In their town meetings, in their legislative assemblies, and in their homes, they have pursued their goal of Commonwealth with a selfless spirit and with fortitude and honor. They have proven that the American system of "government by the people" is vibrant and meaningful for them. It is in this knowledge that I am confident that the new administration will, as we work with it to implement the Covenant, show once again that the people of the Northern Mariana Islands are truly becoming part of the American family.

KENT FRIZZELL,
Acting Secretary of the Interior.

MARCH 24, 1976.

[FR Doc.76-10847 Filed 4-14-76;8:45 am]

[INT DES 76-14]

Office of the Secretary

AVAILABILITY OF DRAFT ENVIRONMENTAL STATEMENT

Use of Avian Stressing Agent PA–14 for Control of Blackbirds and Starlings at Winter Roosts

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91–190, the Department of the Interior has prepared a draft environmental statement for the use of avian stressing agent PA–14 for the control of blackbirds and starlings at winter roosts and invites written comments within 45 days of this notice.

The proposed use of avian stressing agent PA–14 is to control blackbirds and starlings at winter roosts. PA–14 will be used only at those roosts that have

been recommended for this technique by personnel of the U.S. Fish and Wildlife Service. PA–14 application will have minimal impact on the various components of the environment when used according to FWS guidelines. The national population of blackbirds will not be adversely affected in view of the proposed use of PA–14.

Copies of the draft statement are available for inspection at the following locations:

U.S. Fish and Wildlife Service, Animal Damage Control, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.
Regional Director, U.S. Fish and Wildlife Service, 1500 N.E. Irving St., Portland, Oregon 97208.
Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.
Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.
Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive NE., Atlanta, Georgia 30329.
Regional Director, U.S. Fish and Wildlife Service, John M. McCormack Post Office & Courthouse, Boston, Massachusetts 02109.
Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

Single copies may be obtained by writing the Program Coordinator, Animal Damage Control, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Program Coordinator. Please refer to the statement number above.

Dated: April 13, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary, Program Development and Budget.

[FR Doc.76–10976 Filed 4–14–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

TIMBER MANAGEMENT PLAN REVISIONS FOR THE BLACK HILLS NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Timber Management Plan Revisions for the Black Hills National Forest. The Forest Service report number is USDA–FS–R2–DES(Adm) FY–76–08.

The environmental statement concerns a proposal to revise the FY 1963–73 Timber Management Plan for the Black Hills National Forest in Western South Dakota and Northeastern Wyoming. Such plans are required to regulate the acres of silvicultural treatment on National Forest lands every 10 years.

This draft environmental statement was transmitted to CEQ on April 9, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.
USDA, Forest Service, Black Hills National Forest, 330 Mt. Rushmore Road, Custer, South Dakota 57730.

A limited number of single copies are available upon request to Craig W. Rupp, Acting Regional Forester, USDA Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Craig W. Rupp, Acting Regional Forester, USDA Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225. Comments must be received by June 9, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: April 9, 1976.

ANTHONY K. QUINKERT,
Acting Director, Multiple Use and Environmental Quality Coordination.

[FR Doc.76–10824 Filed 4–14–76;8:45 am]

Forest Service, Northern Region

ROCK CREEK ADVISORY COMMITTEE

Meeting

The Rock Creek Advisory Committee will meet at 7:00 p.m. on Tuesday, May 18, 1976. Meeting place will be Drummond, Montana, in the St. Michael's Catholic Church basement.

The purpose of this meeting is to continue review and refinement of management alternatives for the Lower Rock Creek Planning Unit.

The meeting will be open to the public. Any member of the public who wishes to do so shall be permitted to file a written statement with the Committee before or after the meeting. To the extent that time permits, the Committee Chairman may permit interested persons to present oral statements at the meeting.

General participation by members of the public or questioning of Committee members or other participants shall not be permitted unless approved by the majority of Committee members.

Dated: April 7, 1976.

CHARLES B. TRIBE,
Program Officer, Planning, Lolo National Forest.

[FR Doc.76–10913 Filed 4–14–76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

TEMPLE UNIVERSITY SCHOOL OF MEDICINE, ET AL.

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, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, (40 FR 12253 et seq., 15 CFR 701, 1975) 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 Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00343. Applicant: Temple University School of Medicine, Department of Pharmacology, 3420 N. Broad Street, Philadelphia, Pennsylvania 19140. Article: Eye Position Detection Coils and Calibration Coil. Manufacturer: Ferch Electronics Ltd., Canada. Intended use of article: The article is intended to be used for the study of the relationship between cerebellar neuronal activity and eye movements in the cat. Specifically, this research investigates the cellular discharge patterns of Purkinje cells in the vermal cerebellum with absolute eye position and velocity as determined by eye position detection system. The experiment to be conducted involves teaching a cat to look at a moving pattern of lights. After training, the cats neural activity will be recorded during eye movements which are made in response to moving lights. Application received by Commissioner of Customs: March 17, 1976.

Docket number: 76–00344. Applicant: University of Miami—Rosenstiel School of Marine & Atm Science, 4600 Rickenbacker Causeway, Miami, Fla. 33149. Article: Flow Vibrating Densimeter, Model O1D. Manufacturer: Sodev, Inc., Canada. Intended use of article: The article is intended to be used for measurement of the density of seawater and other natural waters as well as aqueous salt solutions. Application received by Commissioner of Customs: March 17, 1976.

Docket number: 76–00345. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. Article: (3) Three Recording

Current Meter Model 5 (RCM). Manufacturer: Aanderaa Instruments Co., Norway. Intended use of article: The article is intended to be used for studies of low frequency current variability in two different configurations: near bottom in great depth of water (5000+m) and in conjunction with pressure sensors set on equatorial islands. Application received by Commissioner of Customs: March 17, 1976.

Docket number: 76–00346. Applicant: University of Pennsylvania, School of Veterinary Medicine, Philadelphia, Pennsylvania 19174. Article: Electron Microscope, Model JEM–100C. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used to continue studies of biological specimens drawn from the blood, blood-producing tissues, and immune system tissues such as spleen and thymus. Experiments will be conducted on animal models in which these tissues will be selectively treated with drugs, chemicals, and radiation. In addition, diseased tissues from humans and animals will be studied to gain an understanding of the structure and function of these tissues and to obtain information necessary for the treatment and cure of leukemia, anemia, multiple myeloma, and related diseases. Additionally, the precise effects of the various clinical treatment methods will be monitored. The article will also be used to teach cell biology and hematology to medical, veterinary and graduate students. Post-doctoral fellows and visiting scientist will also be trained using the article. Application received by Commissioner of Customs: March 19, 1976.

Docket number: 76–00347. Applicant: University of Pennsylvania, School of Medicine, Business Office, 3451 Walnut Street, Philadelphia, Pa. 19174. Article: ^{15}N-Analyser NO1–5 Tracer Technicue with Stable Isotopes. Manufacturer: Isocommerz, East Germany. Intended use of article: The article is intended to be used for measuring 15–N which is used as a tracer in a research program on protein metabolism in surgical patients. Application received by Commissioner of Customs: March 19, 1976.

Docket number: 76–00348. Applicant: The Johns Hopkins University, Charles & 34th Streets, c/o Chesapeake Bay Institute, Baltimore, Maryland 21218. Article: Four (4) Recording Current Meters, Model #RCM–4. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is intended to be used for studies of the vertical and horizontal water structure of the continental shelf of Virginia, Maryland, and Delaware. The basic experiment consists of placing unattended vertical arrays of these instruments, each with a self-contained power supply data logging capability on prescribed stations. Application received by Commission of Customs: March 19, 1976.

Docket number: 76–00349. Applicant: University of Texas System Cancer Center, 6723 Bertner Drive, Houston, Texas 77030. Article: Impulscytophotometer, ICP–11. Manufacturer: Phywe Aktiengesellschaft Gottingen, West Germany. Intended use of article: The article is intended to be used for studies of human and animal cell maturation in which DNA activity will be investigated. The course in which the article is intended to be used is cell kenetics which will consist of cell cycle maturation and the effects of chemotherapy on the tumor cell population. Application received by Commissioner of Customs: March 19, 1976.

Docket number: 76–00350. Applicant: University of Vermont, Department of Animal Sciences, Carrigan Hall, Burlington, Vermont 05401. Article: Particle Size Classifier. Manufacturer: Turners Asbestos Fibres Ltd., United Kingdom. Intended use of article: The article is intended to be used in determining the factors which limit forage intake in production animals of the ruminant group (this includes cattle, sheep, and goats). Application received by Commissioner of Customs: March 23, 1976.

Docket number: 76–00351. Applicant: Washington University School of Medicine, 4566 Scott Avenue, St. Louis, Missouri 63110. Article: Nihon Kohden PC–2A Oscilloscope Camera. Manufacturer: Nihon Kohden Kogyo Co. Ltd., Japan. Intended use of article: The article is intended to be used for studies of the responses for amacrine and ganglion cells in the rabbit retina. Antagonist to various synaptic transmitters will be applied to the retina, to see if and how they affect the responses of the cells. Application received by Commissioner of Customs: March 23, 1976.

Docket number: 76–00352. Applicant: Veterans Administration Center, 4100 West Third Street, Dayton, Ohio 45428. Article: Electron Microscope, Model EM 400. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of the effects of virus infections on sensitive tissue culture cell lines. These studies will encompass the use of sophisticated techniques at the electron microscope level such as autoradiography, immunocytochemistry and histochemistry. The effects of toxic pharmaceuticals on neural tissues particularly on glial cells of the central nervous system will be studied and entail the use of the same techniques. In addition, the article will be used to teach medical and graduate students as well as residents in various programs in fine structural techniques. Application received by Commissioner of Customs: March 23, 1976.

Docket number: 76–00353. Applicant: Veterans Administration Center, 4100 West Third Street, Dayton, Ohio 45428. Article: Scanning Electron Microscope, Model PSEM 500 and accessory. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the general areas of surgical pathology, particularly in the diagnosis of tumors of uncertain histogenesis. In the diagnostic viral laboratory, the article will be used for viewing and diagnosing diseases of bacterial and viral origin. Projects in the areas of cancer will also be conducted in which tissue culture cells will be infected with oncogenic viruses. Other studies will involve the effects of toxic pharmaceuticals on neutral tissues particularly on the glial cells of the central nervous system. Another planned use of the article is in the training and teaching of resident physicians. Application received by Commissioner of Customs: March 23, 1976.

Docket number: 76–00354. Applicant: Sandia Laboratories, Kirtland AFB, East Albuquerque, New Mexico 87115. Article: Picosecond and manosecond pulse YAG generator. Manufacturer: Quantel, France. Intended use of article: The article is intended to be used in three three different areas of research;

Fusion Research.—Studies of the compressibility and conductivity of deuterium and gold at high temperatures.

X-ray Laser Studies.—Laser pulses produced by the article will be amplified and focussed on metallic targets in order to generate ultrasoft high power X-ray pulses.

Laser Damage Studies.—Laser pulses produced by the article will be used to test the optical strength of a number of optical materials.

In addition, the article will be used to educate researchers of the Physics Department in some recently developed laser techniques incorporated in the article. Application received by Commissioner of Customs: March 24, 1976.

Docket number: 76–00355. Applicant: Environmental Protection Agency, Environmental Research Center, 54 and Alexander Road, Research Triangle Park, N.C. 27711. Article: Electron Microscope, Model EM 400 HMG with high mag. Goniometer and accessories. Manufacturer: North American Philips, The Netherlands. Intended use of article: The article is intended to be used to identify and determine particle size and distribution of asbestos minerals in samples obtained from ambient air in and around stationary sources and mobile sources, e.g., brake lining debris. The objective of investigations and analysis of these asbestos form minerals is to evaluate the conformity of the asbestos industry or other industries using asbestos minerals to EPA regulations governing hazardous substances. Application received by Commissioner of Customs: March 29, 1976.

Docket number: 76–00356. Applicant: Mississippi State University, Department of Electron Microscopy, Drawer EM, Mississippi State, MS 39762. Article: Scanning Electron Microscope, Model HHS–2R. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for the study of sense organs in the genus Lygus. Insects will be prepared according to standard SEM techniques and examined in a secondary mode with the article. Application received by Commissioner of Customs: March 29, 1976.

Docket number: 76–00357. Applicant: Washington University School of Medicine, 660 South Euclid, St. Louis, Missouri

63110. Article: Electron Microscope, Model JEM–100B, including vacuum system. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used for studies of a variety of biological materials including native and reconstituted lipoproteins, vascular tissues, endocrine tissues, and cell membranes, etc. The ultrastructural as well as immunological and biological activity of native and synthetic lipoproteins will be characterized and compared in studies designed to elucidate the structure and function of apoproteins and lipid constituents of lipoproteins and their role in the pathogenesis of atherosclerotic vascular disease.

The permeability of capillaries and venules of the heart to electron dense markers including ferritin and peroxidase type markers will be examined in a variety of pathophysiological conditions including diabetes mellitus and ischemic injury in studies designed to investigate the pathogenesis of diabetic microangiopathy and ischemic injury to vessels.

Experiments will also be performed to demonstate and characterize insulin receptor sites on fat cell membranes using ferritin labelled insulin conjugates. Application received by Commissioner of Customs: March 29, 1976.

Docket number: 76–00358. Applicant: University of Texas Health Sciences Center at Dallas, 5323 Harry Hines Blvd., Dallas, Texas 75235. Article: Electron Microscope, Model JEM–100S. Manufacturer: Jeol, Japan. Intended use of article: The article is intended to be used in the following experiments to determine at a structural level the physiological phenomena which occur at these tissues and where applicable to determine the etiologic agent causing the cellular dysfunction:

(1) Studies of liver biopsy material from patients with non A,B hepatitis to determine the identity of this new virus.

(2) Studies of the liver disease which occurs with high frequency in patients who have undergone renal transplantation.

(3) Investigation of channels formed by groups of microtubules within the axon.

The article will also be used for educational purposes in several educational courses which include: General pathology for sophomore medical students, residency training in pathology, and graduate training in comparative pathology and microbiology. Application received by Commissioner of Customs: March 29, 1976.

Docket Number: 76–00359. Applicant: University of Virginia, Department of Chemistry, Charlottesville, VA 22901. Article: Split Coil Superconducting Solenoid & Matrix Isolation Accessory System. Manufacturer: Oxford Instrument Co., Ltd., United Kingdom. Intended use of article: The article is intended to be used to make the following measurements in order to increase fundamental knowledge of the magnetic and electronic structural properties of molecules cited below and related systems:

(1) Matrix isolation magnetic circular dichroism (MIMCD).

(2) Magnetic circularly polarized emission (MCPE).

(3) Magnetic linear dichoism (MLD).

(4) Transverse Zeeman effect.

(5) Magnetic lineraly polarized emission (MLPE).

(6) Optical double resonance.

Among th systems to be investigated are the following: O_2^-, O_3^-, Xe–F, Xe–Cl Ca_2, ClO_2, SO_2^-, Cl_2^-, F_2^-, CaO, UF_6, $Cs_2GeF_6:Mn^{4+}$, $Cs_2GeF_6:Ir^{4+}$, Os^{4+}, Re^{4+}, Uranocene films, carboranes, UF_6.

In addition, the article will be used by graduate students doing research work as part of the requirement for advanced degrees in chemistry (MS, and Ph. D.) Application received by Commissioner of Customs: March 29, 1976.

Docket number: 76–00360. Applicant: The University of Oklahoma Health Sciences Center, 800 N.E. 13th Street, M.S. Room 137, P.O. Box 26901, Oklahoma City, Oklahoma 73190. Article: Electron Microscope, Model HS–9 and accessories. Manufacturer: Hitachi, Ltd., Japan. Intended use of Article: The article is intended to be used in the course Electron Microscopical Methods, Pathology 6012 in which the basic theory and biological application of the electron microscope in medical research is presented. An in-depth training in tissue preparation, specimen cutting and staining, photographic techniques, and the use of the electron microscope are areas that are studied under the guidance of an experienced electron microscopist. Application received by Commissioner of Customs: March 29, 1976.

Docket number: 76–00361. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 1000 Bullock Blvd., Socorro, NM 87801. Article: Waveguide Coupling Components and accessories. Manufacturer: Fujikura Cable Works Ltd., Japan. Intended use of Article: The article is intended to be used as a part of the Very Large Array radio telescope to transmit radio wavelength radiation received from extraterrestrial objects to recording apparatus. The study of this radiation enables astronomers to study sources of energy, origin, and evolution of the universe. Application received by Commissioner of Customs: March 31, 1976.

Docket number: 76–00362. Applicant: The Carney Hospital, 2100 Dorchester, Boston, Massachusetts 02124. Article: EMI Scanner System with Magnetic Tape Unit and Diagnostic Display Console. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to analyze certain physical properties of normal cerebral tissue and a wide variety of pathological lesions involving the brain and related structures, without the necessity of contact (invasive) media, and without patient hazard or discomfort. Results from scans will be used to train and educate interns and residents neurological and related disorders, their causes, treatment and cures as well as serve to further the education and understanding of staff physicians. Application received by Commissioner of Customs: March 31, 1976.

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.76–10863 Filed 4–14–76;8:45 am]

TEXAS COLLEGE OF OSTEOPATHIC MEDICINE

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 as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

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 Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00185–33–46040. Applicant: Texas College of Osteopathic Medicine, Department of Basic Health Sciences, North Texas State University, TCOM, Box 13046, Denton, Texas 76203. Article: Electron Microscope, Corinth 500 and accessories. Manufacturer: AEI Scientific Apparatus Ltd., United Kingdom. Intended use of article: The article is intended to be used to examine biological specimens and replicas of biological specimens, specifically: sensory receptors of lateral line organs of fish; neuromuscular junctions isolated from frogs, crayfish and cats; neuroendocrine tissue from rabbits and cats; endocrine tissue from rabbits; cardiovascular tissue from rabbits; isolated intracellular organelles; and freeze etched replicas of neuromuscular junctions. Experiments will be conducted to:

(1) Study the effects of various chemicals on the synthesis, storage and release of transmitter substances of the neuromuscular junction of the frog.

(2) Study basement membranes of capillaries found in muscle pouch biopsy to determine structural variations in various pathological conditions.

(3) Study neuroendocrines in an attempt to further define the roles of the adrenergic neurotransmitter substances of the basal hypothalamus in the control of the release of the hypophysiotrophic hormones.

In addition, the article will be used for educational purposes in Biology courses for graduate and undergraduate students.

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 such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign

article was ordered (October 2, 1975). Reasons: The foreign article provides a viewing image which is open and available for measurement or tracing by direct methods. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU–4C electron microscope supplied by the Adam David Company. The Model EMU–4C does not provide a viewing image which is open and available for measurement or tracing by direct methods. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 4, 1976 that the capability to provide a viewing image which is open and available for measurement or tracing by direct methods is pertinent to the applicant's intended purposes. HEW also advised that domestic instruments do not provide the capability found pertinent.

We find, therefore, that the Model EMU–4C was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc. 76—10861 Filed 4–14–76; 8:45 am]

THE WISTAR INSTITUTE

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 as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

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 Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00172–33–19095. Applicant: The Wistar Institute, 36th Street at Spruce, Philadelphia, Pennsylvania 19104. Article: M–86 Combined Scanning Interferometer and Densitometer with accessories. Manufacturer: Vickers, Ltd., United Kingdom. Intended use of article: The article is intended to be used for investigating the involvement of cycling-noncycling cell transitions in a variety of disease processes, especially aging. Cytochemical and autoradiographic preparations of cultured cells as well as biopsy and autopsy material from humans are used in these studies. The article is also intended to be used for the training of predoctoral, postdoctoral, and resident medical students involved in a number of research projects to provide a basic understanding of the cytophotometer and its application to biomedical research.

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 such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The article provides scanning integrated densitometry measurement and combined microdensitometry with microinterferometry. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated March 4, 1976 that the capability described above is pertinent to the applicant's intended use in microdensitometric and interferometric determinations on cultured human diploid cells by scanning methods. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76–10862 Filed 4–14–76;8:45 am]

Maritime Administration

[Docket No. S–503]

COVE TANKERS CORP.

Application

Notice is hereby given that an application dated March 22, 1976, for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended (the Act), has been filed by Coles & Goertner on behalf of Cove Tankers Corporation, holder of Operating-Differential Subsidy Agreement, Contract No. MA/MSB–357, pertaining to the bulk cargo carrying service in U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on December 31, 1976, or upon completion of a voyage(s) in progress on that date. Mount Shipping, Inc., an affiliate of Cove Shipping Corporation, was low bidder under a Military Sealift Command (MSC) proposal to man and operate four 37,267 DWT tankers (Falcon Class) which occasionally may be used by MSC in domestic service. Written permission is therefore being requested under section 805(a) of the Act for Mount Shipping, Inc., to operate four Falcon Class tankers, namely, the USN's SUSQUEHANNA, NECHES, COLUMBIA, and HUDSON in domestic service for the MSC, as well as the right of Mount Shipping, Inc., to move these vessels from one domestic trade to another, and/or from foreign trade(s) to domestic trade(s) should the need arise and as directed by MSC.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on April 23, 1976, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Assistant Secretary for Maritime Affairs.

Dated: April 12, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76–10882 Filed 4–14–76;8:45 am]

SECRETARY'S ADVISORY COUNCIL

Notice of Establishment

In accordance with the provisions of the Federal Advisory Committee Act (P.L. 92–463) and the Office of Management and Budget (OMB) Circular No. A–63, and after consultation with OMB, the Secretary of Commerce has determined that the establishment of the Secretary's Advisory Council is in the public interest in connection with the performance of duties imposed on the Department by law.

The Council will advise the Secretary on the broad policy objectives and goals of the Department, drawing on the wide range of backgrounds and expertise of its members. The Council may identify and make recommendations concerning current and proposed policies and programs in all areas of the Department's responsibilities.

The Council will consist of not more than 30 members to be appointed by the Secretary from a broad spectrum of pro-

fessions and backgrounds, including (but not limited to) industry, commerce, labor, academic community, consumers, finance, minority groups, law, and cultural affairs.

The Council will report and be responsible to the Secretary and will function solely as an advisory body in compliance with the Federal Advisory Committee Act and OMB Circular A-63. Copies of its charter shall be filed under the Act 15 days after the publication of this notice.

Interested persons are invited to submit comments regarding the establishment of the Secretary's Advisory Council. Such comments, as well as any related inquiries, may be addressed to the White House Fellow, Mr. John Oblak, Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5555.

Dated: April 6, 1976.

JOSEPH E. KASPUTYS,
Assistant Secretary for Administration.

[FR Doc.76-10864 Filed 4-14-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

This notice announces forthcoming meetings of the public advisory committees of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meetings and the methods by which interested persons may participate in the open public hearings conducted by the committees. The notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)). The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. FDA/NDA Drug Abuse Research Advisory Committee.	May 13, 8:30 a.m., the University of Pennsylvania Hilton, Room 410, Philadelphia, Pa.	Open public hearing 8:30 to 9:30 a.m.; closed committee deliberations 9:30 a.m. to 2:30 p.m.; open committee discussion 2:30 p.m. to 5 p.m.; John A. Scigliano, Ph. D. (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3504

General function of the committee. Advises the Food and Drug Administration (FDA) on action to be taken with respect to investigational use of substances with abuse potenital. Advises the National Institute on Drug Abuse (NIDA) on supplies of substances for clinical studies and on quantities of substances for animal and in vitro studies. Advises FDA and NIDA on the development of broad outlines for studies of substances with abuse potential and on new methods and tests in animals and man by which the dependence liability of investigational drugs may be estimated.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Discussion of minutes of previous meeting; review of investigational new drug (IND) applications and amendments; and review of preclinical requests and drug shipments. This portion of the meeting will be closed to permit the free exchange of internal views, to avoid undue interference with committee operations, and to permit formulation of recommendations (5 U.S.C. 552(b)(5)).

Open committee discussion. Discussion of requirements for Drug Enforcement Administration registration for Schedule I; criteria for critique of a medical report; what constitutes a new IND vs. an amendment; antiemetic properties of tetrahydrocannabinols; and update of the NIDA distribution program.

Committee name	Date, time, and place	Type of meeting and contract person
2. Panel on Review of Internal Analgesic Including Antirheumatic Drugs.	May 20 and 21, 9 a.m. on May 20, Conference Room L, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing May 20, 9 to 10 a.m.; closed committee deliberations May 20, 10 a.m. to 4:30 p.m., May 21, 9 a.m. to 4:30 p.m.; Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data and in some cases, portions of pending or approved new drug applications (NDA's). Also, discussions relating to labeling, drug class standards and testing will often be intermixed with discussion of formulas, sales data or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon and modifying draft number two of its final report in preparation for submission to the Commissioner.

This portion of the meeting will be closed to permit discussion of trade secret data, to protect the free exchange of internal views, and for formulation of recommendations (5 U.S.C. 552(b)(4) and (5)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.C. 552(b) (4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves inter-agency or intra-agency memoranda or discussion and deliberations of matters that, if in writing would constitute such memoranda, and which would, therefore, be exempt from public disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussion portion of the meeting); review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have previously been made public, and presentation of any other data or information that is not exempt from public disclosure.

Dated: April 9, 1976.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.76-10867 Filed 4-14-76;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON ETHNIC HERITAGE STUDIES

Meeting

Notice is hereby given, pursuant to Section 10 (a) (2) of the Federal Advisory Committee Act (P.L. 92-463), that a meeting of the National Advsory Council on Ethnic Heritage Studies will be held May 17, 1976, from 9:00 a.m. to 4:30 p.m. in Room 4173, Federal Office Building 6, 400 Maryland Avenue SW., Washington, D.C.

The National Advisory Council on Ethnic Heritage Studies was established by Title IX of the Elementary and Secondary Education Act of 1965, as amended. The Council is governed by the provision of Part D of the General Education Provisions Act and of the Federal Advisory Committee Act (P.L. 92-463). The Council shall advise the Commissioner concerning matters of general policy arising from the administration of the programs in ethnic heritage studies. Functions may include the determination of needs and objectives of the programs in the field and provisions of support in the implementation nationally of program goals of ethnic heritage studies.

The meeting of the Council shall be open to the public. The standing subcommittees and the sub-committee on the forthcoming White House Conference on Ethnicity and Education will meet in the morning. The afternoon will be concerned with a report of the conference sub-committee and a discussion of the conference.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of Chief of the Ethnic Heritage Studies Branch, Division of International Education, located in Room 3919, ROB No. 3, 7th and D Street SW., Washington, D.C.

Signed at Washington, D.C. on April 12, 1976.

WILLIAM H. MARTIN,
Chief, Ethnic Heritage Studies Branch.

[FR Doc.76-10858 Filed 4-14-76;8:45 am]

Public Health Service

REGIONAL HEALTH ADMINISTRATORS, ADMINISTRATOR, HEALTH RESOURCES ADMINISTRATION

Delegations of Authority

Notice is hereby given that pursuant to the authority delegated to the Assistant Secretary for Health on October 31, 1975 (40 FR 53611) by the Secretary of Health, Education, and Welfare, the Assistant Secretary for Health on April 1, 1976, made the following delegations of authority under Titles XV and XVI of the Public Health Service Act, as added by the National Health Planning and Resources Development Act of 1974 (Public Law 93-641).

1. Delegation from the Assistant Secretary for Health to the Regional Health Administrators of the following authorities under Titles XV and XVI of the Public Health Service Act, as amended by P.L. 93-641:

a. Authority under Section 1514.

b. Authority under Section 1515.

c. Authority under Section 1516 to set the terms and conditions and make grants to designated health systems agencies.

d. Authority under section 1521.

e. Authority under Section 1522 to approve State administrative programs and any modifications to such State Programs, and to conduct the annual review for compliance of each State Program.

f. Authority under Section 1523(b) (1) to approve requests by the State Governors to enter into agreements for performance of functions by another agency of the State government.

g. Authority under Section 1525 to set the terms and conditions and to make grants to State health planning and development agencies.

h. Authority under Section 1532(a).

i. Authority under Section 1533(a) (1) and (3). This does not include the authority to develop or publish the materials specified under Section 1533(b).

j. Authority under Section 1534(a) to provide technical and consulting assistance to designated health systems agencies and State Agencies to conduct research studies and analyses of health planning and resources development, and authority to assist entities in developing new centers and operating existing and new centers for multidisciplinary health planning development and assistance. This does not include the authority to make grants or contracts under Section 1534(a).

k. Authority under Section 1535(a) to review and aprove or disapprove the annual budget of each designated health systems agency and State Agency.

l. Authority under Section 1535(c) and 1535(d).

m. Authority under Section 1603(b) to approve State medical facilities plans and any modifications to such plans.

n. Authority under Section 1604(b) (2) (A) and 1604 (c), (d), and (e).

o. Authority under Section 1611.

p. Authority under Section 1612(c) to investigate complaints of noncompliance of an entity which is receiving financial assistance.

q. Authority under Section 1620. This does not include the authority under Section 1620(d).

r. Authority under Section 1622 (a) and (b) to enter into agreements to make loans and loan guarantees, and to modify the terms and conditions of such agreements, loans, and loan guarantees, to carry out the responsibilities of the Secretary under such agreements, loans, and loan guarantees, except for the authority to waive the Secretary's right of recovery under Sections 1622(a) (2) (A), 1622(b) (3), and 1631(b) of the Act.

s. Authority under Section 1635.

t. Authority under Section 1640 to make development grants for Area Health Services Development Funds.

These authorities may be redelegated by the Regional Health Administrators with further redelegation prohibited.

2. Delegation from the Assistant Secretary for Health to the Administrator, Health Resources Administration, of the authorities delegated to the Assistant Secretary for Health under Titles XV and XVI of the Public Health Service Act, as amended, except for the specific authorities delegated to the Regional Health Administrators. This delegation includes authority to provide technical assistance, technical materials, and the

methodologies, policies, and standards necessary to carry out sections 1514, 1533 (a), (b), and (c), 1534, and 1635 of the Public Health Service Act, as amended by P.L. 93–641.

The authorities delegated under Titles XV and XVI of the Public Health Service Act are limited to those functions required for, or involved in, the administration of programs and operations assigned to the Health Resources Administration.

These authorities may be redelegated.

Dated: April 5, 1976.

R. MOURE,
Executive Officer,
Public Health Service.

[FR Doc.76–10828 Filed 4–14–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[76 072]

NEW YORK HARBOR VESSEL TRAFFIC SERVICE ADVISORY COMMITTEE

Open Meeting

The New York Harbor Vessel Traffic Service Advisory Committee will conduct and open meeting on Thursday May 6, 1976, in the Auditorium of Building 108, Governors Island, New York. The meeting is scheduled to begin at 10:30 a.m.

The agenda for this meeting of the New York Harbor Vessel Traffic Service Advisory Committee is as follows:

1. Report from the Executive Committee given by Capitain K. C. Torrens, Chairman of the Executive Committee.
2. Presentation of the Annual Report for 1975.
3. Status Report of the New York Vessel Traffic Service by the Traffic Service Staff.
4. Presentation of the Operating Procedures for the New York Harbor Vessel Traffic Service.
5. Comments or questions from the floor.

The New York Harbor Vessel Traffic Service Advisory Committee was established by the Commander, Third Coast Guard District to advise on the need for, and development, installation and opertions of a Vessel Traffic Service for the New York Harbor.

Members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may obtain additional information or the summary of the minutes of the meeting by writing to:

Commander, D.A. SUMI, Project Officer, Vessel Traffic Service, Building 400, Section N., Third Coast Guard District, Governors Island, New York, N.Y. 10004

or by calling (212) 264–0409.

This Notice is issued under section 10 (a) of the Federal Advisory Committee Act (P.L. 92–463, 86 Stat. 770, 5 U.S.C. App. 1).

Dated: April 12, 1976.

S. A. WALLACE,
Rear Admiral, U.S. Coast Guard
Chief, Office of Public and
International Affairs.

[FR Doc.76–10911 Filed 4–14–76;8:45 am]

Federal Aviation Administration

AVIATION SAFETY REPORTING PROGRAM

Modification To Reflect Cooperation With the National Aeronautics and Space Administration

On April 18, 1975, the Federal Aviation Administration (FAA) issued a Notice announcing the establishment of its Aviation Safety Reporting Program (ASRP), a program designed to increase FAA's awareness of deficiencies and discrepancies in the National Aviation System by encouraging the free and unrestricted flow of information that might be instrumental in avoiding accidents or incidents before they occur. That Notice was published in the FEDERAL REGISTER (40 FR 17775) on April 22, 1975.

This notice modifies the FAA ASRP, effective April 15, 1976, by providing for the submission of aviation safety reports directly to the National Aeronautics and Space Administration (NASA) for screening and analysis under that agency's Aviation Safety Reporting System (ASRS). This change is designed to further ensure anonymity under the FAA ASRP and underscore FAA's commitment to waive disciplinary action in cases covered by the program.

Accordingly, with respect to aviation safety reports submitted under the NASA ASRS on and after April 15, 1976, this Notice also announces that, except in case of accidents or criminal offenses, those reports will not be used by, or made available to the FAA for disciplinary purposes, and that, on and after April 15, 1976, the same waiver of disciplinary action will be assured, for reports submitted in accordance with the NASA ASRS, as was previously announced for reports submitted to the FAA under the FAA ASRP. Reports involving accidents or criminal offenses will continue to be completely excluded from the FAA ASRP. Whether such reports come from within, or outside of, the NASA ASRS, no waiver of disciplinary action applies in those two instances.

The FAA continues to encourage the reporting of any information which a person believes discloses any potentially unsafe condition in the National Aviation System. The FAA ASRP, however, continues to apply only to that part of the System involving the safety of aircraft operations, including departure, en route, approach and landing operations and procedures, air traffic control procedures, pilot/controller communications, the aircraft movement area of the airport, and near mid-air collisions. Pilots, air traffic controllers, and all other members of the aviation community and the general public are urged to file written reports of any discrepancy or deficiency noted in these areas.

The FAA ASRP is a voluntary program dependent entirely upon the participation of persons who observe potential or actual safety problems in the National Aviation System. It is a positive program intended to ensure the safest possible system by identifying, preventing, or correcting unsafe conditions before they lead to accidents. The primary objective of the FAA ASRP is to obtain all possible information that might assist the FAA in evaluating and enhancing the safety and efficiency of the National Aviation System. This program is based on the conviction that an unrestricted flow of information from those who use the system on a regular basis is one of the primary means of monitoring its performance.

Since the reporting of incidents may be discouraged because of a fear of FAA disciplinary action against other persons involved in a possible violation, potential FAA disciplinary action will continue to be waived not only with respect to persons who submit timely aviation safety reports, but also with respect to any other person involved in a timely reported incident.

In order to assist the FAA in reaching its goal of eliminating unsafe conditions and preventing avoidable accidents, the NASA ASRS will complement the FAA ASRP by including provisions for the periodic reporting of its findings to the public, the aviation community, and the FAA. This will include quarterly reports containing statistical data concerning submitted aviation safety reports. In addition, under the NASA ASRS, the procedures that are developed to process aviation safety reporters will assure that reports are initially screened for—

(1) Time-critical information which, after deidentification, will be promptly referred to the FAA and other interested parties;

(2) Information concerning criminal offenses, which will be promptly referred to the Department of Justice and the FAA; and

(3) Information concerning accidents, which will be promptly referred to the National Transportation Safety Board and the FAA.

The anonymity of persons involved in a reported incident or event will be assured, in all respects, to the extent permitted by law. All information dealing with the identities of persons filing aviation safety reports and persons involved in those reports will be deleted by NASA (except for reports involving accidents and criminal offenses). This de-identification will be accomplished by NASA, normally within 24–48 hours, if no further information is requested from the reporter by NASA. In addition, except in the case of criminal offenses or accidents, the report, as stated above, will not be made available to or used by the FAA in any way for disciplinary purposes.

To better enable the FAA to assure that all persons involved in a reported incident or event (not only the person making the report) receive the appropriate waiver of disciplinary action under the FAA ASRP, NASA will retain, for a period of 45 days following the incident, a separate record of each report received. After this time period (unless FAA has queried NASA about an incident within the 45 days) it will be presumed by the FAA that the incident was reported under the program and that the persons involved are entitled to a waiver of disciplinary action. Furthermore, during the 45 day period, NASA will not release to the FAA any information that might reveal the identity of any person involved in an aviation safety report except to the extent necessary to respond to FAA inquiries made to determine whether that person is entitled to a waiver of disciplinary action under the FAA ASRP.

If FAA queries NASA about a reported incident within the 45 day period, the waiver provisions continue to apply to all reports covered by the FAA ASRP as follows:

1. For reports involving reckless operation, gross negligence, of willful misconduct, no FAA disciplinary action will be taken based on a submitted aviation safety report or on any information in any way derived from that report. However, FAA disciplinary action may be taken based on information obtained wholly outside of, and apart from, information submitted under the FAA ASRP.

2. For reports not involving reckless operation, gross negligence, or willful misconduct, that are submitted under the FAA ASRP, FAA diciplinary action will not be taken based on information obtained from aviation safety reports submitted in accordance with the NASA ASRS or based on any other information derived from any other source within or outside the FAA ASRP.

Based on information obtained from this program, including the time-critical information from NASA mentioned above, the FAA will take whatever corrective or remedial action is necessary to remedy defects or deficiencies in the National Aviation System. However, as stated above, this action will not include disciplinary action waived under this program.

The modified FAA ASRP, described herein, will become effective on April 15, 1976. All reports submitted on or after that date are subject to the modified program and should be sent to NASA rather than to the FAA. The waiver of disciplinary action will be assured (1) if a written report is completed and delivered or postmarked and forwarded to NASA within 5 days of the incident, or (2) if NASA is notified in writing (within those 5 days) of the date and location of the incident or occurrence, and a complete written report is then filed within 15 days of the incident.

While a written report must be submitted for persons wishing to participate in the program, the program is completely voluntary, and no particular form is required for the report. However, persons are encouraged to use NASA ARC Form 277, Aviation Safety Report, which is pre-addressed and postage free, and which will be available free of charge at FAA offices. This form (or a narrative report) should be mailed to: Aviation Safety Reporting System, P.O. Box 189, Moffett Field, CA 94035. This form will be available approximately April 15, 1976. Federal and State agencies, and organized industry groups may obtain forms in quantity by submitting requests to the Department of Transportation, Federal Aviation Administration, Aeronautical Center, Distribution Section, AAC-45C, P.O. Box 25082, Oklahoma City, OK 73125. Reports submitted prior to April 15, 1976, will continue to be processed in accordance with the terms of the FAA ASRP described in the original notice on April 18, 1975.

As stated in the earlier notice, the FAA ASRP will be constantly monitored to determine its effectiveness and will be clarified, modified, or expanded as necessary. All interested persons are invited to submit comments or suggestions on the program. Submissions should be addressed to the Office of Aviation Safety, Federal Aviation Administration, Washington, D.C. 20591.

This program applies to incidents occurring after April 30, 1975. As modified herein, it applies to incidents which occur on and after April 15, 1976. This program is adopted under the authority of §§ 305, 307(c), 312(c), 313(a), 601(a), 701(a), and 1104 of the Federal Aviation Act of 1958 (49 U.S.C. §§ 1346, 1348(c), 1353(c), 1354(a), 1421(a), 1441(a), and 1504); and Section 6(c) of the Department of Transportation Act (49 U.S.C. § 1655(c)).

Issued in Washington, D.C., on April 12, 1976.

J. W. COCHRAN,
Acting Administrator.

[AC No: 00-46A Date: March 31, 1976]

ADVISORY CIRCULAR

DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION

SUBJECT: AVIATION SAFETY REPORTING PROGRAM

1. *Purpose.* This circular is to advise that the Federal Aviation Administration (FAA) will modify the Aviation Safety Reporting Program (ASRP) effective April 15, 1976, by utilizing the National Aeronautics and Space Administration (NASA) as a third party to receive and analyze Aviation Safety Reports. This study of the National Aviation System invites pilots, controllers, and other users of the airspace or any other person to report to NASA actual or potential discrepancies and deficiencies involving the safety of aircraft operations. The program applies to that part of the system involving the safety of aircraft operations, including departure, enroute, approach and landing operations and procedures, air traffic control deficiencies, pilot/controller communications, the aircraft movement area of the airport, and near mid-air collisions. The success of this program to improve safety depends on the free, unrestricted flow of information from the users of the National Aviation System. The objective of the modification is to increase the flow of information.

2. *Cancellation.* Advisory Circular 00-46 dated May 9, 1975, is cancelled.

3. *Background.* a. The primary mission of the FAA is to promote aviation safety. To further this mission, the FAA instituted a voluntary Aviation Safety Reporting Program on April 30, 1975, designed to encourage the reporting and identification of deficiencies and discrepancies in the system before they cause accidents or incidents.

b. The FAA has determined that the ASRP effectiveness would be greatly enhanced if the receipt, processing, and analysis of the raw data were accomplished by a third party. This would further ensure the anonymity of the reporter and of all persons involved in a reported incident, and, consequently, increase the flow of information necessary for the effective evaluation of the safety and efficiency of the system. Accordingly, the FAA and NASA have agreed that NASA will establish an Aviation Safety Reporting System (ASRS) to perform these functions.

4. *NASA Responsibilities.* a. NASA will establish an Aviation Safety Reporting System to provide for the receipt, analysis, and periodic reporting of findings obtained through the reporting program to the public, the aviation community and FAA.

b. NASA will form an ASRS advisory committee comprised of representatives from the aviation industry, consumers, DOD, NASA, and FAA to advise NASA on the conduct of the ASRS. The committee will conduct periodic meetings to determine and ensure the effectiveness of the reporting system.

5. *Processing of reports.* a. NASA will develop procedures to process Aviation Safety Reports. These procedures will assure that reports are initially screened for:

1. Time-critical information which, after de-identification, will be promptly referred to FAA and other interested parties.

2. Information concerning criminal offenses, which will be promptly referred to the Department of Justice and FAA.

3. Information concerning accidents, which will be promptly referred to the National Transportation Safety Board and the FAA.

b. Information that might assist identification of persons filing reports and persons named in those reports will be deleted, except for reports covered under Paragraphs a.2. and a.3. above. This will be accomplished normally within 24-48 hours if no further information is requested from the reporter.

6. *Waiver of disciplinary action.* a. Provided a timely report has been filed, FAA disciplinary action is waived against all persons involved in the incident, as follows:

1. FAA has a period of forty-five days following an incident to ask NASA whether a timely report has been filed on that incident. Except as provided in paragraphs a.2 and a.3 below, the waiver of disciplinary action applies if FAA does not make this request within the time period specified, or FAA ascertains through NASA that a timely report was filed.

2. FAA disciplinary action is not waived for cases involving accidents or criminal offenses, which are wholly excluded from the program.

3. Reports involving reckless operation, gross negligence or willful misconduct may not be used for FAA disciplinary purposes. Disciplinary action may be taken in such cases, however, on the basis of information obtained independently of the Aviation Safety Report.

b. The following are examples of conduct that has, in the past, been identified as reckless operation, gross negligence, or willful misconduct:

1. Intentional buzzing dangerously close to persons or property.

2. Intentional operation of an aircraft in instrument flight rule weather conditions without proper air traffic control clearances or authorization.

3. Knowingly performing acrobatic flight within a control zone or a Federal airway.

4. Intentional unauthorized descent below published decision height or minimum descent altitudes while conducting an actual instrument approach.

5. Knowingly executing an unauthorized instrument approach in controlled airspace.

6. Intentional operation of an aircraft that is substantially overweight.

c. The waiver of disciplinary action, where applicable, covers all persons involved in a reported incident, not only persons making, or named in, an Aviation Safety Report.

d. Each Aviation Safety Report has a tear-off portion which contains the information that identifies the person submitting the report. This tear-off portion will be removed by NASA, time stamped, and returned to the reporter as his receipt. This will provide the reporter with proof that he filed the report on a specific incident or occurrence.

e. NASA will maintain a separate record of each report received for 45 days following the incident, which will include the date, time, location, and type of incident (but not the identity of the person making the report). Retention of this data is necessary to determine whether an individual is entitled to protection under the ASRP. When the FAA receives information concerning a specific incident, it requests NASA to advise whether or not the incident has been reported. (See paragraph 6.a.).

f. Based on information obtained from this program, including the time critical information from NASA mentioned above, the FAA will take whatever corrective or remedial action is necessary to remedy defects or deficiencies in the National Aviation System. However, as stated above, this action will not include disciplinary action waived under the ASRP.

7. *Reporting procedures.* a. The waiver of disciplinary action, if otherwise applicable, will be assured if a written report is completed and delivered or postmarked and forwarded to NASA within 5 days of the incident, or if NASA is notified in writing within 5 days of the date and location of the incident or occurrence, and a complete written report is filed within 15 days of the incident. Such notification should be directed to: Aviation Safety Reporting System, P.O. Box 189, Moffett Field, CA 94035.

b. NASA ARC Form 277, which is preaddressed and postage free, will be available at FAA offices for persons who wish to participate in the program. This form or narrative report should be completed to describe the discrepancy or deficiency and mailed to: Aviation Safety Reporting System, P.O. Box 189, Moffett Field, CA 94035.

c. This program does not eliminate responsibility for reports, narratives, or forms presently required by existing directives.

8. *Effective date.* The modified Aviation Safety Reporting Program described by this Advisory Circular is effective April 15, 1976. On and after that date, all Aviation Safety Reports should be sent to NASA rather than the FAA.

9. *Availability of Forms.* a. Additional copies of the attached reporting form (NASA ARC Form 277) may be obtained free of charge from FAA offices.

b. Government, State and organized industry groups may obtain forms in quantity by submitting requests to the Department of Transportation, Federal Aviation Administration, Aeronautical Center, Distribution Section, AAC-45C, P.O. Box 25082, Oklahoma City, Oklahoma 73125.

c. NASA ARC Form 277, Aviation Safety Report, will be available approximately April 15, 1976. An initial distribution will be made to regions, centers and FAA facilities. Forms will be stocked in the FAA Depot and will be available through normal supply channels, NSN 0052-00-845-4001, unit of issue: sheet.

JOHN L. MCLUCAS,
Administrator.

MEMORANDUM OF AGREEMENT BETWEEN NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AND DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

AVIATION SAFETY REPORTING SYSTEM

I. *Background.* A. The Administrator of the Federal Aviation Administration (FAA), Department of Transportation is empowered and directed to encourage and foster the safety in air commerce. Pursuant to this authority, the Administrator adopted a voluntary Aviation Safety Reporting Program (ASRP) (40 CFR 17775, April 22, 1975) designed to acquire previously unobtainable information concerning potential deficiencies and discrepancies in the national aviation system.

B. The National Aeronautics and Space Administration (NASA) has a continuing responsibility to engage in aviation research and development programs and is authorized in carrying out this responsibility to enter into appropriate agreements with other government agencies.

II. *Purpose.* The FAA has determined that the effectiveness of the ASRP would be greatly enhanced if the receipt, processing, and analysis of the raw information received were to be accomplished by NASA rather than the FAA. This would further ensure the anonymity of the reporter and consequently increase the flow of information so necessary for the effective evaluation of the safety and efficiency of the aviation system. NASA has determined that undertaking this task would be consistent with its aviation research and development responsibilities and would significantly increase its ability to fulfill those responsibilities.

III. *Authority.* This agreement is entered into under the authority of Section 302(k) and 313 of the Federal Aviation Act of 1958, as amended, Section 601 of the Economy Act, as amended, and the National Aeronautics and Space Act of 1958, as amended.

IV. *Aviation Safety Reporting System.* A. *General.* NASA will design and implement an Aviation Safety Reporting System (ASRS). This system will be designed primarily to provide information to the FAA and the aviation community to assist the FAA in reaching its goal of eliminating unsafe conditions and preventing avoidable accidents. In addition, the system will be designed in a manner that will permit its operation by another party at the expiration of this agreement.

B. *Description.* The ASRS will be designed to perform four primary functions. They are (1) receipt de-identification and initial processing; (2) analysis and interpretation; (3) dissemination of reports and other data; and (4) system evaluation and review.

1. NASA will develop procedures for receiving, de-identifying, and processing ASRS reports including those covered by the FAA's ASRP. This procedure will assure that reports are initially screened by NASA officials for—

(a) time critical information which will be promptly referred to the FAA and other interested parties for appropriate action;

(b) information concerning criminal offenses which will be promptly referred to the Department of Justice and the FAA; and

(c) information concerning accidents which will be promptly referred to the National Transportation Safety Board and the FAA.

Except for reports covered by paragraphs (b) and (c), reports will be de-identified by deleting all information that would reveal identities of persons filing reports and persons named in those reports. De-identification will be accomplished as soon as possible after determining that no additional data is needed, normally within 24–48 hours. The person submitting the report will be mailed a receipt and the anonymous data placed in the NASA data base. The data base will be made available for public inspection except as authorized or required by Federal law to be withheld.

2. NASA will establish procedures to provide for the analysis and interpretation of safety reports.

3. NASA will prepare periodic reports, statistical summaries, and other data necessary to depict the results of the analysis and interpretation of the safety reports. This material will be transmitted to the FAA and other users of the system to facilitate their evaluation and action to eliminate unsafe conditions or practices.

4. NASA will provide for the continuing review and evaluation of the system to ensure that it is operating as efficiently and effectively as practicable.

C. *ASRP Records.* To enable the FAA to assure the protection of individuals other than the reporting party, NASA will retain for a period of 45 days a separate record of each report received. That record will include the date, time, location and type of incident to permit the determination of whether an individual is entitled to protection under the FAA's ASRP.

D. *Confidentiality.* Experience gained by the FAA under its near mid-air collision program and the ASRP has indicated that the willingness of persons to submit a report depends to a large degree on preserving the anonymity of persons filing reports and persons named in those reports. Accordingly, NASA will not release to the FAA any information that might reveal the identity of such persons except to the extent necessary to respond to FAA inquiries made to determine whether they are entitled to protection from disciplinary action under the ASRP.

E. *Staffing and Management.* The ASRS functions will be performed by NASA with assistance of such others as may be necessary. All forms used in the ASRS will be NASA forms. All records will be the records of NASA.

F. *Advisory Committee.* NASA will form an ASRS Advisory Committee within the framework of the NASA Research and Technology Advisory Council. The purpose of the Committee will be to advise NASA on the design and conduct of the ASRS program and to provide an additional means of communication with the aviation community concerning the ASRS. The Committee will also be responsible for advising NASA with respect to the maintenance of the anonymity of persons submitting reports or named therein. The membership of the Committee will be appointed by NASA from all elements involved in the operational aspects of the national aviation system including FAA and DOD.

G. *Schedule.* The ASRS will become operational by April 15, 1976, on which date NASA will begin receiving safety reports. The first report summarizing ASRS operations will be published three months thereafter. A full evaluation of ASRS operations and procedures will be made in June 1977 by the ASRS Advisory Committee and necessary system and procedural changes designed and im-

plemented. The utility and effectiveness of the ASRS will be re-evaluated by the Committee in June 1979. At that time, the Committee will make recommendations to the Administrators of NASA and the FAA concerning the future utilization and continuance of the system.

V. *Responsibilities.* A. NASA will provide the personnel, services, materials, and facilities necessary for the design and implementation of the ASRS until termination of this Agreement or June 1980, whichever first occurs.

B. NASA will formally establish the ASRS and provide for the publication of a description of the system and such other information concerning that system as is necessary to ensure its maximum utilization by the aviation community and other interested persons.

C. FAA will provide the following:

1. The services to NASA of a senior ATC specialist for one month for advice and instruction on the FAA's air traffic control system. The specialist will also be made available for consultation at NASA's request for approximately 20 percent of the following year.

2. Assist NASA in obtaining necessary information about other areas of the national aviation system, including operational incidents and problems relevant to the research studies to be conducted under the ASRS.

3. Make FAA personnel available to assist NASA in the design of the ASRS.

4. Distribute the NASA ASRS forms, designed by NASA and bearing the NASA logo.

D. The FAA will modify its ASRP to provide the same waiver of disciplinary action for persons involved in incidents reported under ASRS as is presently provided persons by the ASRP. In addition, the FAA will expand the waiver to include a prohibition against the use of any information submitted under the ASRS (or derived therefrom) in any disciplinary action except information concerning criminal violations or accidents. The FAA will further provide for the waiver of disciplinary action in cases where the investigation has not been initiated in sufficient time to determine, under Section IV C., whether the person involved has been afforded protection against such action by the filing of the report under the ASRS. Finally, the FAA will delete aspects of its program, such as reporting, which would duplicate NASA's efforts under this agreement.

E. Prior to the time that the ASRS becomes operational, the FAA and NASA will agree on criteria to be used by NASA to determine whether a report contains time critical information within the meaning of Section IV B.1.(a).

F. The FAA and NASA will jointly develop a continuing information program designed to fully acquaint the aviation community and the public with all aspects of the ASRP, ASRS, and their interrelationship. All press releases and other public announcements will be subject to prior consultation between the parties.

G. FAA and NASA will each designate an official for the purpose of ensuring continuing liaison concerning the administration of the ASRS. These officials will meet as required to exchange information and ensure that the system is meeting its objectives.

VI. *Funding.* A. The FAA will reimburse NASA for amounts paid by NASA to any contractor assisting NASA in the performance of its ASRS functions up to a maximum of $560,000 for FY–1976, which maximum amount may be increased or decreased by mutual agreement of the parties. Appropriate maximum levels of obligation on the part of the FAA for subsequent fiscal years shall be periodically mutually agreed to by the parties.

B. NASA will provide all necessary funding for the salary and administrative service costs associated with the design and implementation of the ASRS, costs associated with the operation of the Advisory Committee, and any other costs relating to the ASRS not otherwise specifically provided for herein.

VII. *Other provisions.* A. NASA will publish quarterly reports providing routine statistical ASRS findings. These reports will each contain an appendix identifying time critical reports processed during the reporting period. NASA will also publish from time to time special reports describing the findings of special analyses conducted as a result of requests by the Advisory Committee or by others.

B. NASA will provide the FAA with quarterly reports summarizing project highlights, accomplishments, and resource utilization and annual reports summarizing ASRS findings and results of special studies.

VIII. *Effective Date.* This Agreement shall enter into force and effect when signed by both parties and shall remain in force and effect until June 1980 unless and until sooner terminated. Such termination may be by mutual agreement of the parties or by notice in writing forwarded by one party to the other not less than twelve months in advance of such termination.

Signed in Washington, D.C. on August 15, 1975.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

GEORGE W. LOW,
Deputy Administrator.

FEDERAL AVIATION ADMINISTRATION,

JAMES E. DOW,
Acting Administrator.

[FR Doc.76–10929 Filed 4–14–76;8:45 am]

Federal Aviation Administration

[Docket No. 15519]

RESTRICTED AREA R–3104– KAHOOLAWE, HAWAII

Public Hearings

The Federal Aviation Administration (FAA) will hold two public hearings concerning Mayor Cravalho's petition for revocation of Restricted Area R–3104. These hearings will afford interested persons the opportunity to present views, data, and arguments which relate to the petition.

The hearings will be conducted at the following times and locations:

May 11, 1976, 9:00 a.m.–4:00 p.m., Lobby Room of Ilikai Hotel, 1777 Ala Moana Blvd., Oahu, Hawaii.

May 13, 1976, 10:00 a.m.–5:00 p.m., Public Library, Kahului Branch, Kam and School Street, Kahului, Maui, Hawaii.

The hearings will be informal in nature and will be conducted by a designated representative of the Administrator.

Since the hearings will not be evidentiary or judicial in nature, there will be no cross-examination or other adjudicatory procedure applied to the presentations. The Chairman of the meeting is empowered to conduct the meeting in a manner that, in his judgement, will facilitate the orderly conduct of business. Interested persons wishing to make rebuttal statements will be given the opportunity to do so at the conclusion of the presentations in the same order in which initial statements are made.

Those persons wishing to make oral statements at the hearings must notify the FAA before May 10, 1976, that they desire to be heard, and indicate the amount of time requested for their initial statements. Presentations will be scheduled on a first come first serve basis, as time may permit. Attendance is open to the interested public, but limited to the space available.

In addition to material presented for the purpose of the hearings, persons not participating in the hearings are invited to submit relevant written comments. Such written comments should identify the docket number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, S.W., Washington, D.C. 20591. The closing date for submitting written comments is May 15, 1976. All comments will be available for examination in the FAA Rules Docket both before and after the closing date for comments.

For notification of participation write or call: Chief, Airspace and Procedures Branch, P.O. Box 4009, Honolulu, Hawaii 96813 (808) 955–0401.

(Sec. 306, 307 and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1347, 1348 and 1354(a) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on April 13, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76–11087 Filed 4–14–76;8:45 am]

National Highway Traffic Safety Administration

JEEP CORP. ET AL.

Denials of Petitions To Commence Rulemaking

This notice sets forth the reasons for denial of three petitions for rulemaking to initiate or amend Federal motor vehicle safety standards promulgated under authority of § 103 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1391 et seq.). This notice is published in accordance with § 124 of the Act, which provides that the National Highway Traffic Safety Administration must grant or deny such petitions within 120 days, and "If the Secretary denies such petition he shall publish in the FEDERAL REGISTER his reasons for such denial" (§ 124(d)).

Jeep Corporation. (*October 16, 1975*). Petition to amend the present definition of "unloaded vehicle weight" in § 571.3 of Part 571 of Title 49 of the Code of Federal Regulations. Jeep's petition was denied because the NHTSA concluded that the decision to include work-performing accessories in calculation of unloaded

vehicle weight for test purposes should be made on a standard-by-standard basis, not generally as part of the definition of unloaded vehicle weight.

Freightliner Corporation (February 9, 1976). Petition to suspend the effectiveness of Standard No. 121, *Air Brake Systems,* and to commence rulemaking to reduce the emergency and parking brake requirements for trucks and buses, and to delete all service brake stopping distance, brake timing, and dynamometer requirements, as well as all emergency and parking brake requirements for trailers. Freightliner's petition was denied because the NHTSA has determined that the accident record of heavy vehicles equipped with air brakes supports improvement of braking and directional control, and that the existing Standard No. 121 specifies such improved braking performance.

General Motors Corporation (October 28, 1975). Petition to amend Standard No. 301–75, *Fuel System Integrity,* to permit the removal of trailer hitches before testing a vehicle for compliance with the rear moving barrier crash requirements. General Motors' petition was denied because the agency concludes that the level of protection provided by Standard No. 301–75 should be met in all vehicles subject to the standard with whatever optional equipment is installed on the vehicle at the time of sale.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Sec. 106 Pub. L. 93–492, 88 Stat. 1482 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on April 8, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.76–10627 Filed 4–14–76;8:45 am]

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Public Meeting

As published on March 25, 1976 in the Federal Register, the National Motor Vehicle Safety Advisory Council will hold open meetings on April 27, 28 and 29, 1976 in the DOT Headquarters Building, 400 Seventh Street SW., Washington, D.C. The Advisory Council is composed of 25 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Advisory Council makes recommendations to the Secretary of Transportation on motor vehicle safety and property loss reduction programs carried out by the National Highway Traffic Safety Administration.

The following meetings are subject to the approval of the National Highway Traffic Safety Administrator.

On April 27 at 9:00 a.m. in room 3200 the Safety Defect/Recall Campaign Task Group Leaders will meet with the following agenda: Preparation of draft Council Report on Safety; Defect/Recall Campaign Program.

At 11:00 a.m. in room 4436 the Awards Committee will meet with the following agenda: Selection of Speno Award Recipient for best paper presented at Fourth International Congress on Automotive Safety, July 1975.

At 2:00 p.m. in room 3200 the Research and Standards Evaluation Task Force will meet with the following agenda: Review of information presented at prior public meetings on NHTSA's safety research program.

On April 28 at 9:00 a.m. in room 3200 the Motorcycle Committee will meet with the following agenda: Briefing on California Motorcycle Licensing Demonstration Project; Status of Mopeds (Motorized Bicycles); Status of Daytime "Lights On" Laws; Briefing on New Conspicuity Study; and New Business/Old Business.

Also at 9:00 a.m. on April 28 in room 4436 the 1977 Congress Committee will meet with the following agenda: Discussion of plans for 1977 Council-Sponsored Fifth International Congress on Automotive Safety: Where, What and When.

At 1:00 p.m. in room 3200 on April 28 the Accident Avoidance and Operating Systems Committee will meet with the following agenda: Standard 111—Rearview Mirrors—Overview of Standard and Supporting Research, Presentation from Mirrorflex Corporation; Standard 114—Theft Protection—Update on ANPRM and on Related Activity under the Highway Safety Act, Presentation on Auto Theft Problems in Massachusetts; Status of Handling Standards, Update on Progress in Setting Standards, Update on Research Projects, Update on State-of-the-Art; and New Business/Old Business.

Also at 1:00 p.m. but in room 4436 the July 1976 Conference Committee will meet with the following agenda: Discussion and Coordination of Conference Plans.

On April 29 at 8:30 a.m. in room 3200 the full Council will meet with the following agenda: Approval of January and March Council Minutes; Report of Safety Defect/Recall Campaign Task Groups; Report of Awards Committee; Report of Research & Standards Evaluation Task Force; Status Report on Plans for 1977 Fifth International Congress on Automotive Safety; Report of Accident Avoidance and Operating Systems Committee; Report of Motorcycle Committee; Status Report on July 1976 Conference; New Business/Old Business; and Future Meeting Plans and Dates.

At 12:00 noon on April 29 in room 3200 the Executive Committee will meet with the following agenda: Discussion of Agenda for Future Council and Committee Meetings.

For further information contact the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW., Washington, D.C., telephone 202–426–2872.

This notice is given pursuant to section 10(a)(2) of Public Law 92–463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: April 12, 1976.

CRAIG L. MILLER,
Acting Executive Secretary.

[FR Doc.76–10931 Filed 4–14–76;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

PROPOSED VISITOR CENTER AT THE PECOS NATIONAL MONUMENT

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463) and § 800.6(g) of the Advisory Council's Procedures for the Protection of Historic and Cultural Properties (36 CFR 800) that the regular meeting of the Advisory Council on Historic Preservation will be held on May 5–7, 1976, in Santa Fe, New Mexico. The entire meeting is open to the public.

The Advisory Council was established by the National Historic Preservation Act of 1966 (Pub. L. 89–665) to comment upon Federal, federally assisted and federally licensed undertakings having an effect upon properties listed in the National Register of Historic Places and to generally advise the President and Congress on matters relating to historic preservation. The Council's members are the Secretary of the Interior, the Secretary of Housing and Urban Development, the Secretary of the Treasury, the Secretary of Commerce, the Attorney General, the Secretary of Transportation, the Secretary of Agriculture, the General Services Administrator, the Secretary of the Smithsonian Institution, the Chairman of the National Trust for Historic Preservation, and ten non-Federal members appointed by the President.

In accordance with section 106 of the National Historic Preservation Act, the Advisory Council will meet to consider the location of a visitor center proposed by the National Park Service for construction at the Pecos National Monument, a property included in the National Register of Historic Places. The meeting will begin on Wednesday, May 5, at 9:30 a.m., in the City of Santa Fe Multi-Purpose Center, Alto Street, Santa Fe, New Mexico. A summary of the meeting agenda follows:

I. Report of the Executive Director.

II. Report of the Office of Legal Counsel.

III. Report of the Office of Intergovernmental Programs and Planning.

IV. Archeological Session.

V. On-Site Inspection of Pecos National Monument.

VI. Consideration of 106 Case.

VII. Committee Reports.

VIII. Other Business.

IX. Inspection of Local Properties Involved in Council Memoranda of Agreement.

Written statements on the proposed visitor center at the Pecos National Monument should be submitted to the Council by April 29, 1976. Persons wishing to make oral remarks to the Council should submit statements of position to the Council by the above date.

Agenda and additional information concerning the meeting and the submission of oral and written statements to the Council are available from the Executive Director, Advisory Council on Historic Preservation, Suite 1030, 1522 K Street NW., Washington, D.C. 20005 (202) 254–3974.

Date: April 14, 1976.

ROBERT R. GARVEY, Jr.
Executive Director.

[FR Doc. 76—10883 Filed 4–14–76; 8:45 am]

DELAWARE RIVER BASIN COMMISSION

PUBLIC HEARING

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, April 28, 1976, commencing at 2 p.m. The hearing will be held in the main conference room of the Commission headquarters building, 25 State Police Drive, West Trenton. The subject of the hearing will be applications for approval of the projects listed below. The Commission will consider these applications as proposed amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuants to Section 3.8 of the Compact.

1. *City of Dover (D–74–16 CP)*. A well water supply project to augment public water supplies in the City of Dover, Kent County, Del. Designated as Well No. 2, the new facility is expected to yield 1.7 million gallons per day.

2. *Lake Mohawk-Sparta Water Co. (D–75–118 CP)*. A well water supply project to augment public water supplies in the Lake Mohawk area of Sparta Township, Sussex County, N.J. Withdrawal from existing Well No. 7 will be increased to 70,000 gallons per day.

3. *Prospect Point Water Co. (D–75–116 CP)*. A well water supply project to augment public water supplies in the company's service are in Jefferson Township, Morris County, N.J. Designated as Wells Nos. 1 and 2, the two new facilities are expected to have a combined yield of 120,000 gallons per day.

4. *Honey Brook Borough (D–75–130 CP)*. A well water supply project to augment public water supplies in Honey Brook Borough and Township, Chester County, Pa. The proposed new Well No. 6 is expected to yield approximately 100,000 gallons per day and will be used as a backup source initially and to help meet future demands.

5. *Lower Salford Township Authority (D–74–59 CP)*. Expansion of the Authority's sewage treatment plant in Lower Salford Township, Montgomery County, Pa. Approximately 93 percent of BOD_5 and 92 percent of suspended solids will be removed from a sewage flow of 700,000 gallons per day. Treated effleunt will discharge to the East Branch of Indian Creek, a tributary of East Branch Perkiomen Creek.

6. *Mt Holly Water Co. (D–75–132 CP)*. A well water supply project to augment public water supplies in the Borough of Mt. Holly and adjacent townships in Burlington County, N.J. Designated as Well No. 7, the new facility is expected to yield 2 million gallons per day.

7. *Township of Maple Shade (D–76–27 CP)*. A well water supply project to replace existing wells in the Township of Maple Shade, Burlington County, N.J. Two existing wells will be replaced by three new wells. Designated as Wells Nos. 8, 9 and 10, the new facilities will be limited to a combined withdrawal of 3 million gallons per day.

8. *Tenneco Chemicals (D–75–66)*. Upgrading of the existing waste treatment plant at the company's chemical facility in Burlington Township, Burlington County, N.J. About 92 percent of BOD_5 will be removed from a flow of 400,000 gallons per day of industrial wastewater. A stormwater settling basin will be installed and 2 to 3 million gallons of noncontact cooling water will continue to be discharged.

9. *General Electric Co. (D–76–26)*. A cooling water discharge at the company's facility in the City of Allentown, Lehigh County, Pa. An untreated and uncontaminated cooling water discharge of 327,000 gallons per day will discharge to city storm sewers and thence to Trout Creek, a tributary of Little Lehigh Creek.

10. *Atlas Minerals and Chemicals Div. (D–76–23)*. A cooling water discharge at the company's facilities in Longswamp Township, Berks County, Pa. Approximately 96,000 gallons per day of wastewater will be settled and cooled in a pond prior to discharge into Toad Creek, a tributary of Little Lehigh Creek.

11. *East Penn Manufacturing Co., Inc. (D–75–137)*. An industrial wastewater treatment project at the company's plant in Richmond Township, Berks County, Pa. Techniques for acid neutralization and removal of metals will be applied to a wastewater design flow of about 100,000 gallons per day. Treated effluent will discharge into an adjacent quarry area.

12. *Scott Paper Co. (D–75–151)*. A wastewater collection system at the company's plant in the City of Chester, Delaware County, Pa. A bulkhead and fill on an area in the Delaware River will provide a site for construction of a pumping station. Existing discharges will be collected and pumped through force mains to the DELCORA regional sewage treatment plant.

Documents relating to the projects on this hearing notice may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary to the Commission.

W. BRINTON WHITALL,
Secretary.

APRIL 9, 1976.

[FR Doc.76–10914 Filed 4–14–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[(FRL 523–7) PFT10]

FOOD ADDITIVE PETITION

Notice of Filing

Monsanto Agricultural Products Co., 800 N. Lindbergh Blvd., St. Louis MO 63116, has submitted a petition (FAP 6H5125) to the Environmental Protection Agency (EPA) which proposes to amend 21 CFR 561 by establishing a food additive regulation permitting the use of the herbicide glyphosate [N-(phosphonomethyl) glycine] and its metabolite, aminomethylphosphonic acid in a proposed experimental program involving application of the herbicide to growing soybeans with a tolerance of 20 parts per million for residues of the herbicide in soybean hulls.

Notice of this submission is given pursuant to the provisions of Section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the petition number "FAP 6H5125". Comments may be made at any time while a petition is pending before the Agency. All written comments will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 8, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–10811 Filed 4–14–76;8:45 am]

[(FRL 523–6) PFT9]

FOOD ADDITIVE PETITION

Notice of Filing

Zoecon Corporation, 975 California Ave., Palo Alto, CA 94304, has submitted a petition (FAP 6H5123) to the Environmental Protection Agency which proposes to amend 21 CFR 561 by establishing a food additive regulation permitting the use of the miticide hexadecyl cyclopropanecarboxylate in a proposed experimental program involving application of the miticide to growing apples and citrus with a tolerance of 6 parts per million (ppm) and 10 ppm respectively for residues of the miticide in dried apple pomace and dried citrus pulp.

Notice of this submission is given pursuant to the provisions of Section 409(b)(5) of the Federal Food, Drug and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the

Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the petition number "FAP 6H5123". Comments may be made at any time while a petition is pending before the Agency. All written comments will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 8, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–10812 Filed 4–14–76;8:45 am]

[(FRL 523–5) PF31A]

PESTICIDE AND FOOD ADDITIVE PETITIONS

Notice of Filing

Correction

In FR Doc. 76–7188, published on March 12, 1975 at page 10709, the following change should be made to pesticide petition PP 6F1733 and food additive petition FAP 6H5115 submitted by the Monsanto Chemical Co., Inc.: The phrase "plant regulator glyphosate * * *" should be corrected to read "herbicide glyphosate * * *".

Dated: April 8, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–10813 Filed 4–14–76;8:45 am]

[(FRL 523–4) OPP–50103]

U.S. FOREST SERVICE

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the U.S. Forest Service, Upper Darby, Pennsylvania 19082. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 27586–EUP–14) allows the use of 2,200 pounds A.I. of the insecticide carbaryl on jack pine trees to evaluate control of the jack pine budworm. A total of 900 acres is involved; the program is authorized only in the State of Wisconsin. The experimental use permit is effective from March 31, 1976, to March 31, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m., Monday through Friday.

Dated: April 8, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–10814 Filed 4–14–76;8:45 am]

[(FRL 523–3) OPP–50108]

U.S. FOREST SERVICE

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the U.S. Forest Service, Washington, D.C. 20460. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 27586–EUP–10) allows the use of 120 pounds A.I. of the insecticide N-[[(4-chlorophenyl) amino]carbonyl] - 2,6 - difluorobenzamide on forested areas to assess its environmental safety on birds, fish, aquatic invertebrates and nontarget insects. A total of 640 acres is involved; the program is authorized only in the State of Oregon. The experimental use permit is effective from March 30, 1976, to March 30, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 8, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–10815 Filed 4–14–76;8:45 am]

[(FRL 523–2) OPP–50107]

ELANCO PRODUCTS CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Elanco Products Company, Indianapolis, Indiana 46206. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 1471–EUP–52) allows the use of 6,125 pounds A.I. of fungicide α-(2-chlorophenyl) - α - (4 - chlorophenyl) - 5-pyrimidinemethanol on turf to evaluate control of dollar spot, large brown patch, pink or gray snow mold, striped smut, and fusarium blight. A total of 3 acres is involved; the program is authorized only in the States of California, Connecticut, Florida, Idaho, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island. The experimental use permit is effective from March 31, 1976, to March 31, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 8, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–10816 Filed 4–14–76;8:45 am]

[(FRL 523–1) OPP–50106]

ELANCO PRODUCTS CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Elanco Products Company, Indianapolis, Indiana 46206. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 1471–EUP–50) allows the use of 210 pounds A.I. of the fungicide α-(2-chlorophenyl) α (4-chlorophenyl) - 5 - pyrimidinemethanol on turf to evaluate control of dollar spot, large brown patch, pink or gray snow mold, striped smut, and fusarium blight. A total of 37 acres is involved; the program is authorized only in the States of Arizona, California, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, and Texas. The experimental use permit is effective from March 31, 1976, to March 31, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 8, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–10817 Filed 4–14–76;8:45 am]

[(FRL 522–8) OPP–50105]

ELANCO PRODUCTS CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Elanco Products Company, Indianapolis, Indiana 46206. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 1471–EUP–51) allows the use of 18.75 pounds A.I. of the fungicide α-(2-chlorophenyl) - (4 - chlorophenyl) - 5 - pyrimidinemethanol on roses to evaluate control of powdery mildew. A total of 32 acres is involved; the program is authorized only in the States of Arizona, California, Colorado, Indiana, New York, Oregon, Pennsylvania, and Texas. The experimental use permit is effective from March 31, 1976, to March 31, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 8, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–10818 Filed 4–14–76;8:45 am]

[FRL 522–7; OPP–50104]

RENTOKIL, INC.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Rentokil, Inc., New York, New York 10451. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 6459–EUP–2) allows the use of 10 liters of a product containing the rodenticide calciferol (vitamin D_3) to evaluate control of mice and rats. The program is authorized only in the State of New York. The experimental use permit is effective from March 31, 1976, to March 31, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 8, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–10819 Filed 4–14–76;8:45 am]

[(FRL 522–6) OPP–50102]

BASF WYANDOTTE CORP.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to BASF Wyandotte Corporation, Parsippany, New Jersey 07054. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 7969–EUP–5) allows the use of 1,800 pounds of the herbicide bentazon on dry beans, dry peas, and snap beans for seed purposes. A total of 1800 acres is involved; the program is authorized only in the States of California, Colorado, Idaho, Kansas, Michigan, Minnesota, Montana, Nebraska, New York, North Dakota, Oregon, Utah, Washington, and Wyoming. The experimental use permit is effective from March 25, 1976, to March 25, 1977. A temporary tolerance for residues of the active ingredient in or on seed and pod vegetables (dry) except soybeans has been established.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 9, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–10820 Filed 4–14–76;8:45 am]

[FRL 522–5; OPP–50099]

DOW CHEMICAL CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Dow Chemical Company, Midland, Michigan 48640. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 464–EUP–46) allows the use of 18,984 pounds of the herbicide triethylamine salt of Triclopyr on rights-of-way, forests, and industrial sites to evaluate control of woody plants and broadleaf weeds. A total of 4,214 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Hampshire, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. The experimental use permit is effective from March 19, 1976, to March 19, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 8, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–10821 Filed 4–14–76;8:45 am]

[OPP–240009; FRL 524–3]

ARIZONA, ARKANSAS, NEW HAMPSHIRE, OKLAHOMA, AND VERMONT

Approval of Requests for Interim Certification To Register Pesticides To Meet "Special Local Needs"

On July 3, 1975, final regulations for the registration, re-registration, and

classification of pesticides pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), were published in the FEDERAL REGISTER (40 FR 28241). These regulations became effective August 4, 1975. Since that date, States have been prohibited from issuing new registrations for pesticide products or uses of pesticide products which are not registered by the Environmental Protection Agency (EPA), except pursuant to certification from the Administrator in accordance with section 24(c) of FIFRA.

On September 3, 1975, proposed regulations for State Registration of Pesticides to Meet Special Local Needs under section 24(c), FIFRA, were published in the FEDERAL REGISTER (40 FR 40538). Since it did not prove possible to promulgate final section 24(c) regulations prior to the effective date of the FIFRA section 3 regulations, some interruption in the authority of States to register pesticides has occurred. In order to prevent further disruption of State registration programs (particularly in relation to minor uses), a procedures has been established by which States may request interim certification to register pesticides to meet special local needs until such time as the final section 24(c) regulations are promulgated. If such a request is granted, a State may register pesticides subject to the terms of the certification and other limitations set out in the Preamble to the proposed regulations. Interim certification will expire if the State has not submitted a plan pursuant to the final section 24(c) regulations within 60 days after the effective date of these regulations, or, if such a plan is submitted and it is disapproved by the Administrator, on the effective date of the Administrator's disapproval.

A state may request interim certification to register pesticides to meet special local needs at any time by having the Governor or Chief Executive Officer or their designee submit a request in writing to the Administrator. The request shall satisfy the requirements set out in the FEDERAL REGISTER announcement of the Interim Certification program (40 FR 40542), and the statutory standard set forth in section 24(c) of FIFRA.

The FEDERAL REGISTER announcement of the Interim Certification program provides that the Adminstrator shall notify the State of his approval or denial of a request for Interim Certification and publish notice of approval or denial in the FEDERAL REGISTER. The announcement further states that since the Agency expects Interim Certification to be of limited duration, it will not solicit public comment with respect to requests for Interim Certification. Adequate opportunity for public comment on State plans submitted pursuant to final section 24(c) regulations is provided for in proposed section 162.158(c).

The Agency has received Requests for Interim Certification to register pesticides to meet special local needs (Request(s)) from the States of Arizona, Arkansas, Oklahoma, Vermont, and New Hampshire. After reviewing the Requests, the Agency found that they satisfy the requirements set forth in the FEDERAL REGISTER announcement, and that they demonstrate that each of the States is capable of exercising adequate controls to assure that special local needs registrations it issues pursuant to Interim Certification will be in accord with the purposes of FIFRA.

Accordingly, notice is hereby given that the EPA has approved Requests for Interim Certification from the States of Arizona, Arkansas, Oklahoma, Vermont, and New Hampshire as described below, subject to the terms set forth in the FEDERAL REGISTER document of September 3, 1975.

Arizona, Arkansas, Oklahoma, and Vermont. These Requests sought authority to register "new products", as that term is defined in section 162.152(g) of the proposed regulations, to amend EPA registrations which involve "changed use patterns", as that term is defined in section 162.152(c), and to amend EPA registrations which do not involve changed use patterns. The Agency has found that the specific requirements of the Interim Certification program are satisfied in the Requests. Procedures for product hazard review and efficacy determination are part of the States' registrations programs; these procedures are adequate to assure that special local needs registrations issued by these States will be in accord with the purposes of FIFRA.

The State agencies which have been designated responsible for issuance of such registrations are, respectively, the University of Arizona Agricultural Experiment Station, the Arkansas State Plant Board, the Oklahoma Department of Agriculture, and the Vermont Department of Agriculture. All these agencies, except the Arizona Agriculture Experiment Station were notified on March 25, 1976, that their Requests had been approved. The Arizona agency was notified of such approval on March 26, 1976.

New Hampshire. The New Hampshire Request for Interim Certification sought authority to register new products, to amend EPA registrations which involve changed use patterns, and to amend EPA registrations which do not involve changed use patterns. It is noted that authority was not requested to register antimicrobial agents (see 40 CFR 162.3 (ff)(1)), fungicides, other than agricultural-use fungicides (see 40 CFR 162.3 (ff)(8)), or slimicides (see 40 CFR 162.3 (ff)(16)). The Agency has found that the specific requirements of the Interim Certification program are satisfied in the Request. Procedures for product hazard review and efficacy determination are part of the State's registration program; these procedures are adequate to assure that special local needs registrations issued by this State will be in accord with the purposes of FIFRA.

The State agency which has been designated responsible for issuance of such registrations, the New Hampshire Department of Agriculture, was notified on March 25, 1976, that its Request had been approved.

Copies of the Arizona, Arkansas, New Hampshire, Oklahoma, and Vermont Requests for Interim Certification, along with letters reflecting the Agency's decision to approve the Requests, are available at the following locations:

Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M St., S.W., Washington, D.C. 20460.

Pesticide Branch, Hazardous Materials Control Division, EPA, 100 California St., Room 340, San Francisco, California 94111. (*Arizona Request only.*)

Pesticide Branch, Hazardous Materials Control Division, EPA, 1600 Patterson St., Suite 1100, Dallas, Texas 75201. (*Arkansas and Oklahoma Requests only.*)

Pesticide Branch, Hazardous Materials Control Division, EPA, Room 2303, John F. Kennedy Federal Building, Boston, Massachusetts 02203. (*New Hampshire and Vermont Requests only.*)

Dated: April 12, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-10033 Filed 4-14-76;8:45 am]

[OPP-180069; FRL 524-2]

IDAHO STATE DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Use Benomyl To Control Foot Rot of Wheat

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Idaho Department of Agriculture (hereafter referred to as the "Applicant") to use the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazole carbamate) for the control of foot rot in seven counties in northern Idaho. The exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribe requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Room E-315, Washington, D.C. 20460.

According to the Applicant, approximately 10,000 to 15,000 acres of winter wheat in northern Idaho are infected with foot rot disease caused by the fungal pathogen *Cercosporella herpotrichoides. Cercosporella* foot rot disease has significantly affected winter wheat in the counties of Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah, and Kootenai. Some growers in Idaho must plant early, between September 1, and September 10, on steep land to help prevent soil erosion; these early crops are subject to infection and subsequent economic damage

by foot rot. The Applicant stated that no registered pesticide nor alternative methods of control were available to suppress this pathogen. Later seeding, which reduces disease incidence, and prior rotation with legumes, is not practical in this instance, and will not be practical in the future for some growers.

The Applicant proposed to use Benlate (benomyl) fungicide 50W. The rates of application will be one pound Benlate (0.5 lb. A.I. benomyl) in 5–10 gallons water/acre or one pound Benlate in 20–30 gallons water/acre, depending on whether the application is by air or ground, respectively. One application will provide protection to the infected approximately 15,000 acres of winter wheat, preventing the loss of 20 to 25 percent in yield valued at approximately $75,000.

Past use history of Benlate indicates that no adverse short- or long-term adverse effects on man or the environment should result from the pesticide application. The Fish and Wildlife Service, U.S. Department of the Interior, has advised EPA that no adverse effects on fish and wildlife resources are anticipated from this application.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of foot rot on winter wheat has or is about to occur; (b) there is no pesticide presently registered and available for use to control the foot rot disease in northern Idaho; (c) there are no alternate means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the pest is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until May 1, 1976, to the extent and in the manner set forth in the application. The exemption is also subject to the following additional provisions:

1. Benlate (benomyl) 50W, EPA Reg. No. 352–354 AA, will be used;

2. Wheat acreage to be treated is limited to the following counties: Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah, and Kootenai;

3. One (1) pound of Benlate 50W (0.5 lb. A.I. benomyl) per acre will be applied by ground or air;

4. Application will be made by commerical applicators licensed and tested by the Idaho State Department of Agriculture;

5. A single application will be made; and

6. A residue level not to exceed 0.05 ppm in or on harvested wheat grain has been determined to be adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action.

Dated: April 12, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-10934 Filed 4-14-76;8:45 am]

[FRL 524-5]

SCIENCE ADVISORY BOARD ENVIRONMENTAL HEALTH ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given that a meeting of the Environmental Health Advisory Committee of the Science Advisory Board will be held at 9:00 a.m. on May 4, 1976 in Conference Room A (Room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

This is the third meeting of the committee.

The purpose of the meeting will be (1) to discuss the committee's role in assessing the quality of EPA's health-related scientific programs; (2) to discuss committee assistance to health-related programs of the Agency's Office of Toxic Substances; (3) to discuss committee assistance to health-related programs of the Office of Pesticide Programs; (4) to brief the committee on and to discuss a special program for the assessment of carcinogens in the environment; and (5) to hear a brief progress report from the committee's Task Group on Epidemiologic Studies. The agenda will also include (6) brief reports and informational items of current interest to the members.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Secretariat, Science Advisory Board (A–101), U.S. Environmental Protection Agency, Washington, D.C. 20460 by c.o.b. April 29, 1976. Please ask for Mrs. Shirley Smith or Miss Mary Ann Igou. The telephone is (703) 557–7720.

THOMAS D. BATH,
Staff Director, Science Advisory Board.

APRIL 12, 1976.

[FR Doc.76-10935 Filed 4-14-76;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01278---	Leonhardt & Blumberg: *Hans Leonhardt.*
01318---	Aug. Bolten Wm. Miller's Nachfolger: *Anita, Cavally.*
01321---	Compagnia Italiana Transoceanica Di Navigazione S.P.A.: *Transoceanica Paola.*
01330---	Shell Tankers (U.K.) Ltd.: *Flammulina, Lepeta.*
01337---	Marfin Management Trust (Reg.): *Tonci Topic.*
01465---	Scottish Ship Management Ltd: *Cape Rodney.*
01832---	Aruba Tankers Corp.: *World Longevity.*
01935---	Partnership between Steamship Co. Svendborg, Ltd., and Steamship Co. of 1912 Ltd.: *Kate Maersk.*
02199---	Atlantic Richfield Co.: *Arco Enterprise.*
02333---	Diamond Shamrock Corp.: *Star 521, Star 522.*
02441---	Quebec and Ontario Transportation Co.: *Outarde.*
02556---	Islanders Maritime Enterprises Corp.: *Island Star.*
02835---	Hongkong Shipping Agencies Ltd.: *Ophelia.*
02976---	Arthur-Smith Corp.: *AS–101, AS–102, AS–104, AS–105, AS–107.*
03054---	H. Schuldt: *Topaz.*
03289---	Det Forenenede Dampskibs-Selskab A/S: *Dammam Express.*
03292---	Maritimecor S.A.: *Alaska.*
03305---	Grand Bassa Tankers, Inc.: *Grand Concordance.*
03413---	Baba-Daiko Shosen K.K.: *Amagisan Maru.*
03476---	Nissin Kisen K.K.: *Daiei Maru.*
03501---	Osaka Shosen Mitsui Senpaku K.K.: *Alriyadh.*
03508---	Taiyo Gyogyo K.K.: *Goyo Maru.*
03531---	Yuyo Kaiun K.K.: *Yo Kon Maru.*
03637---	P.A. Van ES & Co. BV: *Breezand, Breehorn, Breehees, Breevecht.*
04020---	Skips A/S Agnes: *Ronacastle.*
04127---	Samband ISL Samvinnufelaga: *Jokulfell.*
04154---	Caribbean Industrial Molasses Co.: *BI 363.*
04163---	Cenac Towing Co., Inc.: *CTCO 2503, CTCO 2504.*
04226---	National Marine Service, Inc.: *N.M.S. No. 1953.*
04404---	Lars Rej Johansen: *Joasla.*
04413---	Leif Hoegh & Co. A/S: *Hoegh Trigger.*
04592---	Transportes, Aduanas Y Consignaciones SA.: *Sao Malaga.*
04703---	Yokkaichi Enyo Gyogyo K.K.: *Otori Maru.*
04793---	Snam S.P.A.: *Agip Firenze.*
04892---	Dae Jin Shipping Co., Ltd.: *Ohdae.*
05178---	Societa Ligure Di Armamento S.P.A.: *Mare Dorico, Atreo, Tideo, Orfeo.*
05437---	The Dow Chemical Co.: *DC–340, DC–341, DC–342, DC–343, DC–344, DC–345, DC–346, DC–347, DC–348, DC–349, TCB 304, TCB 312.*
05520---	Union Carbide Corp.: *CC–213, CC–409.*
05537---	Empresa Navegacion Mambisa: *Ignacio Agramonte.*
05740---	Fina France: *Fina Canada, Fina Italie.*
05845---	Shinto Kaiun K.K.: *Shinzan Maru.*
06248---	Commercial Corp. "Sovrybflot": *Anton Tammsaare, Geliogaf, Volnomer.*
06358---	Zeta Fishing Co., Inc.: *Eliza M.*
06511---	Associated Shipping Corp. Ltd.: *Acacia.*
06608---	Eta Fishing Co., Inc.: *Kali.*
06995---	Novorossiisk Shipping Co.: *Mozdok.*
07105---	Astrosureno Armadores Sa: *Pacifica.*
07550---	Erato Shipping Inc.: *Pacific Jasmin.*
07640---	Exxon Company U.S.A.: *Exxon Louisville.*
08151---	Carasco Navigation Co., Ltd.: *Athens Sun.*
08157---	Fratelli D'Amico Armatori SPA: *Mare Tirreno.*
09137---	Arne Teigens Rederi A/S: *Torafjord.*

Certificate No.	Owner/operator and vessels
09385---	Leland Towing Corp.: *Mary Jayne.*
09423---	Teh-Hu Cargocean Management Co., Ltd.: *Righteous.*
09619---	Sea Commerce Corp.: *Ocean Sprinter.*
09637---	B. E. Williamson, Allen Thomas, George Pine, a Partnership: *CC–205, CC–212.*
09647---	Highness Shipping Corp. S.A.: *Eucaly I.*
10094---	Echo Marine, Inc.: *Star J.D. II.*
10194---	Agri-Trans Corp.: *Cooperative Spirit.*
10260---	Hollywood Marine, Inc.: *Ellis 1256.*
10360---	Societe Senegalaise D'armement A La Peche: *Niomre.*
10699---	Sagitario Internacional S.A.: *Tere.*
M–10760-	FMC Corp.: *Vessels not exceeding 25,000 gross tons.*
10867---	James S. Adams d.b.a. Adams Barge Co.: *Nuchuk.*
10911---	Rose Bay Shipping Co., Ltd.: *Falcon III.*
10927---	Ogden Saguenay Transport, Inc.: *Ogden Saguenay.*
10929---	Zeptrader Shipping, Inc.: *Zephawk.*
10933---	Zephunter Inc.: *Zephunter.*
10941---	Simeon Maritime Co. S.A.: *Leonidas G.*
10984---	Sea Fan Transport Inc.: *Sea Fan.*
10985---	Sea Bells Transport Inc.: *Sea Bells.*
11019---	Mrs. H. Damhof Schrik: *Twee Gezusters.*
11026---	Everharmony Line S.A.: *Ever Hope.*
11038---	Euro Trading Co.: *Euros.*
11046---	Bochum Tramp Corp: *City of Bachum.*
11047---	Watship Tramp Corp.: *City of Wattenscheid.*
11048---	Bernd Leonhardt Schiffahrt KG (GMBH & Co.): *Leo Tempest.*
11049---	Hellenic Shipping Corp., Ltd.: *Aegis Hellenic.*
11066---	Ingram Salvage Co.: *IS 1, IS 2.*
11067---	Evimar Compania Naviera S.A.: *Stella K.*
11068---	Deep Sea Carriers Co., Ltd.: *Karina Rio Grande.*
11074---	Ergon's General Store, Inc.: *GS–276.*
11084---	Seventh Shipping Corp.: *Archangelos.*
11086---	Outer Island Shipping Corp.: *Sandra D.*
11088---	Trawler Surge, Inc.: *Surge.*
11089---	Feng Bang Fisheries Co., Ltd.: *Feng Bang No. 61.*
11090---	Orient Leasing Co. Ltd.: *Cattleya.*
11095---	Dong-A General Industrial Co., Ltd.: *Haeng Bok No. 503.*
11096---	Compania Atlantica Dr Pesca De Altura S.A.: *Avior.*
11098---	Antonio Touza Blanco: *Chicha Touza.*
11099---	Vortex Navigation S.A.: *Vortex Skipper.*
11100---	Eurus (Liberia) Ltd.: *An Yung.*
11101---	Pillar Maritime Corp.: *Ioannis Carras.*
11102---	Commercial Cable Co. (Marine) Ltd.: *John W. Mackay.*
11103---	Lancaster Maritime Ltd.: *Regal Sabre.*
11104---	Belle Finance, Ltd.: *Aquabelle.*
11105---	Worth Oil Transport Co.: *Worth.*
11107---	Universal Car Carriers Inc.: *Laurel.*
11111---	Trade Wind Marine, Ltd., of Cayman Island: *Aquamar.*
11113---	World Shipping, Ltd.: *Njord.*
11117---	Oriental Maritime Co., Ltd.: *Altaj.*
11118---	Hunting & Son Ltd.: *Avonfield, Teesfield.*
11122---	Panamerican Shipping Corp.: *Panamerica.*
11123---	Secretaria De Marina: *Primero De Junio.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–10907 Filed 4–14–76;8:45 am]

[Docket No. 76–21]

NORTH CAROLINA STATE PORTS AUTHORITY V. INTER-AMERICAN FREIGHT CONFERENCE, ET AL.

Filing of Complaint

Notice is hereby given that a complaint filed by North Carolina State Ports Authority against Inter-American Freight Conference, et al, was served April 7, 1976. The complaint alleges that respondent conferences and their member lines have violated sections 15, 16, 17, and 18 of the Shipping Act, 1916, section 8 of the Merchant Marine Act, and section 205 of the Merchant Marine Act, 1936, by virtue of making certain wharfage charges at Morehead City and Wilmington, North Carolina chargeable against cargo whereas formerly they were for the account of the vessel.

Hearing in this matter shall commence on or before October 7, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–10906 Filed 4–14–76;8:45 am]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916 (Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

American Cargo Corporation, 11 Ashland Road, Madison, New Jersey 07940. Officers: John Krill, Jr., President, Helen K. Krill, Secretary/Treasurer.

Jack P. Hyams Associates, Ltd., 153–40 Rockaway Blvd., Jamaica, N.Y. 11434. Officers: Jack P. Hyams, President, Neil Yeschin, Vice President, Augustus Antico, Vice President, Leo Weisgal, Secretary/Treasurer, Lois Hyams, Director, and Linda DeBiase, Director.

Schley Shipping Co., Inc., 153–36 Rockaway Blvd., Jamaica, N.Y. 11434. Officers: Robert L. Schley, President, Lloyd Hicks, Vice President, Nora Schley, Secretary.

By the Federal Maritime Commission.

Dated: April 9, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–10905 Filed 4–14–76;8:45 am]

Notice of Agreement Filed

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, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 5, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

LEEWARD AND WINDWARD ISLANDS AND GUIANAS CONFERENCE

Notice of Agreement Filed by:

Wade S. Hooker, Jr., Esquire, Casey, Lane & Mittendorf, 26 Broadway, New York, New York 10004.

Agreement No. 7540–27, among the member lines of the Leeward and Windward Islands and Guianas Conference, amends the basic conference agreement to provide that the conference or the members as a group may enter into arrangements or agreements with carriers, other conferences of carriers, or other persons.

By Order of the Federal Maritime Commission.

Dated: April 12, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–10903 Filed 4–14–76;8:45 am]

Notice of Agreement Filed

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, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan,

Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 5, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon whcih they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

UNITED STATES ATLANTIC AND GULF-HAITI CONFERENCE

Notice of Agreement Filed by:

Wade S. Hooker, Jr., Esquire, Casey, Lane & Mittendorf, 26 Broadway, New York, New York 10004.

Agreement No. 8120-18, among the member lines of the United States Atlantic and Gulf-Haiti Conference, amends the basic conference agreement to provide that the conference or the members as a group may enter into arrangements or agreements with carriers, other conferences of carriers, or other persons.

By Order of the Federal Maritime Commission.

Dated: April 12, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-10902 Filed 4-14-76;8:45 am]

Notice of Agreement Filed

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, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 5, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

UNITED STATES ATLANTIC AND GULF-JAMAICA CONFERENCE

Notice of Agreement Filed by:

Wade S. Hooker, Jr., Esquire, Casey, Lane & Mittendorf, 26 Broadway, New York, New York 10004.

Agreement No. 4610-24, among the member lines of the United States Atlantic and Gulf-Jamaica Conference, amends the basic conference agreement to provide that the conference or the members as a group may enter into arrangements or agreements with carriers, other conferences, or other persons.

By Order of the Federal Maritime Commission.

Dated: April 12, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-10904 Filed 4-14-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

ARCHIVES ADVISORY COUNCIL

Meeting

Notice is hereby given that the National Archives Advisory Council will meet at the times and places indicated. Any interested persons may attend. For any additional information, call or write the person shown below.

NATIONAL ARCHIVES ADVISORY COUNCIL

Meeting dates: May 6-8, 1976, May 6: 8:00 p.m.-10:00 p.m., May 7: 9:00 a.m.-5:00 p.m., May 8: 9:30 a.m.-12 noon.

Place: Room 410, National Archives and Records Service, 8th and Pennsylvania Avenue, NW, Washington, DC 20408.

Agenda: Legal status of congressional and judicial records, the International Council on Archives 1976 meeting and international archival matters, the National Historical Publications and Records Commission, records appraisal and disposition, and policy relating to *Prologue*.

For further information contact: Mr. Albert Meisel, Assistant Archivist for Educational Programs, General Services Administration (NE), Washington, DC 20408, 202-523-3216.

Issued in Washington, D.C. on April 5, 1976.

JAMES B. RHOADS,
Archivist of the United States.

[FR Doc.76-10827 Filed 4-14-76;8:45 am]

FEDERAL PROPERTY MANAGEMENT REGULATIONS TEMPORARY REGULATION F-382

Revocation of Delegations of Authority

1. *Purpose.* This regulation revokes certain delegations of authority to represent the consumer interests of the executive agencies of the Federal Government in utility proceedings which have been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires April 30, 1976.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

No.	Date	Subject
F-23	Sept. 18, 1968	Delegation of authority to Secretary of Defense—regulatory proceeding.
F-32	Nov. 27, 1968	Do.
F-36	Dec. 30, 1968	Do.
F-62	Jan. 20, 1970	Do.
F-67	Mar. 18, 1970	Do.
F-69	May 11, 1970	Do.
F-72	June 24, 1970	Do.
F-73	July 10, 1970	Do.
F-87	Feb. 17, 1971	Do.
F-109	June 25, 1971	Do.
F-123	Oct. 5, 1971	Do.
F-204	Dec. 20, 1973	Do.
F-324	Jan. 3, 1975	Do.
F-348	July 7, 1975	Do.
F-369	Jan. 20, 1976	Do.

Dated: April 6, 1976.

TERRY CHAMBERS,
Acting Administrator of General Services.

[FR Doc.76-10826 Filed 4-14-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-27]

AVIATION SAFETY REPORTING SYSTEM

Design and Implementation

On August 15, 1975, the Federal Aviation Administration (FAA) and the National Aeronautics and Space Administration (NASA) entered into an agreement under which NASA would design and implement an Aviation Safety Reporting System (ASRS). The ASRS would be an extension of the FAA Aviation Safety Reporting Program (ASRP) in which NASA would be a third party for the receipt, processing, and analysis of safety reports submitted by pilots, controllers, and others using and working in the National Aviation System.

Elsewhere within this FEDERAL REGISTER is a Notice by FAA to announce its modification of the FAA Aviation Safety Reporting Program to reflect the agreement with NASA.

As an extension of the ASRP, the NASA ASRS is a voluntary program dependent entirely upon participation of persons who observe potential or actual safety problems in the National Aviation

System. Reports submitted to NASA are voluntary and in addition to those mandatory reports otherwise required by law or regulation. It is a positive program intended to ensure the safest possible system by identifying, preventing, or correcting unsafe conditions before they lead to accidents. The objective of the ASRS is to obtain all possible information that might assist the FAA in evaluating and enhancing the safety and efficiency of the National Aviation System. This program is based on the conviction that an unrestricted flow of information from those who use the system on a regular basis is one of the primary means of monitoring its performance.

On April 15, 1976, NASA will begin to process safety reports received under the terms of a NASA/FAA Memorandum of Agreement. The purpose of this Notice is to describe the design and implementation plans of the NASA Aviation Safety Reporting System. The FAA/NASA Memorandum of Agreement is appended to this notice.

1. REPORTING FORM

A reporting form (NASA ARC Form 277) will be widely distributed by FAA and NASA to pilots and air traffic controllers, and will be available to others using and working in the National Aviation System. The form provides space for (1) the sender's name, address, and telephone number; (1) structured responses to various specific aeronautical operating systems and conditions; and (3) a narrative description of the reported occurrence. The form is to be sent to NASA and is postage free to the sender. The address is: NASA Aviation Safety Reporting System, P.O. Box 189, Moffett Field, CA 94035.

2. INITIAL PROCESSING

Upon receipt of a safety report, NASA is required to screen it for criminal offenses, aircraft accidents (49 CFR 830), and time-critical information. In either of the former two cases, NASA is required to send the reporting form without further processing to the responsible U.S. agency with a copy to FAA. If time-critical information is identified, the report is processed as described below.

3. TIME-CRITICAL INFORMATION

The NASA and FAA have established guidelines for identifying time-critical information. Time-critical information may fall within, but not limited to, the following categories: hazards on and in the vicinity of airports, aeronautical regulations or publications, malfunction of navigational aids, aeronautical structures or systems, and air traffic control system or procedures. If a safety report identifies a time-critical condition, NASA will synopsize the pertinent information, less the identity of the reporter or any other person, and forward it to FAA for further action.

4. REPORT D-IDENTIFICATION

NASA has found in previous work that the most valuable safety information may be found only after an expert safety analyst has talked to the person involved in an incident. Accordingly NASA is requesting the reporter's name, address, and telephone number. After any necessary personal contact has been made, NASA will de-identify safety reports, except for criminal offenses or aircraft accidents, as soon as possible after receipt. The de-identification process will involve removing the identity portion of the reporting form containing the reporter's name, address, and telephone number and editing the remainder of the report to remove any specific information that would later permit the identification of the reporter or any other person. The identity portion will be returned to the sender. NASA plans to accomplish the de-identification process within forty-eight hours of receipt of a safety report.

5. ADVISORY SUBCOMMITTEE

Under its Research and Technology Advisory Council structure NASA has organized an ASRS Advisory Subcommittee (FEDERAL REGISTER, Volume 40, No. 216, Notice 75-89, November 7, 1975). The Subcommittee will meet periodically to advise NASA about the conduct of ASRS. Three members of the Subcommittee, one associated with the Air Line Pilots Association, one with the Professional Air Traffic Controller Organization, and one with the Aircraft Owners and Pilots Association, will, among other things, advise NASA with respect to the maintenance of the anonymity of persons submitting reports or named therein. Other than the NASA employees who initially screen reeports for criminal offenses, aircraft accidents, and time-critical information and the report analysts who process submitted safety reports, these Subcommittee members are the only individuals authorized to inspect identifiable safety reports.

6. REPORT VERIFICATION

Apart from possible conversation with the reporter, NASA will not attempt to verify independently information contained within a voluntarily submitted safety report since to do so may reveal the identity of the reporter. Accordingly, ASRS derived safety information will not be attested to by NASA as being an accurate or a valid representation of the state of National Aviation System.

7. 45-DAY FILE

The FAA Aviation Safety Reporting Program waives disciplinary action for those who submit timely safety reports to ASRS and for any other individuals who may have been involved with the reported occurrence. Exceptions to the waiver provision are set forth in FAA Advisory Circular No. 00-46A, which is reprinted elsewhere in this FEDERAL REGISTER. To aid FAA in determining if a waiver is applicable, NASA will maintain a separate computer file that contains entries that include date, time, location, and type of occurrence. An entry will be removed automatically after forty-five days of the date of the reported incident. NASA will interrogate the 45-Day File only upon request of FAA.

8. PUBLICATIONS

NASA will publish quarterly reports for general distribution summarizing ASRS operations and findings. NASA, within the limits of its resources, will conduct special studies of ASRS information upon request. Special study findings will be summarized in the quarterly ASRS reports.

This program is undertaken by NASA pursuant to the National Aeronautics and Space Act of 1958, as amended. It will be continually monitored to determine its effectiveness and usefulness and will be modified or expanded as necessary. All interested persons are invited to submit comments or suggestions on the program to the Office of Aeronautics and Space Technology, NASA Headquarters, Washington, DC 20546.

JAMES C. FLETCHER,
Administrator.

MEMORANDUM OF AGREEMENT BETWEEN NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AND DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION

AVIATION SAFETY REPORTING SYSTEM

I. *Background.* A. The Administrator of the Federal Aviation Administration (FAA), Department of Transportation is empowered and directed to encourage and foster the safety in air commerce. Pursuant to this authority, the Administrator adopted a voluntary Aviation Safety Reporting Program (ASRP) (40 CFR 17775, April 22, 1975) designed to acquire previously unobtainable information concerning potential deficiencies and discrepancies in the national aviation system.

B. The National Aeronautics and Space Administration (NASA) has a continuing responsibility to engage in aviation research and development programs and is authorized in carrying out this responsibility to enter into appropriate agreements with other government agencies.

II. *Purpose.* The FAA has determined that the effectiveness of the ASRP would be greatly enhanced if the receipt, processing, and analysis of the raw information received were to be accomplished by NASA rather than the FAA. This would further ensure the anonymity of the reporter and consequently increase the flow of information so necessary for the effective evaluation of the safety and efficiency of the aviation system. NASA has determined that undertaking this task would be consistent with its aviation research and development responsibilities and would significantly increase its ability to fulfill those responsibilities.

III. *Authority.* This agreement is entered into under the authority of Section 302(k) and 313 of the Federal Aviation Act of 1958, as amended, Section 601 of the Economy Act, as amended, and the National Aeronautics and Space Act of 1958, as amended.

IV. *Aviation Safety Reporting System.* A. *General.* NASA will design and implement an Aviation Safety Reporting System (ASRS). This system will be designed primarily to provide information to the FAA and the aviation community to assist the FAA in reaching its goal of eliminating unsafe conditions and preventing avoidable accidents. In addition, the system will be designed in a manner that will permit its operation by another party at the expiration of this agreement.

B. *Description.* The ASRS will be designed to perform four primary functions. They are (1) receipt, de-identification and initial processing; (2) analysis and interpretation; (3) dissemination of reports and other data; and (4) system evaluation and review.

1. NASA will develop procedures for receiving, de-identifying, and processing ASRS reports including those covered by the FAA's ASRP. This procedure will assure that reports are initially screened by NASA officials for—

(a) Time critical information which will be promptly referred to the FAA and other interested parties for appropriate action;

(b) Information concerning criminal offenses which will be promptly referred to the Department of Justice and the FAA; and

(c) Information concerning accidents which will be promptly referred to the National Transportation Safety Board and the FAA.

Except for reports covered by paragraphs (b) and (c), reports will be de-identified by deleting all information that would reveal identities of persons filing reports and persons named in those reports. De-identification will be accomplished as soon as possible after determining that no additional data is needed, normally within 24–48 hours. The person submitting the report will be mailed a receipt and the anonymous data placed in the NASA data base. The data base will be made available for public inspection except as authorized or required by Federal law to be withheld.

2. NASA will establish procedures to provide for the analysis and interpretation of safety reports.

3. NASA will prepare periodic reports, statistical summaries, and other data necessary to depict the results of the analysis and interpretation of the safety reports. This material will be transmitted to the FAA and other users of the system to facilitate their evaluation and action to eliminate unsafe conditions or practices.

4. NASA will provide for the continuing review and evaluation of the system to ensure that it is operating as efficiently and effectively as practicable.

C. *ASRP Records.* To enable the FAA to assure the protection of individuals other than the reporting party, NASA will retain for a period of 45 days a separate record of each report received. That record will include the date, time, location and type of incident to permit the determination of whether an individual is entitled to protection under the FAA's ASRP.

D. *Confidentiality.* Experience gained by the FAA under its near mid-air collision program and the ASRP has indicated that the willingness of persons to submit a report depends to a large degree on preserving the anonymity of persons filing reports and persons named in those reports. Accordingly, NASA will not release to the FAA any information that might reveal the identity of such persons except to the extent necessary to respond to FAA inquiries made to determine whether they are entitled to protection from disciplinary action under the ASRP.

E. *Staffing and Management.* The ASRS functions will be performed by NASA with assistance of such others as may be necessary. All forms used in the ASRS will be NASA forms. All records will be the records of NASA.

F. *Advisory Committee.* NASA will form an ASRS Advisory Committee within the framework of the NASA Research and Technology Advisory Council. The purpose of the Committee will be to advise NASA on the design and conduct of the ASRS program and to provide an additional means of communication with the aviation community concerning the ASRS. The Committee will also be responsible for advising NASA with respect to the maintenance of the anoymity of persons submitting reports or named therein. The membership of the Committee will be appointed by NASA from all elements involved in the operational aspects of the national aviation system including FAA and DOD.

G. *Schedule.* The ASRS will become operational by April 15, 1976, on which date NASA will begin receiving safety reports. The first report summarizing ASRS operations will be published three months thereafter. A full evaluation of ASRS operations and procedures will be made in June 1977 by the ASRS Advisory Committee and necessary system and procedural changes designed and implemented. The utility and effectiveness of the ASRS will be re-evaluated by the Committee in June 1979. At that time, the Committee will make recommendations to the Administrators of NASA and the FAA concerning the future utilization and continuance of the system.

V. *Responsibilities.* A. NASA will provide the personnel, services, materials, and facilities necessary for the design and implementation of the ASRS until termination of this Agreement or June 1980, whichever first occurs.

B. NASA will formally establish the ASRS and provide for the publication of a description of the system and such other information concerning that system as is necessary to ensure its maximum utilization by the aviation community and other interested persons.

C. FAA will provide the following:

1. The services to NASA of a senior ATC specialist for one month for advice and instruction on the FAA's air traffic control system. The specialist will also be made available for consultation at NASA's request for approximately 20 percent of the following year.

2. Assist NASA in obtaining necessary information about other areas of the national aviation system, including operational incidents and problems relevant to the research studies to be conducted under the ASRS.

3. Make FAA personnel available to assist NASA in the design of the ASRS.

4. Distribute the NASA ASRS forms, designed by NASA and bearing the NASA logo.

D. The FAA will modify its ASRP to provide the same waiver of disciplinary action for persons involved in incidents reported under ASRS as is presently provided persons by the ASRP. In addition, the FAA will expand the waiver to include a prohibition against the use of any information submitted under the ASRS (or derived therefrom) in any disciplinary action except information concerning criminal violations or accidents. The FAA will further provide for the waiver of disciplinary action in cases where the investigation has not been initiated in sufficient time to determine, under Section IV C., whether the person involved has been afforded protection against such action by the filing of the report under the ASRS. Finally, the FAA will delete aspects of its program, such as reporting, which would duplicate NASA's efforts under this agreement.

E. Prior to the time that the ASRS becomes operational, the FAA and NASA will agree on criteria to be used by NASA to determine whether a report contains time critical information within the meaning of Section IV B 1.(a).

F. The FAA and NASA will jointly develop a continuing information program designed to fully acquaint the aviation community and the public with all aspects of the ASRP, ASRS, and their interrelationship. All press releases and other public announcements will be subject to prior consultation between the parties.

G. FAA and NASA will each designate an official for the purpose of ensuring continuing liaison concerning the administration of the ASRS. These officials will meet as required to exchange information and ensure that the system is meeting its objectives.

VI. *Funding.* A. The FAA will reimburse NASA for amounts paid by NASA to any contractor assisting NASA in the performance of its ASRS functions up to a maximum of $560,000 for FY–1976, which maximum amount may be increased or decreased by mutual agreement of the parties. Appropriate maximum levels of obligation on the part of the FAA for subsequent fiscal years shall be periodically mutually agreed to by the parties.

B. NASA will provide all necessary funding for the salary and administrative service costs associated with the design and implementation of the ASRS, costs associated with the operation of the Advisory Committee, and any oher costs relating to the ASRS not otherwise specifically provided for herein.

VII. *Other provisions.* A. NASA will publish quarterly reports providing routine statistical ASRS findings. These reports will each contain an appendix identifying time critical reports processed during the reporting period. NASA will also publish from time to time special reports describing the findings of special analyses conducted as a result of requests by the Advisory Committee or by others.

B. NASA will provide the FAA with quarterly reports summarizing project highlights, accomplishments, and resource utilization and annual reports summarizing ASRS findings and results of special studies.

VIII. *Effective date.* This Agreement shall enter into force and effect when signed by both parties and shall remain in force and effect until June 1980 unless and until sooner terminated. Such termination may be by mutual agreement of the parties or by notice in writing forwarded by one party to the other not less than twelve months in advance of such termination.

Signed in Washington, D.C. on August 15, 1975.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
GEORGE M. LAW,
Deputy Administrator.
FEDERAL AVIATION ADMINISTRATION,
JAMES E. DOW,
Acting Administrator.

[FR Doc.76–10930 Filed 4–14–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

ABNORMAL OCCURRENCE REPORT

Third Report Submitted to Congress

Notice is hereby given that pursuant to the requirements of Section 208 of the Energy Reorganization Act of 1974, the Nuclear Regulatory Commission has published and issued the third periodic report to the Congress on abnormal occurrences (NUREG 0090–2). The release date is April 5, 1976.

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health and safety". The NRC has made a determination, based on interim Criteria, that events involving an actual loss or a significant reduction in the degree

of protection against loss, or a significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences. The third report to the Congress is for the fourth quarter 1975 and indicates that during this period:

(a) there were no abnormal occurrences at the 55 licensed operating nuclear power plants;

(b) there was one abnormal occurrence involving a nuclear material inventory anomaly at a fuel cycle plant; and

(c) there was one abnormal occurrence involving a possible occupational whole body exposure of a maximum of 28 rems during radiography operations.

The events discussed in (b) and (c) above have regulatory significance, and NRC investigations are in progress. The third report to the Congress also contains updating information on abnormal occurrences reported in previous reports.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street, N.W., Washington, D.C. or at any of the 122 local Public Document Rooms throughout the Country. The report, designated NUREG 0090–2, may be purchased from the National Technical Information Service, Springfield, Virginia 22161, at $3.50 a copy on or about April 19, 1976.

Dated at Washington, D.C. this 8th day of April 1976.

U.S. NUCLEAR REGULATORY COMMISSION,
SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76–10686 Filed 4–14–76;8:45 am]

[Docket No. 50–247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–26 issued to Consolidated Edison Company of New York, Inc. (the licensee), for operation of the Indian Point Nuclear Generating Unit No. 2 located in Westchester County, New York.

The amendent would revise the provisions in the Technical Specifications relating to the Cycle 2 reload, in accordance with the licensee's application for amendment, submitted by letter dated February 9, 1976.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By May 17, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Leonard M. Trosten, Esq., LeBoeuf, Lamb, Leiby, and MacRae, 1757 N Street NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment submitted by letter dated February 9, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76–10650 Filed 4–14–76;8:45 am]

[Docket No. 50–286]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. AND POWER AUTHORITY OF THE STATE OF NEW YORK

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR–64 issued to Consolidated Edison Company of New York, Inc. and the Power Authority of the State of New York for the Indian Point Nuclear Generating Unit No. 3, located in Westchester County, New York.

The amendment permits operation of the facility at steady state reactor core levels up to and including 3025 megawatts thermal (91% of full power operation). It also authorizes completion of power startup testing at core power levels up to and including 3025 megawatts thermal (100% of rated power). Previously, the facilty had been restricted to fuel loading and subcritical testing in accordance with Facility Operating License No. DPR–64 and the Technical Specifications. The facility is owned by the Power Authority of the State of New York, and Consolidated Edison is responsible for operation of the facility. The amendment is effective as of its date of issuance.

The application, including its amendments, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Sec. 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The basis for this licensing action is contained in the NRC Safety Evaluation Report, including Supplements 1, 2, and 3 on this subject, and in the letter dated April 5, 1976, from the Chief of the Light Water Reactors Branch No. 5 of the Division of Project Management.

For further details with respect to this action, see (1) Amendment No. 2 to License No. DPR–64, (2) Supplement No. 3 to the Safety Evaluation Report issued by the Office of Nuclear Reactor Regulation and (3) letter dated April 5, 1976.

All of these documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York.

A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 5th day of April, 1976.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Branch No. 5, Division of Project Management.

[FR Doc.76-10526 Filed 4-14-76;8:45 am]

[Docket No. 50-409]

DAIRYLAND POWER COOPERATIVE

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 5 to Provisional Operating License No. DPR-45 issued to Dairyland Power Cooperative which revised Technical Specifications for operation of the La Crosse Boiling Water Reactor (the facility), located in Vernon County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications for the facility to incorporate increased interim surveillance requirements for the high energy fluid piping outside containment pending completion and acceptance of certain modifications to the facility to assure that it will withstand the consequences of postulated ruptures in the high energy fluid piping outside containment without loss of capability to achieve and maintain safe shutdown of the facility as required by the Commission's regulations.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Provisional Operating License in connection with this action was published in the FEDERAL REGISTER on October 16, 1974 (39 F.R. 36999). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the Commission's letters to the licensee dated December 18, 1972, January 16, 1973, and April 8, 1974, (2) the licensee's filings dated January 17, 1974, August 15, 1974, January 23, 1975, and January 12, 1976, (3) Amendment No. 5 to License No. DPR-45, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin.

A copy of items (1), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 5th day of April 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-10527 Filed 4-14-76;8 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO. ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. DPR-50 issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit 1 (TMI-1) located in Dauphin County, Pennsylvania. The amendments is effective as of its date of issuance.

The amendment revises the Technical Specifications to modify the tendons selected for inspection in TMI-1 Tendon Surveillance Program.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment are not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that, pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 29, 1975, (2) Amendment No. 14 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 1st day of April, 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-10528 Filed 4-14-76;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Withdrawal of Application for Amendment to Facility Operating License

The Nebraska Public Power District (the licensee) of Columbus, Nebraska, by letter dated February 5, 1976, has requested withdrawal of its application dated December 2, 1975, for amendment to Facility Operating License No. DPR-46. License No. DPR-46 authorizes the licensee to possess and operate the Cooper Nuclear Station (the facility) located in Nemaha County, Nebraska, at power levels up to 2381 megawatts (thermal). The application for license amendment requested revisions to the Technical Specifications appended to the license relating to the limiting safety system setting for initiation of main steam line isolation valve closure from a main steam line low pressure signal.

The Nuclear Regulatory Commission (the Commission) grants the licensee's request for withdrawal of the application. Notice of Proposed Issuance of Amendment to Facility Operating License relating to the December 2, 1975 application was issued by the Commission on January 14, 1976, and published in the FEDERAL REGISTER on January 22, 1976 (41 FR 3358).

A copy of (1) the licensee's letter dated February 5, 1976, withdrawing the application for license amendment, (2) the application dated December 2, 1975, and (3) the Notice of Proposed Issuance dated January 14, 1976, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and at the Auburn Public Library, 118-15th Street, Auburn, Nebraska 68305.

Dated at Bethesda, Maryland, this 2nd day of April, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-10529 Filed 4-14-76;8:45 am]

[Docket No. 50-245]

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 26 to Provisional Operating License No. DPR-21 issued to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Connecticut Light and Power Company, for operation of the Millstone Nuclear Power Station, Unit 1, located in Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment revises the license to increase the maximum authorized power level of 40% of full power. The power level had been restricted to 25% of full power, due to the inoperability of the Isolation Condenser, by License Amendment No. 24 which we issued on March 12, 1976.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 22, 1976, (2) Amendment No. 26 to License No. DPR-21, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Oswego City Library, 120 E. Second Street, Oswego, New York 13126.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 2d day of April 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-10530 Filed 4-14-76;8:45 am]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Provisional Operating License No. DPR-13 issued to Southern California Edison Company and San Diego Gas and Electric Company for operation of the San Onofre Nuclear Generating Station, Unit 1, located in San Diego, California. The amendment is effective as of the date of issuance.

The amendment incorporates conditions to the license to permit the facility to be modified to implement the "Sphere Enclosure Project" as described in Amendment 52 to the Final Safety Analysis for the San Onofre Nuclear Generating Station, Unit 1.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Provisional Operating License in connection with this action was published in the FEDERAL REGISTER on January 7, 1976 (41 FR 1332). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

In connection with issuance of this amendment, the Commission has issued a Negative Declaration and Environmental Impact Appraisal.

For further details with respect to this action, see (1) the application for amendment dated December 3, 1975, as supplemented March 1, 1975, and letters dated March 25, 1976, (2) Amendment No. 20 to License No. DPR-13, (3) the Commission's related Safety Evaluation, (4) the Commission's Negative Declaration published concurrently with this Notice, and (5) the Commission's Environmental Impact Appraisal. All of the items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the San Clemente Public Library, 233 Granada Street, San Clemente, California.

A copy of items (2), (3) and (5) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 2nd day of April 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[RF Doc.76-10531 Filed 4-14-76;8:45 am]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Negative Declaration Regarding Amendment to License No. DPR-13 San Onofre Nuclear Generating Station, Unit No. 1

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an Amendment to Facility Operating License No. DPR-13 issued to Southern California Edison Company and San Diego Gas and Electric Company (licensee) for operation of the San Onofre Nuclear Generating Station, Unit 1, located in San Diego, California.

The amendment would revise the license to incorporate conditions to permit the facility to be modified to implement the "Sphere Enclosure Project" as described in Amendment 52 to the Final Safety Analysis for the San Onofre Nuclear Generating Station, Unit 1.

The Commission has prepared an environmental impact appraisal for the proposed amendment and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for San Onofre Nuclear Generating Station, Unit No. 1 published in October 1973.

The environmental impact appraisal setting forth the basis for the Commission's determination is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the San Clemente Public Library, 233 Granada Street, San Clemente, California 92672.

Dated at Bethesda, Maryland, this 2nd day of April 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-10532 Filed 4-14-76;8:45 am]

REGULATORY GUIDE 1.111, "METHODS FOR ESTIMATING ATMOSPHERIC TRANSPORT AND DISPERSION OF GASEOUS EFFLUENTS IN ROUTINE RELEASES FROM LIGHT-WATER-COOLED REACTORS"

Public Meeting

The Offices of Standards Development and Nuclear Reactor Regulation will con-

duct a public meeting to discuss Regulatory Guide 1.111, "Methods for Estimating Atmospheric Transport and Dispersion of Gaseous Effluents in Routine Releases from Light-Water-Cooled Reactors," which was published for comment on March 15, 1976.

Regulatory Guide 1.111 describes acceptable methodology for evaluating atmospheric transport and dispersion of radionuclides in routine releases from nuclear power reactors. It is one of a series of guides developed for the implementation of the Commission's regulation 10 CFR Part 50, Appendix I, which specifies numerical guides for nuclear power reactors to meet the criterion "as low as is reasonably achievable" for radioactive material in effluents. The guide is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Single copies (which may be reproduced) may be obtained upon written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The meeting will be held on May 13, 1976, in Rooms P–114/118 of the Commission's offices at 7920 Norfolk Avenue, Bethesda, Maryland, from 9:00 a.m. to 5:00 p.m. Representatives of the Offices of Standards Development and Nuclear Reactor Regulation will be present.

The meeting is intended to provide opportunities for the NRC staff and other interested persons to discuss questions, comments, and suggestions on the guide and the associated licensing review methodology. Written comments may be submitted to the Commission staff at the meeting or at any time to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Interested persons are invited to attend and ask questions or present oral or written statements on the guide. Any person who intends to make an oral statement should notify Mr. John W. Hickey, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301–443–6900, by May 10, 1976. It is expected that oral statements will be limited to 10 minutes. Persons desiring additional information regarding the meeting should also contact Mr. Hickey.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 6th day of April 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76–10533 Filed 4–14–76;8:45 am]

[Docket No. 50–296]

TENNESSEE VALLEY AUTHORITY BROWNS FERRY NUCLEAR PLANT, UNIT 3

Order Extending Construction Completion Date

Tennessee Valley Authority is the holder of Provisional Construction Permit No. CPPR–48 issued by the Nuclear Regulatory Commission's (the Commission) predecessor, the Atomic Energy Commission on July 31, 1968, for construction of the Browns Ferry Plant, Unit 3, which is presently under construction in Limestone County, Alabama.

In its letter dated June 5, 1975, Tennessee Valley Authority indicated that the Unit 3 construction schedule had been delayed because of an indirect result of the March 22, 1975 penetration fire and coordination of restoration activities involving Browns Ferry Nuclear Plant, Units 1 and 2 (Docket Nos. 50–259 and 50–260). Therefore, the Commission issued an Order dated July 17, 1975, extending the latest completion date to May 1, 1976. However, it has taken more time to implement the commitments to improve fire protection than anticipated in June 1975. For this reason, additional time is needed for completion of the remaining work on Unit 3 and to make allowances for any unforeseen contingencies. Accordingly, by letter dated March 17, 1976, Tennessee Valley Authority requested an extension of the completion date to November 1, 1976 for Browns Ferry Nuclear Plant, Unit 3 because of continuing necessity to coordinate its construction work with restoration activities related to the March 22, 1975 fire in such a way as to achieve the most productive overall schedule and to make allowances for any unforeseen contingencies.

This action involves no significant hazards consideration; good cause has been shown for the delay; and the requested extension is for a reasonable period, the bases for which are set forth in a staff Evaluation dated April 7, 1976.

Copies of the documents described above and other pertinent documents and correspondence are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Athens Public Library, South and Forrest, Athens, Alabama 35611.

It is hereby ordered that the latest completion date for CPPR–48 is extended from May 1, 1976 to November 1, 1976.

Date of Issuance: April 7, 1976.

For the Nuclear Regulatory Commission.

R. C. DEYOUNG,
Assistant Director for Light Water Reactors Division of Project Management.

[FR Doc.76–10899 Filed 4–14–76;8:45 am]

[Docket No. 50–305]

WISCONSIN PUBLIC SERVICE CORP. ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR–43 issued to Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company which revised Technical Specifications for operation of the Kewaunee Nuclear Power Plant located in Kewaunee, Wisconsin. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to provide operating limits for reactor coolant system pressure and core inlet temperature. The Technical Specifications also now provide for additional measurement, comparisons and surveillance for the cycle 2 core which employs a loading pattern developed by the licensee.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration, or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 26, 1976, and supplements dated March 30, 1976 and April 2, 1976, (2) Amendment No. 10 to Facility Operating License No. DPR–43, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin 54216.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 5th day of April 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76–10900 Filed 4–14–76;8:45 am]

[Docket No. PRM–71–2]

AMERICAN NATIONAL STANDARDS INSTITUTE COMMITTEE N14

Filing of Petition for Rule Making

Notice is hereby given that Mr. Arthur Spiegelman, by letter dated March 10, 1976, on behalf of the American National Standards Institute Committee N14 on the Packaging and Transportation of Radioactive and Fissile Materials,

has filed with the Nuclear Regulatory Commission a petition for rule making to amend the Commission's regulation "Packaging of Radioactive Material for Transport and Transportation of Radioactive Material Under Certain Conditions," 10 CFR Part 71.

The petitioner requests the Commission to initiate a rule making action to amend §§ 71.7 and 71.10 of 10 CFR Part 71 to exempt from the specification container requirements of 10 CFR Part 71 "low specific activity material," as defined in § 71.4(g), transported in the "sole use" mode.

The petitioner states that the regulations of the Department of Transportation in 49 CFR 173.392(b) provide an exemption for low specific activity material from the specification packaging, marking, and labeling requirements for sole use surface transport provided that the requirements of 49 CFR 173.392 (c) or (d) are met.

The petitioner states also that the American National Standards Institute Subcommittee N 14.9 on the packaging and transportation of radioactive wastes has prepared a draft of a standard on the packaging and transportation of liquid aqueous radioactive wastes, but the inconsistency between DOT and NRC regulations has presented difficult problems in trying to reach a national consensus on this matter.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Office of the Secretary, ATTN: Docketing and Service Section, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or before June 14, 1976.

Dated at Washington, D.C. this 9th day of April 1976.

NUCLEAR REGULATORY COMMISSION,
SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-11050 Filed 4-14-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON GENERAL ELECTRIC WATER REACTORS

Notice of Meeting

The meeting of the ACRS Subcommittee on General Electric Water Reactors scheduled to be held on April 23, 1976 in Washington, DC has been postponed indefinitely. Announcement of this meeting was made in FEDERAL REGISTER, Vol. 41, No. 69, page 14956, April 8, 1976.

Dated April 13, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-11049 Filed 4-14-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Nctice of Proposed Meetings

In order to provide advance information regarding proposed meetings of ACRS Working Groups, Subcommittees, and the full Committee, the following preliminary schedule is being published. This preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed Subcommittee and full Committee meetings published in FR Vol. 41, No. 56, page 11887, March 22, 1976. Those meetings that are definitely scheduled have had, or will have, an individual notice published in the FEDERAL REGISTER approximately 15 days (or more) prior to the meeting. Those Wokirng Group and Subcommittee meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meetings designated by an asterisk (*) will be open in whole or in part to the public. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the May 6–8, 1976 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–1406, Attn: Mary E. Vanderholt) between 8:15 a.m. and 5:00 p.m. e.s.t., before April 24, 1976 and between 8:15 a.m. and 5:00 p.m. e.d.t. after April 24.

WORKING GROUP AND SUBCOMMITTEE MEETINGS

Plutonium Shipping Packages, April 20, 1976, Chicago, IL. To review draft working papers on qualification test criteria to ensure that the packages used for shipping plutonium and other comparably hazardous material will survive airplane crashes. Notice has been published in FR. Vol. 41, page 10972. March 15, 1976.

**Peaking Factors,* April 20, 1976, Washington, DC, to review current methods of measuring power distribution in cores of light-water power reactors. Notice has been published in FR Vol. 41, page 14436, April 5, 1976.

**Environmental,* April 21, 1976, Washington, DC, to discuss the health aspects of the use of plutonium. Notice has been published in FR Vol. 41, page 10486, March 11, 1976.

Waste Management, April 22, 1976, Washington, DC, to discuss working papers regarding proposed waste management regulations. Notice has been published in FR Vol. 41, page 14438, April 5, 1976.

**General Electric Water Reactors (GESSAR–251),* April 23, 1976, Washington, DC. Postponed indefinitely.

**Hartsville Nuclear Power Plant, Units 1, 2, 3, and 4,* April 23, 1976, Nashville, TN, to develop further information for consideration by the ACRS in its review of the application of the Tennessee Valley Authority for a permit to construct Units 1, 2, 3, and 4. Notice has been published in FR Vol. 41, page 14959, April 8, 1976.

**Davis-Bacon Nuclear Power Station, Unit 1,* April 26–27, Toledo, OH. Postponed indefinitely.

**Diablo Canyon Nuclear Power Station, Units 1 and 2,* April 29–30, 1976, San Luis Obispo, CA. Rescheduled for May 20–21, 1976.

**North Anna Power Stations, Units 1 and 2,* May 5, 1976, Washington, DC. Postponed indefinitely.

Naval Reactors, May 5, 1976, Washington, DC. Rescheduled for May 20, 1976.

**Regulatory Guides,* May 5, 1976, Washington, DC to review working papers regarding future Regulatory Guides and proposed changes to existing Guides. Notice has been sent to the FEDERAL REGISTER for publication on Monday, April 19, 1976.

**Koshkonong Nuclear Plant, Units 1 and 2,* May 5, 1976, Washington, DC, to continue the review of the application of the Wisconsin Electric Power Company, et al, for a construction permit. Notice has been sent to the FEDERAL REGISTER for publication on Monday, April 19, 1976.

**Pilgrim Nuclear Power Station, Unit 1, and Reactor Pressure Vessels: Steel,* May 5, 1976, Washington, DC to discuss and evaluate the 1976 inservice inspectio nof the Pilgrim Nuclear Power Station, Unit 1 Reactor vessel nozzles N2B and N4A. Notice has been sent to the FEDERAL REGISTER for publication on Monday, April 19, 1976.

Procedures, May 5, 1976, Washington, DC to discuss proposed changes to Committee policy and practices regarding conduct of its activities. Notice has been sent to the FEDERAL REGISTER for publication on Monday, April 19, 1976.

Naval Reactors, May 20, 1976, Washington, DC, to discuss matters related to naval nuclear propulsion.

**Diablo Canyon Nuclear Power Station, Units 1 and 2,* May 20–21, 1976, San Luis Obispo, CA to continue the review of the application of the Pacific Gas and Electric Company for an operating license.

**Emergency Core Cooling Systems (ECCS),* May 21, 1976, Washington, DC, to discuss the effects of upper head injection (UHI) on the Westinghouse Electric Corporation's analytical models formulated to meet current ECCS criteria.

**San Joaquin Nuclear Project,* May 27, 1976, Bakersfield, CA to develop information for consideration by the ACRS in its review of the report on the suitability of the site proposed by the Department of Water and Power of the City of Los Angeles for the San Joaquin Nuclear Project.

FULL COMMITTEE MEETINGS

May 6–8, 1976.

A. **Hartsville Nuclear Power Plant, Units 1, 2, 3, and 4*—Construction Permit.

B. *Koshkonong Nuclear Plant, Units 1 and 2—Operating License.*
June 3–5, 1976.
Agenda to be announced.
Dated: April 13, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-11048 Filed 4-14-76;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

ADVISORY COMMITTEE, EDUCATION PANEL

Meeting

MARCH 30, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463) notice is hereby given that a meeting of the Education Panel will convene at 9:00 a.m. each day at Washington, D.C., on May 3 and 4, 1976.

The purpose of the meeting is to review Projects applications submitted to the National Endowment for the Humanities for grants to educational institutions and non-profit organizations.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific informtaion contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 Fifteenth Street NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee, Management Officer.

[FR Doc.76-10873 Filed 4-14-76;8:45 am]

ADVISORY COMMITTEE, EDUCATION PANEL

Meeting

MARCH 30, 1976.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463) notice is hereby given that a meeting of the Education Panel will convene at 9:00 a.m. each day at Washington, D.C., on May 6 and 7, 1976.

The purpose of the meeting is to review Projects applications submitted to the National Endowment for the Humanities for grants to educational institutions and non-profit organizations.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 Fifteenth Street NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.76-10874 Filed 4-14-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR 76–16]

ACCIDENT REPORTS; SAFETY RECOMMENDATIONS AND RESPONSES

Notice of Availability and Receipt

Aircraft Accident Report. The National Transportation Safety Board announces the release, April 5, of report No. NTSB–AAR–76–7 concerning the crash of a corporate executive flight near Nemacolin, Pennsylvania, September 12, 1975. The plane, a Rockwell Turbo Commander 690A, was owned by Campbell-Ewald Advertising Company of Detroit, Michigan. Probable cause of the accident, according to the Safety Board, was the pilot's attempt to execute a VFR approach in meteorological conditions which precluded visual flight to an airport which did not have an FAA-approved instrument approach procedure.

Railroad Accident Report and Recommendations. Investigation of the rear-end collision of two Alaska Railroad trains near Mt. McKinley last July 5 has resulted in Safety Board report NTSB–RAR–76–3, released April 7. The collision of the 11-car freight train, Extra 1502 South, with the rear of the 11-car passenger train, No. 5, both southbound on single mainline track near Hurricane, Alaska, occurred when No. 5 stopped to permit passengers to view Mt. McKinley. The Safety Board determined that the probable cause of the accident was the failure of the engineer of Extra 1502 South to operate the braking system on the locomotive properly and the failures of both traincrews to comply with railroad operating rules.

Having found during investigation that the accident was the culmination of a series of rule violations and poor practices, the Safety Board recommended that the Federal Railroad Administration (1) institute procedures on the Alaska Railroad to insure consistent compliance with operating rules; (2) revise the Alaska Railroad operating rules so that they explicitly state the actions required to provide safe operation; and (3) require all railroads to modify the 24 RL independent brake valves (the type involved in this accident) to eliminate future unwanted release of locomotive brakes. These recommendations, Nos. R–7–10 through 12, are designated Class II, for priority followup; they were issued April 7 by separate letter to the FRA.

Aviation Safety Recommendations The Safety Board, expressing concern about the design of the capacitance discharge strobe light system used on certain general aviation aircraft, has recommended that the Federal Aviation Administration (1) conduct a special study into the ignition/explosion mechanism involved with strobe lamp systems to find and to correct any fault(s) which may exist in current designs; (2) issue a Technical Standard Order on strobe light systems as soon as possible; (3) review the design of fuel-tank and strobe-lamp assembly combinations to insure they are vented properly, that vapors are isolated, and that they are not susceptible to electrical or mechanical damage during refueling; (4) alert general aviation industries and aircraft operators to the potential danger that exists in the high levels of energy within the strobe light system—maintenance personnel to be cautioned especially about the dangers inherent in abrasions and faulty connections in the strobe system wiring; and (3) review current Airworthiness Directives on strobe light systems to insure that they are adequate. These Class II recommendations, Nos. A–76–51 through 55, were issued April 5, 1976, following investigation of a Piper Aztec PA–23–250 fire in flight, and crash, near Grandville, Indiana, March 16, 1975.

Letters in Response to Aviation Safety Recommendations. The National Oceanic and Atmospheric Administration (NOAA) of the U.S. Department of Commerce, in a response dated April 2 to recommendations A–76–31 through 44 (41 FR 14953, April 8, 1976), indicates that NOAA and FAA are collaborating on an extensive program in the area of wind shear research and development. This program, funded largely by FAA, involves both techniques for detection as well as forecasting low-level wind shear. NOAA states, "Our two agencies are also about to embark on a test program to make information from the NWS weather radars at New York, Atlantic City and Patuxent immediately available to the FAA Central Flow Control Facility (CF^3). CF^3 will then alert the appropriate centers and approach control facilities of impending hazardous weather." NOAA will cooperate with FAA in trying to solve hazardous weather problems affecting safety of flight, particularly in the approach and landing phase, the letter concludes.

The Federal Aviation Administration letter of April 2 refers to recommendations A–76–59 through 64 (41 FR 14954, April 8, 1976), concerning the General Electric Company Model CF6 engine and compliance with the bird-ingestion criteria of FAA Advisory Circular 33–1A. Re recommendation A–76–59, FAA states that General Electric is conducting an

expedited in-depth investigation to determine the cause of the compressor case failure and identify needed corrective action. Re recommendation A–76–60, FAA states, "The test results will be assessed and used as the basis for substantiating any required modification for newly produced engines." FAA promises, in answer to recommendation A–76–61, to "give careful attention to the inservice engines and, based on the program now in process, will develop appropriate corrective measures." Concerning recommendation A–76–62, FAA now has under way a program to identify those airports having bird problems and to seek the most viable means of reducing or eliminating any associated hazards. A special agency task force was set up March 12 to pursue the program. A series of meetings with airport operators, Air Transport Association, the Airport Operators Council International, and the airlines will review past bird problems and solicit recommendations for future actions. FAA will determine the most effective, feasible techniques and will develop a national plan of implementation. Per recommendation A–76–63, FAA will advise all operators of CF6 engines "within seven days of this recommendation." Consistent with recommendation A–76–64, FAA states that it is scheduling a regulatory review with all interested parties to identify areas needing possible revision in 14 CFR 33. "Special attention to FAR 33.77 will be given," according to FAA. Also in reference to these recommendations, the Safety Board received on April 2 a communication from the General Electric Company concerning the CF6 certification tests.

Accident reports and Safety Board recommendation letters are available to the general public; single copies may be obtained without charge. Copies of the letters responding to recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by report or recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906))

MARGARET L. FISHER,
Federal Register Liaison Officer.

APRIL 12, 1976.

[FR Doc.76–10889 Filed 4–14–76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

ADVISORY COMMITTEE ON SOCIAL INDICATORS

Public Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Advisory Committee on Social Indicators to be held in Room 4203, New Executive Office Building, 726 Jackson Place NW., Washington, D.C., on May 20, 1976 at 10:00 a.m.

The purpose of the meeting is to review the current status of the work in preparation of the OMB report, *Social Indicators, 1976* and of the development of the first issue of the *Monthly Chartbook*. The Committee will hear progress reports on these two projects and will provide advice concerning the content and organization of the materials contained in both reports. The Committee will also discuss the future development of social indicator reports. The meeting will be open to public observation and participation.

Anyone wishing to participate should contact the Deputy Associate Director for Statistical Policy, Room 10202, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395–3836.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.76–10849 Filed 4–14–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–12305; File No. SR–SCCP–76–1]

SELF-REGULATORY ORGANIZATIONS

Proposed Rule Change by Stock Clearing Corporation of Philadelphia

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on March 29, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change setting forth procedures providing for the expansion of Stock Clearing Corporation of Philadelphia's ("SCCP") depository operation. In connection with the proposed rule change, SCCP requested that the Commission continue its previous finding pursuant to paragraphs (g) of Rules 8c–1 and 15c2–1 under the Securities Exchange Act of 1934 (the "Act") that the agreements, provisions and safeguards established by SCCP are adequate for the protection of investors.

In connection with its review of the submission, the Commission requested additional representations from SCCP concerning the expansion of its depository operation. The representations were made in a letter from SCCP dated March 30, 1976 which were incorporated in the SCCP submission and included in the public file.

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

SCCP proposes a procedural change whereby SCCP will pledge member securities held in its depository to the Options Clearing Corporation (OCC) in order to cover the margin requirements of option contracts written by SCCP members.

STATEMENT OF BASIS AND PURPOSE

The purpose of the procedure is to provide for SCCP members who use its depository facility a book entry method for pledging securities to OCC which is convenient, inexpensive and safe.

The proposed procedures relate to the following standards contained in Section 17A(b)(3) of the Act.

(a) The procedures have the capacity to facilitate the prompt and accurate clearance and settlement of securities transactions by immobilizing the certificates in a depository environment and reducing physical handling.

(b) They provide the safeguarding of securities by placing the certificates in a secure vault premise.

(c) They include the linking of clearance and settlement facilities, a stated purpose of Section 17A(a) of the Act.

(d) They incorporate reasonable fees which have been allocated on an equitable basis, as required by Section 17A (b)(3)(D) of the Act.

A number of SCCP members mostly local or within the SCCP branch region, have expressed the desire to pledge securities according to the proposed procedure. Each of these members has stated that the procedure would be economically advantageous to him compared to other means of pledging.

No burden on competition will be imposed by the proposed procedure.

The Commission has reviewed the SCCP submission and finds that the agreements, provisions and safeguards established by SCCP are adequate for the protection of investors. The Commission finds also that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies. Immediate implementation of the Rule pursuant to Section 19(b)(2) of the Act is deemed by the Commission to be necessary for the protection of investors, the prompt and accurate clearance and settlement of securities transactions, and the safeguarding of securities and funds.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR–SCCP–75–1 be, and hereby is, approved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 2, 1976.

[FR Doc.76–10893 Filed 4–14–76;8:45 am]

[Release No. 34–12318]

CONSOLIDATED TRANSACTION REPORTING SYSTEM

Extension of Time for Public Comment on Prohibitions on Retransmission of Last Sale Reports

On March 3, 1976, the Commission published for comment a letter received from Reuters Limited ("Reuters") requesting the Commission to modify or eliminate the provisions of the joint industry plan for the operation of the consolidated transaction reporting system declared effective by the Commission pursuant to Rule 17a–15 under the Securities Exchange Act of 1934 (the "Act"), which prohibit Reuters from retransmitting last sale reports disseminated by the Consolidated Tape Association for display as a cascading ticker on the Reuters monitor display device. In the release inviting public comment, the Commission requested that commentators respond to the issues raised by the Reuters letter in light of certain obligations placed upon the Commission by the Act as a result of the enactment of the Securities Acts Amendments of 1975, particularly those imposed by Sections 11A(b)(5) and 11A(c)(1) of the Act.[1]

The Commission has determined to extend the time for submitting comments on the issues raised by the Reuters letter to May 1, 1976.[2] Persons wishing to make written submissions should file six copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 not later than May 1, 1976. All such comments should refer to File No. S7–620 and will be available for public inspection in the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 6, 1976.

[FR Doc.76–10894 Filed 4–14–76;8:45 am]

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[1] Securities Exchange Act Release No. 12162 (March 3, 1976). [41 FR 10499]

[2] The time originally specified for submitting comments expired on April 1, 1976. Id. at 13.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1225]

ARKANSAS

Declaration of Disaster Loan Area

As a result of the President's declaration, I find that Cleburne, Lonoke, Pulaski, and Yell Counties, and adjacent counties within the State of Arkansas, constitute a disaster area because of damage resulting from tornadoes beginning about March 25, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 31, 1976, and for economic injury until the close of business on January 3, 1977, at:

Small Business Administration, District Office, 611 Gaines Street, Suite 900, Little Rock, Arkansas.

or other locally announced locations.

Dated: April 7, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-10853 Filed 4-14-76;8:45 am]

[License No. 04/04-0091]

FALCON CAPITAL CORP.

Filing of Application for Transfer of Control of a Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to Section 107.701 of the Regulations governing small business investment companies (13 CFR 107.701 (1976)) for the transfer of control of Falcon Capital Corporation, 2 Fifth Avenue, Charleston, South Carolina 29403, a Federal licensee under the Small Business Investment Act of 1958, as amended, (the Act), License No. 04/04-0091.

Falcon Capital Corporation was licensed on April 14, 1964. Its present combined paid-in capital and surplus is $152,237. The proposed transfer of control is subject to and contingent upon the approval of SBA.

The Applicant, Mr. Wayne S. Williams is purchasing all of the issued and outstanding stock of Falcon Capital Corporation and will relocate the principal office of the licensee to: 1355 Old York Road, Abington, Pennsylvania 19001.

The proposed new officers and directors of the applicant are as follows:

President, Treasurer and Director, Wayne S. Williams, 1898 Lambut Rd., Jenkintown, Pennsylvania 19046.

Director and Secretary, Lillian C. Fleming, 1740 Old Welsh Rd., Huntingdon Valley, Pennsylvania 19006.

Director, Charles A. Nester, 5603 Yarwell, Houston, Texas 77035.

The applicant proposes to increase the private capital of the licensee by $147,763 upon approval from SBA to bring the total private capital to $300,000.

Matters involved in SBA's consideration of the application include the general business reputation and character of the new owner and management, and the probability of successful operations of Falcon Capital Corporation under their management and control, including adequate profitability and financial soundness, in accordance with the Act, and Regulations .

Notice is hereby given that any person may, not later than (15 days from the date of publication of this Notice), submit to SBA, in writing, comments on the transfer of control.

Any such communications should be addressed to the Deputy Associate Administrator for Investment, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Charleston, South Carolina and Abington, Pennsylvania.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 6, 1976.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-10851 Filed 4-14-76;8:45 am]

[Declaration of Disaster Loan Area No. 1227]

LOUISIANA

Declaration of Disaster Area

West Carroll Parish and adjacent Parishes within the State of Louisiana constitute a disaster area because of damage resulting from a tornado which occurred March 20, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 7, 1976 and for economic injury until the close of business on January 7, 1977, at:

Small Business Administration, District Office, 100 Howard Avenue, 17th Floor, New Orleans, Louisiana 70113.

or other locally announced locations.

Dated: April 8, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-10854 Filed 4-14-76;8:45 am]

[Declaration of Disaster Loan Area No. 1226]

MISSISSIPPI

Declaration of Disaster Loan Area

As a result of the President's declaration, I find that Copiah, Madison, Newton, and Simpson Counties, and adjacent counties within the State of Mississippi, constitute a disaster area because of damage resulting from severe storms, tornadoes, and flooding beginning on March 26, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 31, 1976, and for economic injury until the close of business on January 3, 1977, at:

Small Business Administration, District Office, 200 East Pascagoula, Room 690, Jackson, Mississippi 39201.

or other locally announced locations.

Dated: April 8, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-10855 Filed 4-14-76;8:45 am]

[Declaration of Disaster Loan Area No. 1224]

OKLAHOMA

Declaration of Disaster Loan Area

As a result of the President's declaration, I find that Latimer and LeFlore Counties, and adjacent counties, within the State of Oklahoma, constitute a disaster area because of damage resulting from severe storms and tornadoes beginning on March 26, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 31, 1976, and for economic injury until the close of business on January 3, 1977, at:

Small Business Administration, District Office, 50 Penn Place, Suite 840, Oklahoma City, Oklahoma 73118.

or other locally announced locations.

Dated: April 7, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-10856 Filed 4-14-76;8:45 am]

[License No. 09/09-0173]

SECURITY BENEFICIAL INVESTMENT CORP.

Surrender of License

Notice is hereby given that Security Beneficial Investment Corporation, 10990 Warner Street, Suite F, Fountain Valley, California 92708, has surrendered its License No. 09/09-0173, issued August 28, 1974.

Security Beneficial Investment Corporation has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Security Beneficial Investment Corporation is accepted and it is no longer licensed to operate as a small business investment company, effective April 5, 1976.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 7, 1976.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-10852 Filed 4-14-76;8:45 am]

WASHINGTON (D.C.) DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Washington (D.C.) District Advisory Council will hold a public meeting at 10:15 a.m., Wednesday, May 5, 1976, in Suite 250, Executive Building, 1030 15th Street NW., to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Frank H. Proudfoot, Suite 250, Executive Building, 1030 15th Street NW., Washington, D.C. 20416 (202) 382-3345.

Dated: April 8, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76-10850 Filed 4-14-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

Office of Proceedings

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

Notice

APRIL 9, 1976.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before May 17, 1976. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 29867 (Notice of filing of petition to add a base radial point), filed March 25, 1976. Petitioner: NORWICH TRUCKING COMPANY, INC., RD #3, Box 347, Norwich, N.Y. 13815. Petitioner's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Petitioner holds a *contract carrier* permit in No. MC 29867, issued March 1, 1954, authorizing as pertinent, transportation over irregular routes, of *drugs, chemicals, and toilet preparations*, and *such commodities* as are used in the manufacture of drugs, chemicals, and toilet articles, and in connection therewith, *equipment, materials, and supplies*, used in or incidental to the manufacture and distribution of such commodities, (a) between Norwich, N.Y., on the one hand, and, on the other, Newark and Hackensack, N.J., and points in the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665 (except New York City); (b) between Norwich, N.Y., on the one hand, and, on the other, New York, N.Y., and Philadelphia, Pa.; and (c) between Norwich, N.Y., on the one hand, and, on the other, points in New Jersey within 40 miles of Columbus Circle, New York, N.Y. (except those in the New York, N.Y., Commercial Zone, as defined by the Commission, and except Newark and Hackensack, N.J.), under special and individual contracts or agreements, with persons as defined in Section 203(a) of the Interstate Commerce Act who operate chain retail stores, the business of which is the sale of food. By the instant petition, petitioner seeks to add "North Norwich, N.Y." to (a), (b), and (c) above as an additional base radial point. Petitioner states it is presently serving Norwich Pharmacal Company, Division Morton-Norwich Products, Inc. as the sole contracting shipper in MC 29867.

No. MC 40978 (Sub-Nos. 8 and 22G) (Notice of filing of petition to modify commodity descriptions), filed March 17, 1976. Petitioner: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 Highway 141, P.O. Box 686, Sheboygan, Wis. 53081. Petitioner's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Petitioner holds motor *common carrier* certificates in No. MC 40978 (Sub-Nos. 8 and 22G), issued June 2, 1967, and February 17, 1976, respectively, authorizing as pertinent, transportation, over irregular routes, in MC 40978 (Sub-No. 8), of *new institutional, new household and new office fixtures and equipment*, uncrated, between points in Wisconsin, restricted against service from Two Rivers, Wis., to points in Iowa and Indiana; and in MC 40978 (Sub-No. 22G), of *new institutional, new household, and new office fixtures and equipment*, uncrated, from points in Wisconsin to points in Iowa, Illinois, Indiana, Michigan, Ohio, and Kentucky, restricted against the transportation of shipments from Two Rivers, Wis., to points in Iowa and Indiana. By the instant petition, petitioner seeks to delete the word uncrated from the above commodity descriptions in MC 40978 (Sub-Nos. 8 and 22G).

Nos. MC 113981 and (Sub-No. 7) (Petition for modification of certificates to remove restrictions) filed March 17, 1976. Petitioner: VEGAS TRUCKING & MOVING, INC., 2853 Cedar Street, Las Vegas, Nev. 89104. Petitioner's representative: William J. Lippman, 1819 H Street NW., Washington, D.C. 20006. Petitioner holds motor common carrier certificates in Nos. MC 113981 and (Sub-No. 7), issued November 24, 1972, and October 10, 1973, respectively, authorizing, as pertinent, transportation, over regular routes: (1) (a) in MC 113981, of *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, petroleum products in bulk, and commodities requiring special equipment), between Las Vegas, Nev., and Shoshone, Calif., serving all intermediate points, and serving off-route points within 15 miles of Las Vegas, those within 10 miles of Shoshone, those within 10 miles of the highways specified below, and the off-route point of Ash Meadows, Nev., restricted against the interline or interchange of shipments at any point in California: From Las Vegas over U.S. Highway 91 to junction Nevada Highway 16, thence over Nevada Highway 16 to Pahrump, Nev., thence over Nevada Highway 52 to the Nevada-California State line, thence over California Highway 178 (formerly California Highway 52) to Shoshone, and return over the same route; and (b) of *general commodities* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), between Pahrump, Nev., and Bakersfield, Calif., serving all intermediate points: From Pahrump over Nevada Highway 52 to the Nevada-California State line, thence over California Highway 178 (formerly California Highway 52) to Shoshone, Calif., thence over California Highway 127 to Death Valley Junction, Calif., thence over California Highway 190 to Emigrant Junction, Calif., thence over unnumbered highway to junction California Highway 212 approximately 7 miles south of Trona, Calif.

Thence over California Highway 212 to junction California Highway 14 (formerly U.S. Highway 6), thence over California Highway 14 to Freeman, Calif., approximately 4 miles west of Inyokern, Calif., thence over U.S. Highway 178 to Bakersfield, and return over the same route, restricted (except for the transportation of fertilizer), to the transportation of traffic which originates at or is destined to points in California bounded on the north by a line beginning at the Pacific Ocean at Moss Landing, Calif., and extending over California Highway 1 to Watsonville, Calif., thence over California Highway 152 to Califa, Calif., thence over U.S. Highway 99 to Sacramento, Calif., and thence over U.S. Highway 50 to the California-Nevada State line, and bounded on the south by a line beginning at the Pacific Ocean at Ventura, Calif., and extending over U.S. Highway 101 to junction California Highway 126, near Ventura, thence over California Highway 126 to junction U.S. Highway 99, thence over U.S. Highway 99 to junction U.S. Highway 14 (formerly U.S. Highway 6), thence over U.S. Highway 14 to Palmdale, Calif., thence over California Highway 138 to junction Interstate Highway 15 (formerly U.S. Highway 91) to Cajon Junction, Calif., and thence over Interstate Highway 15 to the California-Nevada State line; and (2) in MC 113981 (Sub-No. 7), of *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, petroleum products in bulk, and commodities requiring special equipment), between junction Nevada Highway 538 and unnumbered county road approximately 15 miles southeast of Pahrump, Nev., and Tecopa, Calif., serving all in-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

termediate points and the off-route points of Hidden Hills Ranches, Nev.-Calif., and Spring Valley Ranches, Resting Springs Ranch, and Tecopa Heights, Calif.: From junction Nevada Highway 538 and unnumbered county road over unnumbered county road to the Nevada-California State line, thence over Inyo County, Calif., Highway 5007 to Tecopa, and return over the same route, service authorized in (2) over Inyo County, Calif., Highway 5007 is restricted to the transportation of traffic originating at or destined to authorized points in California.

By the instant petition, petitioner seeks to delete the restrictions imposed in (1) (a) which reads: "restricted against interline or interchange of shipments at any point in California"; (b) which reads: "restricted to the transportation of traffic which originates at or is destined to points in California"; and (2) which reads: "restricted to the transportation of traffic originating at or destined to authorized points in California."

No. MC 121495 (Sub-No. 6) (Correction and amendment) (Notice of filing of petition for declaratory order), filed August 28, 1974, published in the FEDERAL REGISTER issue of December 10, 1975, and republished as amended this issue. Petitioner: ENGLEWOOD TRANSIT COMPANY, a Corporation, Commerce City, Colo. Petitioner's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. The FEDERAL REGISTER notice of December 10, 1975 in this matter correctly states petitioner's present authority. However, the statement with respect to the purpose of the petition filing is partially in error. That portion of the notice dealing with petitioner's request for a ruling against imposition of a 20% excess rate charge on interstate transportation is substantially correct and remains as previously noticed. The remaining portion of the notice incorrectly references condition (2)(b) concerning a prohibition against performing scheduled operations. Petitioner does not seek a ruling on condition (2)(b), but rather on condition (2)(c) concerning a prohibition on the establishment of a Branch office or employment of an agent in any other town or city than Pueblo, Colo., for the purpose of developing business. The sole purpose of this republication is to indicate that petitioner seeks a declaratory ruling that a prohibition on its establishment of a Branch office or employment of an agent in any other town or city than Pueblo, Colo. for the purpose of developing business is contrary to Commission policies and should not be imposed on its registered authority. The scheduled service condition is not an issue in this proceeding.

No. MC 123778 (Sub-No. 26) (Notice of filing of petition to modify commodity description), filed March 25, 1976. Petitioner: JALT CORP., doing business as UNITED NEWSPAPER DELIVERY SERVICE, 75 Cutters Dock Rd., Woodbridge, N.J. 07095. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a motor *contract carrier* permit in No. MC 123778 (Sub-No. 26), issued February 11, 1976, authorizing transportation, over irregular routes of *magazines*, from Albany, N.Y., to Wilmington, Del., Baltimore, Md., the District of Columbia, and points in Connecticut and New Jersey, those points in that part of Pennsylvania on and east of U.S. Highway 15, and those points in that part of New York, on, east, and south of a line beginning at the New York-Pennsylvania State Boundary line and extending along New York Highway 26 to junction New York Highway 17 near Vestal, N.Y., thence along New York Highway 17 to Binghamton, N.Y., thence along New York Highway 7 to Oneonta, N.Y., thence along New York Highway 28 to Kingston, N.Y., thence north along the Hudson River to the Boundary line between Dutchess and Columbia Counties, N.Y., and thence along the Boundary line between Dutchess and Columbia Counties, N.Y., to the New York-Connecticut State Boundary line, under a continuing contract, or contracts, with McGraw-Hill Publications Company. By the instant petition, petitioner seeks to add *magazine parts and inserts, and books* to the commodity described above.

No. MC 136103 (Sub-No. 1) (Notice of filing of petition for modification of permit), filed March 8, 1976. Petitioner: JOHN J. SAMMON, 45-64 157th Street, Flushing, N.Y. 11355. Petitioner's representative: Bruce J. Robbins, 1 Lefrak City Plaza, Flushing, N.Y. 11368. Petitioner holds a *contract carrier* Permit in No. MC 136103 (Sub-No. 1) issued July 12, 1972, authorizing transportation over irregular routes, of *Materials and supplies* used in the electroplating industry (except in bulk, in tank vehicles), from Nutley, N.J., to points in that part of the New York, N.Y., Commercial Zone as defined in the 5th Supplemental Report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which operations may be conducted pursuant to the partial exemption in section 203(b)(8) of the Act (the "exempt" zone), under a continuing contract, or contracts with Udylite Corporation. By the instant petition, petitioner seeks to modify the above authority so as to read, *materials and supplies* used in the metal finishing industry (except in bulk, in tank vehicles), from Wayne (Mountain View), N.J., to points in that part of the New York, N.Y., Commercial Zone as defined in the 5th Supplemental Report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 within which operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of The Act (the "exempt" zone), under a continuing contract or contracts with Oxy Metal Industries Corporation.

No. MC 136766 (Sub-No. 1) (Notice of filing of petition for modification of permit), filed March 15, 1976. Petitioner: CARL DITTFIELD, 33 Drake Street, Pittston, Pa. 18640. Petitioner's representative: Joseph F. Hoary, 121 S. Main Street, Taylor, Pa. 18517. Petitioner holds a motor *contract carrier* permit in No. MC 136766 (Sub-No. 1), authorizing transportation over irregular routes, of *Such merchandise* as is dealt in by retail department stores, from New York, N.Y., Bridgeport and Hartford, Conn., Springfield, Holyoke, and Boston, Mass., Baltimore, Md., the District of Columbia, and points in Bergen, Essex, Hudson, and Union Counties, N.J., to Exeter, Pa., under a continuing contract, or contracts, with Jewelcor, Inc., of Exeter, Pa. By the instant petition, petitioner seeks to add (1) French Lick and Jasper, Ind., as additional points of origin in the territorial description; and (2) National Music Center of America, Inc., as an additional contracting shipper to the above authority.

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

Notice

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practices* (49 CFR §1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application. Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and re-

strictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing. Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 531 (Sub-No. 332), filed March 19, 1976. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd., P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid soap, detergents*, in bulk, in tank vehicles, from Long Beach, Calif., to Elizabethton, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles or San Francisco, Calif.

No. MC 2900 (Sub-No. 286), filed March 19, 1976. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk and those requiring special equipment), serving the plantsite and warehouse facilities of Sears, Roebuck and Co., at or near Newport, Del., as an off-route point in connection with applicant's presently authorized regular routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 6078 (Sub-No. 84), filed March, 15, 1976. Applicant: D. F. BAST, INC., P.O. Box 2288, Allentown, Pa. 18001. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor, vehicle, over irregular routes, transporting: (1) (a) *Structural and fabricated steel*, the transportation of which requires, because of size or weight, require the use of special equipment; and (b) *structural and fabricated steel*, and *related materials and supplies* which do not require, because of size or weight, the use of special equipment, between Allentown, Pa., and points in within 30 miles thereof, and points in Middlesex and Union Counties, N.J., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Tennessee; and (2) *structural equipment and supplies* used in connection with the erection of the commodities in (1) above, between points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 7166 (Sub-No. 17) (Correction), filed January 14, 1976, published in the FEDERAL REGISTER issue of March 4, 1976, republished as corrected this issue. Applicant: WILSON TRANSPORTATION SERVICE, INC., P.O. Box 258, Ottawa, Ohio 45875. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between points in Ohio on and west and south of a line beginning at the Ohio-West Virginia State Boundary line and extending along U.S. Highway 33 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State Boundary line (except points in Jackson Township, Preble County, Ohio), on the one hand, and, on the other, points in and south of Muskegon, Newago, Mecosta, Clare, Gladwyn, Bay, Tuscola, and Huron Counties, Mich., and (2) between points in Ohio bounded by a line beginning at the Indiana-Ohio State Boudary line and extending along U.S. Highway 224 to junction U.S. Highway 68 thence along U.S. Highway 68 to junction Ohio Highway 31, thence along Ohio Highway 31 to junction Ohio Highway 38, thence along Ohio Highway 38 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-Indiana State Boundary line, thence along the Indiana-Ohio State Boundary line, to the points of beginning, on the one hand, and, on the other, points in Michigan which are in and south of the counties of Muskegon, Newago, Mecosta, Clare, Gladwn, Bay, Tuscola, and Huron Counties, Mich., and which are on and east of a line beginning at the Ohio-Michigan State Boundary line and extending along Michigan Highway 52 to junction Interstate Highway 96, thence along Interstate Highway 96 to Lake Michigan.

(3) Between points in Ohio on, south, and east of a line beginning at Lake Erie and extending along Interstate Highway 71 to junction U.S. Highway 224, thence along U.S. Highway 224, to U.S. Highway 68, thence along U.S. Highway 68 to the Ohio-Kentucky State Boundary Line, on the one hand, and on the other, points in Indiana in and east and north of Vermillion, Vigo, Sullivan, Greene, Daviess, Martin, Orange, Washington, Floyd, and Clark Counties, Ind., which are on and north of a line beginning at the Indiana-Ohio State Boundary line and extending along U.S. Highway 24 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State Boundary line and (4) between points in Ohio on, east, and north of a line beginning at Lake Erie and extending along U.S. Highway 25 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 30 (formerly U.S. Highway 30N), thence along U.S. Highway 30 to the Ohio-West Virginia State Boundary line, on the one hand, and, on the other, points in Indiana which are in and east and north of Vermillion, Vigo, Sullivan, Greene, Daviess, Martin, Orange, Washington, Floyd, and Clark Counties, Ind., and which are on and south of a line beginning at the Indiana-Ohio State Boundary line and extending along U.S. Highway 224 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Illinois State Boundary line; and (5) between points in that part of Ohio on and east of a line beginning at Sandusky, Ohio, and extending along Ohio Highway 4 to junction U.S. Highway 23, thence along U.S. Highway 23 to its junction with U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State Boundary line, on the one hand, and, on the other, Chicago, Ill., and points in Illinois which are in and east of Du Page, Cook, Will, Kankakee, Iroquois, and Vermillion Counties, Ill.

(6) Between points in the part of Ohio on and east of a line beginning at the Ohio-West Virginia State Boundary line and extending along U.S. Highway 33 to Columbus and thence along U.S. Highway 23 to the Ohio-Kentucky State Boundary line on the one hand, and, on the other, Chicago, Ill.; and points in and east of Du Page, Cook, Will, and Kankakee Counties, Ill., and which are on and north of Illinois Highway 17, and (7) between points in that part of Ohio, east and north of a line beginning at the Ohio-Michigan State Boundary line and extending along Interstate Highway 75 to its junction with Ohio Highway 309 (formerly U.S. Highway 30S), thence along Ohio Highway 309 to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State Boundary line, on the one hand, and, on the other, points in Illinois which are in and east of Kankakee, Iroquois, and Vermillion Counties, Ill., and on and south of Illinois Highway 17; (8) between points in that part of Ohio on, north, and west of a line beginning at the Ohio-Michigan State Boundary line and extending along Interstate Highway 75 to Lima, Ohio, thence along Ohio Highway 309 (formerly U.S. Highway 30S) to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State Boundary line, on the one hand, and, on the other, points in Kentucky in and north of Jefferson, Shelby, Franklin, Woodford, Fayette, Clark, Montgomery, Bath, Rowan, Carter, and Boyd Counties, Ky.; and (9) between points in that part of Ohio on and east of a line beginning at the Ohio-Michigan State Boundary line and extending along Interstate Highway 75 to Findlay, Ohio, thence along U.S. Highway 224 to the Ohio-Pennsylvania State Boundary line, on the one hand, and, on

the other, points in Kentucky which are in and north of Jefferson, Shelby, Franklin, Woodford, and Fayette Counties, Ky., which are on and west of Interstate Highway 75.

(10) Between points in that part of Ohio on, north, and west of a line beginning at Toledo, Ohio, thence along Interstate Highway 75 to junction Ohio Highway 81, thence along Ohio Highway 81 to the Ohio-Indiana State Boundary line, on the one hand, and, on the other, points in West Virginia in and north and west of Wayne, Cabell, Putnam, Jackson, Wirt, Ritchie, Tyler, Wetzel, Marshall, Ohio, Brooke, and Hancock Counties, W. Va.; and (11) between points in that part of Ohio on, west, and north of a line beginning at the Ohio-Michigan State Boundary line and extending along Ohio Highway 109 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Ohio Highway 81, thence along Ohio Highway 81 to the Ohio-Indiana State Boundary line, on the one hand, and, on the other, Pittsburgh and points in Pennsylvania on and west of Interstate Highway 79; and (12) between points in Ohio.

NOTE.—The purpose of this republication is to indicate applicant intends to tack the requested at Vaughsville, Ohio, and points within 8 miles thereof and at Ottawa, and points within 15 miles thereof, to lender service between points in Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, West Virginia, Pennsylvania, Michigan, and Ohio. Applicant holds authority under Certificate No. MC 7166 and subs to perform the proposed service between the described areas of Ohio and the described areas of Illinois, Indiana, Kentucky, West Virginia, Pennsylvania, Ohio, and Michigan which are within 200 miles of Ottawa, Ohio. The purpose of this application is to clarify the 200 mile radius by using state-line, county, and highway boundaries in the named states. Applicant seeks no duplicating authority. Applicant also requests that this application be processed with Complaint proceeding MC–C–8831 and applicant's concurrently filed petition to reopen applicant's MC 7166 "grandfather" proceeding and applicant's MC 7166 Sub 1 extension proceeding. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 19227 (Sub-No. 225), filed March 15, 1976. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N.W. 20th Street, P.O. Box 52062, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer chassis* (other than those designed to be drawn by passenger automobiles) and *parts, equipment, and accessories* therefor; and (2) *fabricated steel tanks and accessories*, from Houston, Tex., to points in the United States (except Alaska, Hawaii, and Texas).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Houston, Tex., or Washington, D.C.

No. MC 22229 (Sub-No. 107), filed March 19, 1976. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316. Applicant's representative: Ralph B. Matthews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, tranporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): From Toledo, Ohio, over Interstate Highway 90, to Chicago, Ill., and return over the same route for operating convenience only, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 28060 (Sub-No. 31), filed March 15, 1976. Applicant: WILLERS, INC., doing business as WILLERS TRUCK SERVICE, 1400 N. Cliff Avenue, P.O. Box 944, Sioux Falls, S. Dak. 57101. Applicant's representative: Bruce E. Mitchell Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses*, and *such commodities* as are used by meat packers in the conduct of their businesses when destined to and for use by meat packers are described in Sections A, B, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and liquid commorities in bulk), from points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and Wisconsin, to the plantsite and/or storage facilities of John Morrell & Co., located at or near Sioux Falls, S. Dak.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Paul, Minn., or Sioux Falls, S. Dak.

No. MC 29079 (Sub-No. 87), filed March 15, 1976. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union, P.O. Box 935, Kokomo, Ind. 46901. Applicant's representative: Richard H. Streeter, 704 Southern Bldg., 15th & H St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, and household goods as defined by the Commission), between Southwind Maritime Centre located at or near Mt. Vernon, Posey County, Ind., on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Indianapolis, Ind.

No. MC 42487 (Sub-No. 848), filed February 23, 1976. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, P.O. Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, assembled automobiles and those requiring special equipment), between Columbia, Mo., and the plantsite of FASCO Industries at or near Eldon, Mo.: From Columbia, Mo., over U.S. Highway 63 to Jefferson City, Mo., thence over U.S. Highway 54 to Eldon, Mo., thence over city streets to the plantsite of FASCO Industries, and return over the same route, serving no intermediate points except the junction of U.S. Highways 50, 63, 54 at Jefferson City, Mo., for purposes of joinder only, and serving the plantsite of FASCO Industries at or near Eldon, Mo., as an off-route point in connection with carrier's present operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Washington, D.C.

No. MC 52704 (Sub-No. 122), filed March 16, 1976. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer H, LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree Street NW., Suite 246, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers and closures* therefore, from Chattanooga, Tenn., to points in Arkansas, Florida, Kentucky, Louisiana, Mississippi, and South Carolina; and (2) *materials and supplies* used in the manufacture and distribution of glass containers, from points in Arkansas, Florida, Kentucky, Louisiana, Mississippi, and South Carolina, to Chattanooga, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 52704 (Sub-No. 123), filed March 17, 1976. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer H, LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree Street NW., Suite 246, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard boxes* (except corrugated) from Cleveland, Tenn., to points in California, Georgia, Illinois, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, and Texas; and (2) *materials, supplies, and equipment*, used in the manufacture and distribution of pulpboard boxes (except corrugated) from points in Georgia, Kentucky, North Carolina, and Virginia, to Cleveland, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 61440 (Sub-No. 155), filed March 8, 1976. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, P.O. Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite and storage facilities of Houston Chemical Company, a division of PPG Industries, Inc., located eight miles north and three miles east of Woodward, Okla., as an off-route point in connection with carrier's otherwise authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla. or Washington, D.C.

No. MC 61592 (Sub-No. 382), filed December 15, 1975. Applicant: JENKINS TRUCK LINE, INC., R.R. No. 3, P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, 101 First Avenue, P.O. Box 737, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile and materials and supplies* used in the application thereof, from Lexington, N.C., to points in the United States (except Alaska and Hawaii and points in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Charlotte or Raleigh, N.C.

No. MC 67450 (Sub-No. 55), filed March 11, 1976. Applicant: PETERLIN CARTAGE CO., 9651 South Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Wauseon, Ohio, to points in Illinois, Michigan, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 77721 (Sub-No. 1), filed March 19, 1976. Applicant: JERRY M. BARNER & SONS, 1211–1213 Spruce Street, Roselle, N.J. 07203. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials and supplies* (except in bulk), between Ramapo, N.Y., and points in New Jersey, north of N.J. Highway 33, including Trenton, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J. or New York, N.Y.

No. MC 93186 (Sub-No. 1) (Amendment), filed January 29, 1976, published in the FEDERAL REGISTER issue of March 11, 1976, and republished this issue. Applicant: EUDELL WATTS III doing business as WATTS TRANSFER & DELIVERY SERVICE, 825 1st Avenue, Rock Island, Ill. 61201. Applicant's representative: James Coryn, 312 1st. National Bank Bldg., 17th. St. & 2nd. Avenue, Rock Island, Ill. 61201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between the facilities of French & Hecht Division, Kelsey-Hayes Company located at or near Walcott, Iowa, on the one hand, and, on the other, points in Illinois, Wisconsin and Louisville, Ky. restricted to the transportation of traffic originating at and destined to the above named points.

NOTE.—The purpose of this republication is to amend the territorial description in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Des Moines, Iowa.

No. MC 94430 (Sub-No. 39), filed March 19, 1976. Applicant: WEISS TRUCKING COMPANY, INC., P.O. Box 7, Mongo, Ind. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Michigan, to ports of entry on the International Boundary line between the United States and Canada, located at or near Detroit, Port Huron, and Sault Ste. Marie, Mich.

NOTE.—Common control may be involved If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Detroit, Mich.

No. MC 95490 (Sub-No. 41), filed March 12, 1976. Applicant: UNION CARTAGE COMPANY, a Corporation, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Edward J. Kiley, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Baltimore, Md., to points in Connecticut, New Hampshire, New Jersey, and New York.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Boston, Mass. or Washington, D.C.

No. MC 95540 (Sub-No. 946), filed March 15, 1976. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Memphis, Tenn., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga. or Washington, D.C.

No. MC 96823 (Sub-No. 4), filed March 19, 1976. Applicant: R. M. D., INC., 344 Dublin Ave., Columbus, Ohio 43215. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper products*, from the plantsite and facilities of St. Regis Paper Company located at Pittsburgh, Pa., to points in Ohio and West Virginia, restricted to shipments originating at the named origin and destined to the named destinations; and (2) *materials and supplies* used in the manufacture of paper products from points in Ohio and West Virginia to the named plantsite located at Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Pittsburgh, Pa.

No. MC 107107 (Sub-No. 448), March 15, 1976. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Avenue, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy*, and/or *confectionery and related products* (except in bulk); and (2) *advertising matter, premium and display materials when* shipped in the same vehicle with commodities described in (1), in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of M&M/MARS, a division of MARS, Incorporated, located at or near Waco, Tex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the above named origin and destined to the above named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Dallas, Tex.

No. MC 107295 (Sub-No. 808) filed March 15, 1976. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe or conduit and fittings and accessories,*

from West Chicago, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 1003), filed March 16, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Rd. SE., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettlelbaum Suite 375, 3279 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the *Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Florence, Ala., to points in Illinois, Georgia, Louisiana, Ohio, Tennessee, Texas, Virginia, and West Virginia.

NOTE.—Applicant holds contract carrier authority in MC 126436 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Birmingham, Ala., or Atlanta, Ga.

No. MC 107544 (Sub-No. 124), filed March 17, 1976. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. 24354. Applicant's representative: Harry C. Ames, Jr., 666 11th St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicle, from Bluefield and Hugheston, W. Va., to points in Buchanan, Russell, Tazewell and Wise Counties, Va. (except points in Tazewell County, Va. from Hugheston, W. Va.).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va. or Washington, D.C.

No. MC 107558 (Sub-No. 14), filed March 15, 1976. Applicant: ARROW TRANSPORTATION CO., INC., 485 Prospect Street, Pawtucket, R.I. 02860. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Stamford, Conn. and New Brunswick, N.J.: From Stamford, Conn. over U.S. Highway 1 to New Brunswick, serving all intermediate points and off-route points in Morris, Passaic, Bergen, Hudson, Essex, Union, Somerset, Mercer, Middlesex and Monmouth Counties, N.J., Westchester County, N.Y., and those in that part of Connecticut west of a line beginning at the Connecticut-New York State line and extending south through Stamford, Conn., to Long Island Sound, including Stamford, Conn. and the off-route point of Toms River, N.J., restricted to traffic originating at or destined to the plantsite of Ciba-Geigy Corporation at Toms River, N.J., and return over the same route.

NOTE.—By this application applicant seeks to convert its existing irregular to regular route authority and serve the additional point of Toms River with plantsite restriction. If a hearing is deemed necessary, the applicant requests it be held at Providence, R.I. or Boston, Mass.

No. MC 108207 (Sub-No. 434), filed March 17, 1976. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses; and frozen foods*, from the plantsite and warehouse of Doskocil Sausage Co., at or near Hutchinson, Kans., to points in Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans. or Dallas, Tex.

No. MC 108207 (Sub-No. 435), filed March 19, 1976. Applicant: FROZEN FOOD EXPRESS, P.O. Box 5888, Dallas, Tex. 75207. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), and (b) *frozen foods*, from points in Iowa and Nebraska, to points in Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla. or Dallas, Tex.

No. MC 108207 (Sub-No. 436), filed March 19, 1976. Applicant: FROZEN FOOD EXPRESS, P.O. Box 5888, Dallas, Tex. 75207. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and meats, meat products and meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 273, and 766, from Oklahoma City, Okla., to points in Iowa, Kansas and Nebraska, restricted to traffic originating at Oklahoma City, Okla. and destined to points in the destination states, and further restricted against the transportation of hides and commodities in bulk.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla. or Dallas, Tex.

No. MC 108207 (Sub-No. 437), filed March 19, 1976. Applicant: FROZEN Food EXPRESS, 318 Cadiz St., Dallas, Tex. 75207. Applicant's representative: J. B. Ham, P.O. Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and/or confectionery and related products* (except in bulk); and (2) *advertising matter, premium and display materials* when shipped in the same vehicle with commodities described in (1) above, in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of M&M/Mars, a Division of Mars, Incorporated located at or near Waco, Tex., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee and Wisconsin, restricted to traffic originating at the above named origin and destined to the above named states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Washington, D.C.

No. MC 109689 (Sub-No. 295) (Clarification), filed February 25, 1976, previously published in the FEDERAL REGISTER issue of April 1, 1976, and republished this issue. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, in bulk, from points in Arizona to points in Nevada those points in Utah west of U.S. Highway 89 and north of U.S. Highway 50 those points in Colorado north of U.S. Highway 50 and east of U.S. Highway 285.

NOTE.—The purpose of this republication is to indicate the correct statement of authority sought in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 110098 (Sub-No. 157), filed March 19, 1976. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Rd., P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery and related products* (except in bulk); and (2) *advertising matter, premium and display materials* when shipped in the same vehicle with commodities described in (1) above, in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of M&M/Mars, a division of Mars, Incorporated located at or near Waco, Tex., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, and Wisconsin, restricted to traffic originating at the above named origin and destined to the above named points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Antonio or Dallas, Tex.

No. MC 111320 (Sub-No. 65), filed March 15, 1976. Applicant: KEEN TRANSPORT, INC., 2001 Barlow Rd., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle chassis*, in driveaway service, between the plantsites of Warner and Swasey Company, in Winona County, Minn., on the one hand, and, on the other, points in the United States (including Alaska, but excluding Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn. or Cleveland, Ohio.

No. MC 111729 (Sub-No. 618) (Correction), filed March 1, 1976, previously published under MC 109689 (Sub-No. 295) in the FEDERAL REGISTER issue of April 1, 1976, and republished this issue. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media* (except cash letters), (a) between Norfolk, Va., on the one hand, and, on the other, Charlotte, Chapel Hill, Durham, Elizabeth City, Fayetteville, Gastonia, Greensboro, and Winston-Salem, N.C.; and (b) between Doswell, Va. and Charlotte, N.C.; and (2) *single pairs of sample shoes*, between Norfolk, Va., on the one hand, and, on the other, Charlotte, Chapel Hill, Durham, Elizabeth City, Fayetteville, Gastonia, Greensboro, and Winston-Salem, N.C.

NOTE.—The purpose of this republication is to indicate the correct docket number assigned to this proceeding. Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 623), filed March 16, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Proofs, copy, manuscripts and related printed matter*, from Indianapolis and Planfield, Ind., to Bloomington, Canton, Centralia, Champaign, Danville, Decatur, Joliet, Kankakee, Peoria, Rockford, Rock Island, Springfield, and Woodstock, Ill., Eaton, Franklin, Gallipolis, Hamilton, Marietta, Middleton, Norwood, and Toledo, Ohio; Roanoke, Va.; and Charleston, Huntington, and Parkersburg, W. Va.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 624), filed March 16, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business machines, electronic components, data processing machinery, and related parts, materials, and supplies*, between Holland, Ohio, on the one hand, and, on the other, points in Arkansas, Maine, and New Hampshire, restricted against the transportation of packages or articles weighing in excess of 125 pounds in the aggregate from one consignor to one consignee on any one day.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111956 (Sub-No. 35), filed March 15, 1976. Applicant: SUWAK TRUCKING COMPANY, 1105–1115 Fayette Street, Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, from the plantsite of Datafold Forms, Inc., located at Franklin Township (Green County), Pa. to points in the District of Columbia and its Commercial Zone.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 112595 (Sub-No. 62), filed March 10, 1976. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton, Ohio 45638. Applicant's representative: James W. Muldoon, 50 West Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Leach, Ky., to points in Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, and South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 112801 (Sub-No. 182), filed March 19, 1976. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Carl L. Steiner, 39 South La Salle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank vehicles, from Vanderburg County, Ind., to points in Michigan, New York, Ohio and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Washington, D.C.

No. MC 112822 (Sub-No. 400), filed March 19, 1976. Applicant: BRAY LINES INCORPORATED, 1410 N. Little St., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods* (except in bulk), from the plantsite and warehouse facilities owned and operated by Tennessee Doughnut Corporation located in Davison County, Tenn., to points in Arkansas, Iowa, Illinois, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated hearing at Atlanta, Ga. or Memphis, Ala.

No. MC 113666 (Sub-No. 103), filed March 22, 1976. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16220. Applicant's representative: William H. Shawn, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from ports of entry on the International Boundary line between the United States and Canada located in New Hampshire, New York, Maine, Michigan, and Vermont, to points in Connectiut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Buffalo, N.Y. or Pittsburgh, Pa.

No. MC 113678 (Sub-No. 615) (Restrictive amendment), filed Dec. 4, 1975, published in the FEDERAL REGISTER issue of January 15, 1976, republished as amended this issue. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles), (1) from points in the United States (except Alaska and Hawaii) to Laramie, Wyo., and (2) from Laramie, Wyo., to points in the United States (except Alaska and Hawaii), restricted in part (1) to the transportation of shipments either (a) destined to the storage facilities of Packers Cold Storage, Inc. at Laramie, Wyo., or (b) moving to in-transit storage at the facilities of Packers Cold Storage, Inc. at Laramie, Wyo., and in part (2) to the transportation of shipments either (a) originating at the storage facilities of Packers Cold Storage, Inc. at Laramie, Wyo., or (b) moving from in-transit storage at the facilities of Packers Cold Storage, Inc. at Laramie, Wyo.

NOTE.—The purpose of this republication is to restrictively amend the requested authority in this proceeding. If a hearing is

deemed necessary, the applicant requests it be held at either Denver, Colo. or Los Angeles, Calif.

No. MC 114211 (Sub-No. 263), filed March 19, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, agricultural machinery, windmills and pumps, materials handling equipment, fertilizer handling equipment, snowblowers, and self-propelled vehicles* (except those motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act and commodities moving in driveaway service), *equipment* designed for use in conjunction with self-propelled vehicles, *castings, steel buildings, tanks and towers, attachments, parts and accessories*, and (2) *equipment, materials and supplies* used in the manufacture or distribution of the commodities described in (1) above (except communities in bulk), between points in Kansas, on the one hand, and, on the other points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans. or Kansas City, Mo.

No. MC 114457 (Sub-No. 256), filed March 19, 1976. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from New Berlin, Wis., to Allegan, Mich., St. Louis, Mo., and points in Lake, Cook, Kane, and Will Counties, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn., or Chicago, Ill.

No. MC 114569 (Sub-No. 136), filed March 12, 1976. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Duane W. Acklie, Box 81228, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles used and distributed by meat packinghouses*, moving in vehicles equipped with temperature control devices (except hides, animal feed and animal feed ingredients and commodities in bulk), from the plansite of Tama Meat Packing Corporation (Holton Division), located at or near Holton, Kans., to points in Illinois, Indiana, Minnesota, New York, New Jersey, Ohio, Pennsylvania Tennessee, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Topeka, Kans. or Washington, D.C.

No. MC 115331 (Sub-No. 406), filed March 15, 1976. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead and lead alloys* (except commodities which because of size or weight require the use of special transportation equipment), from Herculaneum, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 115975 (Sub-No. 22), filed March 8, 1976. Applicant: C. B. W. TRANSPORT SERVICE, INC., Old Edwardsville Road and Hedge Road, South Roxana, Ill. 62095. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating greases and lubricating oils*, in bulk, from the plantsite of International Lubricant Corporation at New Orleans, La., to points in Arizona, California, Connecticut, Delaware, Idaho, Iowa, Kansas, Louisiana, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming, and the District of Columbia, under a continuing contract or contracts with Shell Oil, Co. of Houston, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Washington, D.C.

No. MC 116119 (Sub-No. 30), filed March 22, 1976. Applicant: JOHN F. HARRIS, doing business as HOGAN'S TRANSFER & STORAGE CO., 1122 S. Davis Avenue, Elkins, W. Va. 26241. Applicant's representative: Leonard A. Jaskiewicz, 1730 M St. NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump or hopper-type vehicles, from points in Schuylkill and Northumberland Counties, Pa., to Parsons, W. Va., under contract with Kingsford Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Charleston, W. Va.

No. MC 116300 (Sub-No. 23), filed January 30, 1976. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, Miss. 39635. Applicant's representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and salt products;* and (2) *materials and supplies* used in agriculture, water treatment, food processing, wholesale grocery and institutional supply industries when shipped in mixed loads with salt products; (a) from Avery Island, Anse LaButte, Baldwin, Jefferson Island, and Weeks Island, La., to points in Florida, Georgia, and Tennessee; (b) from Anse LaButte, and Baldwin, La., to points in Arkansas, Louisiana, and Texas; and (c) from Weeks Island, La., to points in Arkansas, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Jackson, Miss. or New Orleans, La.

No. MC 117119 (Sub-No. 572), filed March 12, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and bakery goods* (except in bulk), from the plantsite of Pepperidge Farm, Inc. located at or near Richmond, Utah, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, restricted to traffic originating at the plantsite of Pepperidge Farm, Inc. located at or near Richmond, Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 117119 (Sub-No. 573), filed March 12, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from the facilities utilized by Rich Products Corporation located at or near Buffalo, N.Y., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant request it be held at either Buffalo, N.Y. or Washington, D.C.

No. MC 117344 (Sub-No. 250), filed March 12, 1976. Applicant: THE MAXWELL CO., 10380 Evendale Drive, P.O. Box 15010, Cincinnati, Ohio. 45215. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Di-N-propyl phosphorodithoic acid*, in bulk, from Hooven, Ohio, to Murray, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 117831 (Sub-No. 4) (Correction), filed January 16, 1976, published in the FEDERAL REGISTER issue of March 18, 1976 ,republished as corrected this

issue. Applicant: S. SISKIND & SONS, INC., 1567 Watson Avenue, Bronx, N.Y. 10474. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baggage and personal effects of campers*, in seasonal operations, extending from June 1 to September 30, inclusive, of each year, between New York, N.Y., and points in Nassau, Suffolk, Westchester and Rockland Counties, N.Y., points in New Jersey, points in Fairfield County, Conn., Philadelphia, Pa., and points in Pennsylvania on, south and east of a line extending from the intersection of the Delaware Pennsylvania Highway 230, at or near Easton, Pa., thence southwesterly over U.S. Highway 22 to its intersection with Pennsylvania Highway 230, at or near Harrisburg, Pa., thence over Pennsylvania Highway 230 to junction Pennsylvania Highway 283, thence over Pennsylvania Highway 283 to junction Pennsylvania Highway 272, thence over Pennsylvania Highway 272 to junction U.S. Highway 222, thence over U.S. Highway 222 to the Pennsylvania-Maryland State Boundary line, on the one hand, and, on the other, points in Wayne, Monroe and Pike Counties, Pa., points in Delaware, Greene, Chenango, Dutchess, Orange, Warren, Sullivan, Putnam, and Albany Counties, N.Y., and points in Litchfield and New London Counties, Conn., points in Sussex County, N.J., and points in Berkshire County, Mass.

NOTE.—The purpose of this republication is to correct the commodity description which was published in error. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 117883 (Sub-No. 204), filed March 22, 1976. Applicant: SUBLER TRANSFER, INC., 1 Vista Drive, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler, P.O. Box 62, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Elcona Foods, Inc., located at Elkhart, Ind., to points in Connecticut, Delaware, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Ft. Wayne, Ind. or Chicago, Ill.

No. MC 118142 (Sub-No. 121), filed March 19, 1976. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen confectionery* (except in bulk), moving in temperature controlled equipment, from the plantsite of Jackson Ice Cream Company, located at Hutchinson, Kans., to Minneapolis, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita or Kansas City, Kans.

No. MC 119229 (Sub-No. 10), filed March 15, 1976. Applicant: ORLANDO TRUCKING, INC., Old Glory Road, Route 22, P.O. Box 535, Lebanon, N.J. 08833. Applicant's representative: Bert Collins, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel cabinets*, crated and uncrated, from Richmond, Va., to points in Alabama, Illinois, Indiana, Michigan, Mississippi, Ohio, Kentucky, Tennessee, and Wisconsin, under a continuing contract or contracts with Richmond Stancraft Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 119955 (Sub-No. 5), filed February 26, 1976. Applicant: RUDOLPH LABRANCHE, P.O. Box 23, 394 North Main Street, West Franklin, N.H. 03235. Applicant's representative: George L. Manias, 16 Centre Street, Concord, N.H. 03301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Valves, valve components, tools, jigs, and fixtures* used in the manufacture of valves, rough castings, casting sand, and machine parts, and *correspondence, orders, payroll records, and blueprints* in interplant mesenger service, between Lawrence, Mass., Saddlebrook, N.J., Detroit, and Livonia, Mich., Aurora and Chicago, Ill., and Kinsman, Ohio, and Ports of Entry on the International Boundary line between the United States and Canada, located at points in Michigan, New Hampshire, New York, and Vermont, restricted to a transportation service to be performed under a continuing contract or contracts with Watts Regulator Company, of Franklin, N.H., and Lawrence, Mass.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 119988 (Sub-No. 91), filed March 15, 1976. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry* and *industrial mill supplies*, between Fort Worth, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 140271, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 120325 (Sub-No. 4), filed March 17, 1976. Applicant: FRAMES, MORRISON & RYAN, INC., 1233 Wrights Lane, West Chester, Pa. 19380. Applicant's representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Chester County, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia.

NOTE.—If a hearing deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 124078 (Sub-No. 682), filed March 22, 1976. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28 Street, Milwaukee, Wisc. 53215. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and rice hull ashes*, blended, in bulk, in tank vehicles, from Stuttgart, Ark., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub 68, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 124328 (Sub-No. 91), filed March 19, 1976. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: Richard H. Streeter, 704 Southern Building, 15 and H Streets NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gold and silver, sweeps and bullion*, between Fairfield, Conn., Elk Grove, Ill., and El Monte, Calif., on the one hand, and, on the other, Houston, Tex., Pittsburgh, Pa., Cleveland, Ohio, St. Louis, Mo., and Kansas City, Mo., under a continuing contract, or contracts, with Handy & Harman.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124328 (Sub-No. 92), filed March 17, 1976. Applicant: BRINK'S INCORPORATED, 234 East 24th St., Chicago, Ill. 60616. Applicant's representative: Richard H. Streeter, 704 Southern Bldg., 15th & H St. NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion*, from Laredo, Tex., to points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts with Minera Mexico Internacional, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124692 (Sub-No. 165), filed March 2, 1976. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: J. David Douglas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood products and millwork*, from points in Idaho, Montana, Oregon, and Washington, to points in Arkansas, Louisiana, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg. or Seattle, Wash.

No. MC 124692 (Sub-No. 166), filed Feb. 27, 1976. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: J. David Douglas (same address as applicant). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, (a) from Chicago, Granite City, Sterling and Peoria, Ill.; Norfolk, Nebr.; Sand Springs, Okla.; Pueblo and Denver, Colo.; and Kansas City, Mo., to points in Pennington County, S. Dak.; and (b) from points in Pennington County, S. Dak., to points in Montana and Wyoming; and (2) *concrete block*, from points in Pennington County, S. Dak., to points in Montana, restricted in (1) above to traffic originating at or destined to the facilities of Dakota Steel Co., and in (2) above to traffic originating at the facilities of Dakota Block Co., in Pennington County, S. Dak.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak. or St. Paul, Minn.

No. MC 124774 (Sub-No. 94), filed March 16, 1976. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Drive, P.O. Box 7344, Omaha, Nebr. 68107. Applicant's representative: Arlyn L. Westergren, 7100 West Center Road, Suite 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene film packaging products*, in packages and cartons, from the plantsite and facilities of Eva-Lee, Inc. and U.S. Plastics Corp., at or near Lynn, Mass., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Pennsylvania, Wisconsin, and points in Texas on and north of Interstate Highway 20.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Washington, D.C.

No. MC 126503 (Sub-No. 10), filed March 23, 1976. Applicant: COMMAND DELIVERIES, INC., 5215 Hesperus Drive, Columbia, Md. 21044. Applicant's representative: Steven L. Weiman, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used by or useful in the conduct of grocery and department store businesses between the facilities of Giant Food, Inc., at or near Landover, Md., on the one hand, and, on the other, Giant Food, Inc.'s facilities in Virginia, restricted to service performed under a continuing contract or contracts with Giant Food, Inc., and further restricted to the transportation of packages or articles weighing more than 100 pounds from one consignor at one location to one consignee at one location on any one day.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126844 (Sub-No. 32), filed March 16, 1976. Applicant: R.D.S. TRUCKING CO., INC., 1713 North Main Road, Vineland, N.J. 08360. Applicant's representative: Terrence D. Jones, 1126 16th St. NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, from points in Michigan on and west of U.S. Highway 131, to Norfolk and Newport News, Va.; New York, N.Y., and points in its Commercial Zone as defined by the Commission; and Philadelphia, Pa., and points in its Commercial Zone as defined by the Commission, restricted to the transportation of shipments having a subsequent movement for export.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128047 (Sub-No. 5), filed March 22, 1976. Applicant: H. AND H. HAULING, INC., 349 Main Street, Brookville, Pa. 15825. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, for Gem Coal Company, Division of Gem, Inc., from the facilities of C & K Coal Company, located in Clarion County, Pa., to the facilities of Niagara Mohawk Power Company, located at Dunkirk (Chatauqua County), N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128527 (Sub-No. 60), filed March 22, 1976. Applicant: MAY TRUCKING COMPANY, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: C. Marvin May (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat bypoducts, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Columbia Foods Inc., located at or near Wallula, Wash., to points in California, Idaho, Montana, Nevada, Oregon, and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho, or Pendleton, Oreg.

No. MC 129994 (Sub-No. 13), filed March 15, 1976. Applicant: RAY BETHERS TRUCKING, INC., 176 West Central Avenue, Murray, Utah 84107. Applicant's representative: Lon Rodney Kump, 200 Law Building, 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tansporting: *Gypsum board paper*, from Denver, Colo., to Sigurd, Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah, or Portland, Oreg.

No. MC 133378 (Sub-No. 1), filed March 19, 1976. Applicant: CHEESE BARN TRUCKING, INC., 2323 S. 320th, Federal Way, Wash. 98002. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except candy, frozen foods, meat, and packinghouse products), and (2) *sausages and imported candy*, from points in Illinois, Iowa, Ohio, Minnesota, New York, Pennsylvania, and Wisconsin, to points in California, under a continuing contract or contracts with Cheese Barn of California, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 133708 (Sub-No. 21), filed March 22, 1976. Applicant: FIKSE BROS., INC., 12647 East South St., Artesia, Calif. 90701. Applicant's representative: Carl H. Fritze, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum smelting waste*, in bulk, from points in Maricopa County, Ariz., to Cushenbury, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 134035 (Sub-No. 14), filed March 16, 1976. Applicant: DOUGLAS TRUCKING COMPANY, a Corporation, 5611 East Imperial Highway, South Gate, Calif. 90280. Applicant's representative: Don Garrison, P.O. Box 657, Haines City, Fla. 33844. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electronic equipment, parts, and supplies*, from South Gate, Calif., to points in Alabama, Colorado, Florida, Georgia, Illinois, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, and the District of Columbia, restricted to the transportation of traffic originating at the plantsite and facilities of Bowers Mfg. Company, at South Gate, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134599 (Sub-No. 142), filed March 19, 1976. Applicant: INTERSTATE CONTRACT CARRIER COR-

PORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic rubber, rubber products, and materials, supplies, and equipment used in the manufacture thereof* (except commodities in bulk and those which because of size or weight require special handling or equipment), from the plantsite facilities of Uniroyal, Inc. located at Cheswold, Del., to points in Arkansas, California, Colorado, Connecticut, Georgia, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Virginia, and Wisconsin, under a continuing contract, or contracts with Uniroyal, Inc.

NOTE.—Applicant holds common carrier authority in No. MC 139906 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 135135 (Sub-No. 2), filed March 12, 1976. Applicant: DELANO KURTZ, doing business as MINOT FERTILIZER AND STORAGE CO., P.O. Box 622, Devils Lake, N. Dak. 58301. Applicant's representative: R. W. Wheeler, P.O. Box 773, Bismarck, N. Dak. 58501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feeds and feed ingredients*, from points in Minnesota to Minot and Dickinson, N. Dak., under a continuing contract or contracts with GTA Feed.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fargo or Bismarck, N. Dak.

No. MC 135684 (Sub-No. 19) (Correction), filed February 3, 1976, published in the FEDERAL REGISTER issue of March 18, 1976, republished as corrected this issue. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Burlap bagging and burlap cloth*, from New York, N.Y., and Hoboken, Jersey City, and Port Newark, N.J. to Flemington, N.J.; (2) *burlap and cotton bags, and finished burlap cloth*, from Flemington, N.J., to New York, N.J.; (3) *paper*, in rolls, from Berlin, N.H., to Flemington, N.J.; (4) *burlap bags, laminated burlap bags* with plastic liners, *burlap cloth and laminated burlap cloth*, from Flemington, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia; (5) *burlap*, from Buffalo, N.Y.; Norfolk, Va.; Philadelphia, Pa.; and Baltimore, Md., to Flemington, N.J.; (6) *wrapping paper*, from Harrisburg, Pa., to Flemington, N.J.; (7) *plastic bottles, jars, jugs, and closures*, in containers, from Nashua, N.H., to points in New Jersey, points in Pennsylvania on and east of U.S. Highway 11, New York, N.Y., and points in Nassau, Suffolk, Westchester, Putnam, Dutchess, Columbia, Rensselaer, Albany, Greene, Ulster, Orange, and Rockland Counties, N.Y.

(8) *Rejected, returned, and damaged shipments* of the commodities described in (7) above, from the above-specified destination points, to Nashua, N.H.; (9) *plastic containers*, and *plastic tubes*, from Flemington, N.J., to points in Connecticut, Delaware, Florida, Illinois, Indiana, Massachusetts, Maryland, and the District of Columbia; Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Wisconsin; (10) *returned shipments* of the commodities described in (9) above, from the above-named points, to Flemington, N.J.; (11) *paper bags and closures therefor*, from East Pepperell, and Ayer, Mass., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia; (12) *returned shipments* of paper bags and closures, from the next above-specified destination points, named in (11) above, to East Pepperell and Ayer, Mass.; (13) *plastic bottles, jars, jugs*, and *closures*, from Nashua, N.H., to points in New York (except New York, N.Y., and points in Nassau, Suffolk, Westchester, Putnam, Dutchess, Columbia, Rensselaer, Albany, Greene, Ulster, Orange, and Rockland Counties, N.Y.), points in Delaware, and those points in Virginia west of the Chesapeake Bay and Maryland west of the Susquehanna River and the Chesapeake Bay; Connecticut, Maine, Massachusetts, Rhode Island, Vermont, points in that part of Pennsylvania west of U.S. Highway 11, Wilmington, N.C., and East Pepperell, Mass.; (14) *returned shipments* of the commodities named in (13) above, from the destination points named in (13) above, to Nashua, N.H.; (15) *sawing machine heads and stands*, between East Pepperell and Ayer, Mass., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, and Virginia; (16) *plastic sheet liners, and containers*, from East Pepperell and Ayer, Mass., to points in Delaware, Maryland, Pennsylvania, New Jersey, New York, and Virginia.

(17) *Returned shipments* of plastic sheet liners and containers, from the next above-specified destination points, to East Pepperell and Ayer, Mass.; (18) *paper and plastic bags*, from East Pepperell and Ayer, Mass., and Nashua, N.H., to Flemington, N.J.; (19) *plastic bags and sheeting*, from Terre Haute, Ind., to Flemington, N.J.; (20) *synthetic fabric*, from Old Hickory, Tenn., to Flemington, N.J.; (21) *paper bags*, from Newton, Conn., to points in Ohio, Pennsylvania, and Virginia; (22) *kraft wrapping paper and wood pulpboard*, from West Point, Va., to Newton, Conn.; (23) *paper bags and wrapping paper*, from Buffalo, N.Y., to Philadelphia, Pa., and points in New Jersey and that part of the New York, N.Y. Commercial Zone as defined in *Commercial Zone and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203(B)(F) of the Act (the "exempt" zone); (24) *burlap bags and paper bags*, from Buffalo, N.Y., to points in Ohio and Michigan; (25) *returned shipments* of the commodities described in (24) above, from the destination points described in (24) above, to Buffalo, N.Y.; (26) *plastic products* (except in bulk), from Flemington, N.J., to points in Connecticut, Delaware, Florida, Georgia, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, Vermont, West Virginia, and the District of Columbia; (27) *materials and supplies* (except in bulk), used in the manufacture and distribution of plastic products, from the destination points named in (26) above, to Flemington, N.J.; (28) *plastic articles*, from Louisiana, Mo., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Michigan, Mississippi, New Hampshire, New York, North Carolina, New Jersey, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Vermont, and the District of Columbia.

(29) *Resin*, in containers, from points in Alabama, Connecticut, Delaware, Louisiana, Maine, Massachusetts, Maryland, Mississippi, New Hampshire, North Carolina, South Carolina, Rhode Island, Vermont, Virginia, and the District of Columbia, to Louisiana, Mo.; (30) *plastic articles*, from Nashua, N.H., to points in Illinois, Indiana, Ohio, and West Virginia; (31) *paper and paper articles*, from Newton, Conn., to points in Delaware, Maine, Massachusetts, Maryland, New York, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Virginia, and Vermont; (32) *materials, supplies, and equipment* (other than bulk), used in the manufacture and distribution of plastic articles and paper and paper articles, and *returned shipments* of plastic articles and paper and paper articles, from the destination points named in (31) above, to Newton, Conn.; (33) *plastic bottles and jars, closures*, for plastic bottles and jars, and *cartons and partitions*, from Nashua, N.H., to points New Hampshire; and (34) *paper and plastic products and closures*, from East Pepperell and Ayer, Mass., to points in North Carolina and South Carolina.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. Applicant sees to convert its permits issued in MC 87720 Subs 2, 8, 14, 50, 51, 57, 72, 73, 82, 86, 87, 93, 94, 105, 111, and 132, to a certificate of public convenience and necessity. If a hearing is deemed necessary, the applicant requests it be held at Flemington or Trenton, N.J.

No. MC 135797 (Sub-No. 51), filed March 19, 1976. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert, Suite 3, 204 Highway 71 North, Springdale, Ark. 72764.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed, feed supplements, components, and ingredients* (except in bulk), between Lowell, Ark., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, and Arkansas); and (2) *empty containers*, from points in the United States (except Alaska, Hawaii, and Arkansas), to Lowell, Ark.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Philadelphia, Pa.

No. MC 136008 (Sub-No. 68), filed March 2, 1976. Applicant: JOE BROWN COMPANY, INC., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, Suite 200, Timbergate Office Gardens, 6161 North May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal* (in dump vehicles), (1) from points in Union County, N. Mex., and points in Sheridan County, Wyo., to points in Colorado, Connecticut, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin; (2) between points in Colorado; and (3) between points in New Mexico, restricted in (1) above, against the transportation of traffic from points in Sheridan County, Wyo., to points in Colorado, in (2) above, to traffic having a prior or subsequent movement by rail or water, and in (3) above, to traffic having a prior or subsequent movement by rail or water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 136228 (Sub-No. 17), filed March 19, 1976. Applicant: LUISI TRUCK LINES, INC., P.O. Box 606, Milton-Freewater, Oreg. 97862. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts* (except commodities in bulk, in tank vehicles) from the plantsite and warehouse facilities of H & H Packing Co., division of Swift & Co., at or near Yakima, Wash., to points in San Francisco, Alameda, Santa Clara, San Mateo, Marin, Contra Costra, Solano, Los Angeles, Orange, San Bernardino, and Riverside Counties, Calif.

NOTE.—Applicant holds contract carrier authority in MC 136531 Sub 3, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 136553 (Sub-No. 40), filed March 22, 1976. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except liquids, in bulk), between Seneca, Ill., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, and Wisconsin, restricted to the transportation of shipments having a prior or subsequent movement by water carrier.

NOTE.—Applicant has authority pending in MC 136553 (Sub-No. 36), and requests consolidation with this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 139076 (Sub-No. 4), filed March 12, 1976. Applicant: IDEAL TRANSPORT CO., INC., P.O. Box 308, Quinter, Kans. 67552. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stubble-mulch plows, off-set disks, roto-mulch harrows, rod weeders, and anhydrous ammonia spreading equipment*, from points in Gove County, Kans., to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Ohio, Wisconsin, and Wyoming; and (2) *materials and supplies*, used in the manufacture of the commodities specified in (1) above (except commodities in bulk), from Kansas City, Mo.; Warren and Lorain, Ohio; Midland and Monaca, Pa.; Gary, Ind.; Davenport, Iowa; Sterling and Alton, Ill.; Omaha, Nebr.; and Denver, Colo., to points in Gove County, Kans., under a continuing contract or contracts in (1) and (2) above with Ideal Industries, Inc., and Midwest Products, Inc., of Quinter, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 139495 (Sub-No. 129), filed March 11, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earthen ware*, from Jackson, Miss., to Albany, Sweet Springs, Sedalia, Clinton, and Hannibal, Mo.

NOTE.—Applicant holds contract carrier authority in No. MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 130), filed March 16, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Foodstuffs*, and (b) *commodities*, the transportation of which is exempt or partially exempt under Section 203(b)(6) of the Interstate Commerce Act, when transported on the same trailer on which nonexempt foodstuffs are simultaneously transported, from points in Oregon and Washington, to points in Arizona, Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, and Texas.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 133), filed March 18, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities utilized by Pepperidge Farm, Inc., located at or near Richmond and Clearfield, Utah, to points in Connecticut, Delaware, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139973 (Sub-No. 6), filed March 19, 1976. Applicant: J. H. WARE TRUCKING, INC., 909 Brown St., P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and commodities distributed by meat packinghouses*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, from Clovis, N. Mex., to points in Illinois, Indiana, Kentucky, Michigan, and Ohio.

NOTE.—Applicant holds contract carrier authority in No. MC 138375 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or St. Louis, Mo.

No. MC 140717 (Sub-No. 1), filed March 11, 1976. Applicant: JULIAN MARTIN, INC., 1490 S. 14th Street, Batesville, Ark. 72501. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic sheeting*, from Avenel, N.J., to Southfield, Mich.; Blue Island, Ill.; Brownsville, Tenn.; Jefferson City and Springfield, Mo.; and Torrance and Visalia, Calif., under a continuing

contract or contracts with Process Systems, Inc.

NOTE.—Applicant holds common carrier authority in MC 124141, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 140824 (Sub-No. 2), filed March 19, 1976. Applicant: METRO CAB INC., 11 East Kings Highway, Audubon, N.J. 08106. Applicant's representative: Sean R. Rattle, 618 White Horse Pike, Audubon, N.J. 08106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whole blood (human) CPD, red blood cells (human) CPD, platelet concentrate (human), cryoprecipitated antihemophilic factor (human), fresh frozen plasma (human)*, in vehicles with a maximum seating capacity of eleven passengers, and in containers weighing 50 pounds or less, between Philadelphia, Pa., on the one hand, and, on the other, points in Camden, Burlington, Gloucester, and Atlantic Counties, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J., or Philadelphia, Pa.

No. MC 141361 (Sub-No. 2), filed March 5, 1976. Applicant: LONSBERG TRUCKING AND MATERIALS, INC., 545 Broadway, Platteville, Wis. 53818. Applicant's representative: A. R. Hanson, 139 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal, sand, gravel, and fertilizer*, in bulk and in bags, in dump vehicles, from Potosi, Wis., to points in Wisconsin located in an area bounded by the Mississippi River on the west, the Wisconsin-Illinois state line on the south; thence northerly along the easterly line of Lafayette and Iowa County (Wisconsin River), thence westerly along the northerly Iowa County line to U.S. Highway 14, thence northwesterly on U.S. Highway 14 to its junction with Wisconsin Highway 171, thence westerly on Wisconsin Highway 171 to its junction with Wisconsin Highway 35 located at or near the Mississippi River.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at either Madison or Milwaukee, Wis., or Chicago, Ill.

No. MC 141505 (Sub-No. 1), filed March 12, 1976. Applicant: INDEX GALENA CORP., P.O. Box 237, Index, Wash. 98256. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Bldg., 607 3rd Ave., Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Blocks and furniture parts and wood and cedar products* (except dimension lumber), (1) from Sultan, Tacoma, and Tenino, Wash., and Eugene, Oreg., to Berkeley, Chula Vista, Los Angeles, and San Francisco, Calif., and Phoenix, Ariz.; and (2) from Sultan, Tacoma, and Tenino, Wash., to Eugene, Oreg., under a continuing contract or contracts with Tenino Wood Products, and Dahlkey, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Seattle or Olympia, Wash.

No. MC 141562 (Sub-No. 1), filed March 15, 1976. Applicant: CIRCLE S. TRUCKING, INC., 1308 S.W. Gamma Court, Pendleton, Oreg. 97801. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, forest products, and wood products* (except wood residuals), between points in Grant, Umatilla, and Morrow Counties, Oreg., on the one hand, and, on the other, points in Benton, Franklin, and Walla Walla Counties, Wash.

NOTE.—Applicant holds contract carrier authority in No. MC 136023 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Portland or Pendleton, Oreg.

No. MC 141579 (Sub-No. 1), filed March 10, 1976. Applicant: SECURITY DELIVERY SERVICE, INC., 20–28 27th Street, Astoria (New York), N.Y. 11105. Applicant's representative: Larsh B. Mewhinney, 235 Mamaroneck Avenue, White Plains, N.Y. 10605. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Printed securities, quotation reports, and bond-offering reports*, from New York, N.Y., in the New York, N.Y. Commercial Zone as defined by the Commission to Wilmington, Del.; the District of Columbia; Baltimore, Md.; Ephrata, Philadelphia, and Harrisburg, Pa.; and points in New Jersey, and (b) *computer media*, from New York, N.Y., in the New York, N.Y., Commercial Zone as defined by the Commission to points in Burlington County, N.J., under a continuing contract or contracts with Standard & Poor's Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 141625 (Sub-No. 1) (Restrictive amendment), filed December 22, 1975, published in the FEDERAL REGISTER issue of February 12, 1976, republished as amended this issue. Applicant: WILLIAM A. GREENE, JR., 18 Meadow Road, Medway, Mass. 02053. Applicant's representative: Eugene X. Giroux, 15 Congress Street, Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Groceries and grocery supplies, frozen foods, cleaning supplies, cleaners, and paper products* (except commodities in bulk) between Norwood, Mass. and points in Maryland, Pennsylvania, New Jersey, New York, and Virginia (except the transportation of frozen fruits, frozen fruit juices, and frozen vegetables from Winchester, Va.) under a continuing contract or contracts with John Sexton & Co., Div. Beatrice Foods, Norwood, Mass.

NOTE.—The purpose of this republication is to restrictively amend the requested authority in this proceeding. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 141646 (Sub-No. 1), filed March 19, 1976. Applicant: E. L. POWELL & SONS TRUCKING CO., INC., 3777 South Jackson, P.O. Box 356, Tulsa, Okla. 74101. Applicant's representative: Rufus H. Lawson, 106 Bixler Bldg., 2400 NW. 23rd Street, Oklahoma City, Okla., 73107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, asphaltic emulsions, and fuel oils*, in bulk, in tank vehicles, between points in Oklahoma (except Ardmore and Del City), on the one hand, and, on the other, points in Arkansas and Kansas, under contract with McPherson Bros. Asphalt.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Tulsa or Oklahoma City, Okla.

No. MC 141652 (Sub-No. 5), filed March 16, 1976. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, Miss. 39208. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pictures, picture frames, and picture framing materials and supplies*, between Greenwood, Miss., on the one hand, and, on the other, points in California and Illinois.

NOTE.—Applicant holds contract carrier authority in MC 138807 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 141726 (Sub-No. 4), filed March 17, 1976. Applicant: NATIONAL DISTRIBUTORS, INC., P.O. Box 62, Sellersburg, Ind. 47172. Applicant's representative: William P. Jackson, Jr., P.O. Box 267, 3426 N. Washington Blvd., Arlington, Va. 22201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are distributed by wholesale food business houses or institutional suppliers (except in bulk), from Los Angeles, Calif., to points in the United States on and east of the western boundaries of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, restricted to the transportation of shipments under a continuing contract or contracts with Nugget Distributors, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 141774 (Sub-No. 1), filed March 15, 1976. Applicant: R & L TRUCKING CO., INC., 105 Rocket Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Walk-in coolers, cooling machines, and parts and accessories therefor*, from Montgomery, Ala., to

points in Florida, St. Louis, Mo., and Memphis, Tenn.

NOTE.—Applicant holds contract carrier authority in No. MC 136378 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necesasry, the applicant requests it be held at Montgomery, Ala. or Atlanta, Ga.

No. MC 141804, filed February 12, 1976. Applicant: WESTERN EXPRESS DIVISION OF INTERSTATE RENTAL, INC., Rt. 3, Box 2040, Goodlettsville, Tenn. 37072. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Bldg., Suite 909, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chain saw oil and oil* used in the manufacture thereof and oil additives used in the chain saw industry; *articles* manufactured and distributed by Lubritac Corp. and *related catalogs, advertising, promotional and display materials, and supplies* for use in the chain saw industry (except commodities in bulk), (1) from Selmer, Tenn., to points in Arizona, California, Connecticut, Idaho, Minnesota, Maine, Oregon, and Washington; and (2) from points in New Jersey to Selmer, Tenn., restricted from the plantsite and storage facilities of Lubritac Corp., located at or near Selmer, Tenn., to points above, and further restricted to oil used in the manufacturing of chain saw oil in (1) and (2) above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, or Nashville, Tenn.

No. MC 141804 (Sub-No. 2), filed March 5, 1976. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., Rte. Box 2040, Goodlettsville, Tenn. 37072. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber and vinyl flooring, rubber and vinyl materials, accessories, and materials and apparatus* used in the installation thereof; and (2) *rubber inner tubes, tread rubber for recapping, and recapping tubes and molds* used in tire recapping, from the plantsite and storage facilities of Robbins Tire and Rubber Company, located at or near Tuscumbia, Ala., to points in Arizona, California, Colorado, Idaho, New Mexico, Oregon, Washington, Utah, Nevada, Montana, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Memphis or Nashville, Tenn.

No. MC 141804 (Sub-No. 3), filed March 19, 1976. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., Rt. 3, Box 2040, Goodlettsville, Tenn. 37072. Applicant's representative: Charles R. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pizza and pizza ingredients*, from the plantsite and storage facilities of Sabatasso's located at or near Santa Ana, Calif., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn., or Los Angeles, Calif

No. MC 141853, filed March 8, 1976. Applicant: C–B–C TRANSPORTS, INC., P.O. Box 743, Greenville, Miss. 38701. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except cement in containers, commodities in bulk, household goods as defined by the Commission, and commodities which because of size, weight, or value require the use of special equipment), (1) between points in Washington and Bolivar Counties, Miss.; (2) between points in Washington and Bolivar Counties, Miss., on the one hand, and, on the other, points in Mississippi on and north of U.S. Highway 80 and Interstate Highway 20; and (3) between Belzoni, Rolling Fork, and Yazoo City, Miss., on the one hand, and, on the other, Jackson and Vicksburg, Miss., restricted to the transportation of traffic having a prior or subsequent movement by rail, water, or motor vehicle.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Greenville, Cleveland, or Jackson, Miss.

No. MC 141855, filed Feb. 17, 1976. Applicant: NYLANTIC FREIGHT LINES, INC., P.O. Box C, Scarsdale, N.Y. 10583. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, alcoholic liquors, and vegetable oils*, between the Port of Savannah, Ga., on the one hand, and, on the other, points in Florida, under contract with Vycon Chemicals Inc., applicable only on shipments having prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 141865 (Sub-No. 1), filed February 20, 1976. Applicant: B. R. ELLIS doing business as ACTION DELIVERY SERVICE, 3021 Pinewood Drive, Arlington, Tex. 76010. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is marketed by home products distributors, from the warehouse and storage facilities of Amway Corporation, located at Arlington, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, and Oklahoma, under a continuing contract or contracts with Amway Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 141873, filed March 15, 1976. Applicant: BERLIN TRANSPORTATION, INC., Route 5, Millersburg, Ohio 44654. Applicant's representative: Richard H. Brandon, 220 West Bridge Street, P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pallets and rough sawed lumber*, between points in Holmes, Knox, Morrow, Coshocton, Carroll, Delaware, Ashland, Wayne, Ashtabula, Geauga, Lake, and Trumbull Counties, Ohio, on the one hand, and on the other, points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, and West Virginia, under contract with Brenneman Lumber Co., at Jefferson, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

PASSENGER APPLICATIONS

No. MC 541 (Sub-No. 7), filed March 18, 1976. Applicant: THE NEW BRITAIN TRANSPORTATION COMPANY, a Corporation, 257 Woodlawn Road, Berlin, Conn. 06037. Applicant's representative: L. C. Major, Jr., Suite 400, Overlook Office Bldg., 6121 Lincolnia Road, Alexandria, Va. 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, beginning and ending at Waterbury, Conn., and extending to Rockingham Race Track, at Salem, N.H.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Waterbury or Hartford, Conn.

No. MC 108531 (Sub-No. 19), filed March 8, 1976. Applicant: BLUE BIRD COACH LINES, INC., 502–504 North Barry Street, Olean, N.Y. 14760. Applicant's representative: Ronald W. Malin, Bankers Trust Bldg., Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Warren County, Pa., and extending to points in the United States, including Alaska but excluding Hawaii; (2) *passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Cattaraugus, Allegany, Steuben, Wyoming, Chautauqua, Erie, and Niagara Counties, N.Y. and McKean, Potter, and Erie Counties, Pa., and extending to points in Alaska; and (3) *passengers and their baggage*, in round-trip charter operations beginning and ending at points in Erie, Warren, McKean, and Potter Counties, Pa., and extending to points in the United States including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If hearing is deemed necessary, the applicant requests it be held at Erie or Warren, Pa.

No. MC 139210 (Sub-No. 3), filed February 23, 1976. Applicant: WESLEE ENTERPRISES, INC., doing business as ALASKA-YUKON MOTORCOACHES, Suite 470–4th and Vine Bldg., Seattle, Wash. 98121. Applicant's representative: Charles B. West (same address as applicant. . Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Seattle, Wash. and points on the International Boundary line between the United States and Canada located at or near Sumas, Wash.: From Seattle, Wash. over Interstate Highway 5 to junction Washington Highway 539, thence over Washington Highway 539 to junction Washington Highway 546, thence over Washington Highway 546 to junction Washington Highway 9, thence over Washington Highway 9 to Sumas, Wash. and return over the same route, serving no intermediate points, restricted to seasonal operations between April 1st and December 15th of each year, and further restricted to passengers originating in or destined for Alaska, traveling with applicant's bus between Alaska and Prince Rupert, B.C., or a preticketed connection with Alaska Ferries at Prince Rupert, B.C.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Seattle, Wash., or Anchorage, Alaska.

No. MC 141820, filed February 23, 1976. Applicant: ROMAN RURAK, 319 Eckford Street, Brooklyn, N.Y. 11222. Applicant's representative: Sidney J. Leshin, 575 Madison Avenue, New York, N.Y. 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in vehicles having seating capacity for 14 passengers or less, between New York, N.Y., on the one hand, and, on the other, points on the International Boundary line between the United States and Canada located at points in New York, restricted to passengers having an immediately prior or subsequent movement by water to or from Europe.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 141848, filed March 8, 1976. Applicant: YELLOW ENTERPRISE SYSTEMS, INC., 1601 South Preston Street, Louisville, Ky. 40201. Applicant's representative: George M. Catlett, 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) Regular routes: *Passengers and their baggage*, (A) Between Standiford Field, Louisville, Ky., and Clarksville, Ind.: From Standiford Field, Louisville, Ky., over Interstate Highway 264 to junction of Interstate Highway 65, thence over Interstate Highway 65 to Clarksville, Ind., and return over the same route serving all intermediate points; (B) Between New Albany, Ind., and the junction of U.S. Highway 460 and Interstate Highway 65: From New Albany, Ind., over U.S. Highway 460 to junction of U.S. Highway 460 and Interstate Highway 65, and return over the same route, serving all intermediate points, and serving the junction of U.S. Highway 460 and Interstate Highway 65 for purposes of joinder only: and (C) Between New Albany, Ind., and Standiford Field, Louisville, Ky.: From New Albany, Ind., over Interstate Highway 64 to junction of Interstate Highway 264, thence over Interstate Highway 264 to Standiford Field, Louisville, Ky., and return over the same route, serving all intermediate points: and (2) Irregular routes: *Passengers and their baggage*, in one-way and round-trip special and charter operations, between points in Floyd and Clark Counties, Ind., and Jefferson County, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky., or Clarksville, Ind.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission on or before May 17, 1976. Such protest shall comply with Special Rules 240(c) or 240 (d) of the Commission's *General Rules of Practice* (49 CFR § 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

CORRECTED NOTICE

In the FEDERAL REGISTER of March 25, 1976, on page 12388 there appeared a description of the proposed transaction in which ROADWAY EXPRESS, INC., seeks to purchase a portion of the rights of THE KLUG-DIRECT TRANSPORTATION CO. Incorrectly, the FEDERAL REGISTER reflected the docket No. as MC–F–12780. The correct docket No. is MC–F–12791.

No. MC–F–12791. Authority sought for purchase by ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Arkron, OH., 44309, of a portion of the operating rights of THE KLUG-DIRECT TRANSPORTATION CO., 1505 Singer Avenue, Hamilton, OH., 45011, and for acquisition by GALEN J. ROUSH, 1077 Gorge Blvd., Akron, OH., 44309, of control of such rights through the purchase. Applicants' attorneys: William O. Turney, 7101 Wisconsin Avenue, Suite 1010, Washington, D.C., 20014 and Noel F. George, 100 E. Broad Street, Columbus, OH 43215. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC 99031 (Sub-No. 5) covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Ohio, Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12805. Authority sought for purchase by EXHIBITORS FILM DELIVERY & SERVICE, INC., 101 West 10th Avenue, North Kansas City, MO., 64116, of the operating rights of MID-STATES PARCEL SERVICE, INC., 101 West Tenth Avenue, North Kansas City, MO., 64116, and for acquisition by EARL E. JAMESON, JR., 8522 Cherokee Lane, Leawood, KS., 66206, of control of such rights through the purchase. Applicants' attorney: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN., 38137. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over irregular routes from St. Louis, Mo., to points in St. Louis and St. Charles Counties, Mo., and points in that part of Illinois bounded on and west by the Mississippi River, and on and east, north and south by a line beginning at Chester, Ill., and extending along Illinois Highway 150 to junction Illinois Highway 154, thence along Illinois Highway 154 to Pinckneyville, Ill., thence along Illinois Highway 127 to Hillsboro Ill., thence along Illinois Highway 16 to junction U.S. Highway 66, thence along U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 108, thence along Illinois Highway 108 to junction Illinois Highway 96, and thence along Illinois Highway 96 to the Mississippi River, including points on the indicated portions of the Highways specified, with no transportation for compensation on return except as otherwise authorized; between St. Louis, Mo., on the one hand, and, on the other, points in that part of Illinois bounded on the west by the Mississippi River, and on the east, north, and south of a line beginning at Chester, Ill., and extending along Illinois Highway 150 to junction Illinois Highway 154, thence along Illinois Highway 154 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 15, thence west along Illinois Highway 15 to junction Illinois Highway 127, thence north along Illinois Highway 127 to junction U.S. Highway 50, thence east along U.S. Highway 50 to junction U.S. Highway 51, thence north along U.S. Highway 51 to Decatur, Ill., thence west along U.S. Highway 36 to Springfield, Ill.,

thence along combined U.S. Highways 36 and 54 to junction U.S. Highway 36, and thence along U.S. Highway 36 to the Mississippi River, including points on the indicated portions of the highways specified, restricted to single pieces not exceeding 100 pounds each. Vendee is authorized to operate as a *common carrier* in Arkansas, Colorado, Illinois, Kansas, Missouri, Nebranska, New Mexico, and Wyoming. Application has not been filed for temporary authority under 210a(b).

No. MC–F–12806. Authority sought for control by NORTH PENN TRANSFER OF CONNECTICUT, INC., a non-carrier, Route 63 and 202, Lansdale, PA 19446, of (B) WOOSTER EXPRESS, INC., and (BB) BALTIMORE-NEW YORK EXPRESS, INC., 150 Strong Road, South Windsor, CT 06074, and for acquisition by NORTH PENN TRANSFER, INC., and ARTHUR N. ANDERS, of Lansdale, PA 19446, of control of (B) WOOSTER EXPRESS, INC., and (BB) BALTIMORE-NEW YORK EXPRESS, INC., through the acquisition by NORTH PENN TRANSFER OF CONNECTICUT, INC. Applicants' attorney: Russell R. Sage, 6121 Lincolnia Road, Alexandria, VA 22312. Operating rights sought to be controlled. (B) *General commodities*, with exceptions as a *common carrier* over regular routes between Northhampton, Mass., and Newark, N.J., between Southbridge, Mass., and Hartford, Conn., between New Haven, Conn., and Boston, Mass., between Canton, Conn., and Hartford, Conn., between Hartford, Conn., and New Bedford, Mass., between Boston, Mass., and Springfield, Mass., between Northampton, Mass., and New Haven, Conn., between Boston, Mass., and Northampton, Mass., between Boston, Mass., and Northampton, Mass., between Boston, Mass., and Southbridge, Mass.; serving points in the State of Connecticut as off-route points in connection with carrier's presently authorized regular-route operations in No. MC 3598; between New York, N.Y., and Philadelphia, Pa., serving the intermediate point of Trenton, N.J., restricted to traffic moving to or from points other than New York, N.Y.; all other intermediate points without restriction; and off-route points within ten miles of the specified portions of U.S. Highway 1 and U.S. Highway 130 (formerly New Jersey Highway 25), *gummed tape*, serving the plant site of the Crowell Corporation at Yorklyn, Del., as an off-route point in connection with carrier's regular-route operations authorized herein between Philadelphia, PA, and Wilmington, Del.

General commodities, with exceptions as a *common carrier* over irregular routes, between Philadelphia, Pa., and Wilmington, Del., serving all intermediate points, with restrictions: *Shirts, piece goods, pajamas, thread, trimmings, buttons, underwear, leather, paper, glass and metal frames*, as a *common carrier* over irregular routes between Jersey City, Newark, Elizabeth, Linden, Rahway, Perth Amboy, and Fords, N.J., on the one hand, and, on the other, New York, N.Y., *handkerchiefs*, from South River, N.J., to New York, N.Y., with no transportation for compensation on return except as otherwise authorized; *machinery, equipment, and supplies*, used or useful in the manufacture of shirts and handkerchiefs from New York, N.Y., to Perth Amboy and South River, N.J., with no transportation for compensation on return except as otherwise authorized; food and foodstuffs (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of Kraft Foods Division of Kraftco Corporation at or near Fogelsville, Pa., to points in Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont, with no transportation for compensation on return except as otherwise authorized, with restrictions.

(BB) *General commodities*, with exceptions as a *common carrier* over regular routes serving all intermediate points on U.S. Highway 1 between Baltimore, Md., and junction U.S. Highways 1 and 222, in connection with carrier's regular-route operations authorized herein between Baltimore, Md., and New York, N.Y., serving all intermediate points on U.S. Highway 40 between Baltimore, Md., and junction U.S. Highways 40 and 222, in connection with carrier's regular-route operations authorized herein between Baltimore, Md., and New York, N.Y., serving all intermediate points on U.S. Highway 1 between New Brunswick and Rahway, N.J. (except Rahway), and points on U.S. Highway 222 between junction U.S. Highways 222 and 40 and junction U.S. Highways 1 and 222, in connection with carrier's regular-route operations authorized herein between Baltimore, Md., and New York, N.Y., serving points in Bergen, Passaic (except Paterson and Passaic, N.J.), Hudson, Essex (except Irvington, N.J.), Union, Morris, and Middlesex Counties, N.J. (except those located south of the Raritan River), and Nassau County, N.Y., Edgewood Arsenal, Aberdeen Proving Ground, Md., and Bound Brook, N.J., as off-route points in connection with carrier's regular-route operations authorized herein between Baltimore, Md., and New York, N.Y., between Baltimore, Md., and Washington, D.C., serving all intermediate points, and serving all intermediate points, and serving as off-route points Frizzelburg, Md., and points in that part of Maryland bounded by a line extending from Baltimore, Md., westward along along U.S. Highway 40 to junction Maryland Highway 32, thence along Maryland Highway 32 to junction U.S. Highway 140, thence along U.S. Highway 140 to Westminster, Md., thence along Maryland Highway 482 to junction Maryland Highway 30, thence along Maryland Highway 30 to junction Maryland Highway 88, thence along Maryland Highway 88 to junction Maryland Highway 137, thence along Maryland Highway 137 to Hereford, Md., thence along Maryland Highway 45 to Baltimore, thence southeasterly along Maryland Highway 2 to Annapolis, Md., thence along U.S. Highway 50 to Washington, D.C., thence along U.S. Highway 1 to Baltimore, Md., including all points on the indicated portions of the specified highways, and Indianhead, Md., with restrictions.

General commodities, between Baltimore, Md., and New York, N.Y., serving the intermediate points of Rahway, N.J., and those between Rahway and New York; and the off-route points of Paterson, Passaic, and Irvington, N.J., from Baltimore, Md., to Washington, D.C., with service authorized to Washington, D.C., restricted to traffic moving from New York, N.Y.; *general commodities* as a *common carrier* over irregular routes with exceptions, between Aberdeen, Md., on the one hand, and, on the other, New York, N.Y., points on Long Island, N.Y., and points in New Jersey, between Oxford and West Grove, Pa., and points in Pennsylvania with 5 miles of West Grove, on the one hand, and, on the other, points in New Jersey, those in New York, N.Y., and on Long Island, N.Y., those in that part of Maryland west of the Chesapeake Bay and on and east of U.S. Highway 1, and those in that part of Delaware north of the Chesapeake and Delaware Canal, between Wilmington, Del., on the one hand, and, on the other, points in that part of Delaware and Pennsylvania on and east of that portion of U.S. High 13, between Wilmington, Del., and Philadelphia, Pa., including Wilmington and Philadelphia, with restrictions; *general commodities*, with exceptions between points in Hartford County, Md., on the one hand, and, on the other, points in that part of Maryland with 60 miles of Bel Air, Md., other than Baltimore, Md., and that part of Pennsylvania south and east of U.S. Highway 1, within 60 miles of Bel Air, Md., including points on the indicated portion of the Highway specified, between Baltimore, Md., on the one hand, and, on the other, Quantico, Va., points in the District of Columbia, and points in Maryland except those in Hartford County and those east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal.

NORTH PENN TRANSFER OF CONNECTICUT, INC., holds no authority from the Commission. However, it is controlled through stock ownership by NORTH PENN TRANSFER, INC. NORTH PENN TRANSFER, INC., is authorized to operate as a *common carrier* under Docket No. MC 52932 and subs thereunder in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12807. Authority sought for purchase by INTERSTATE TRANSPORT, INC., P.O. Box 1473, Gainesville, GA 30501, of a portion of the operating rights of CLAREMONT MOTOR LINES, INC., P.O. Box 100, Claremont, N.C. 28610, and for acquisition by WILLIAM L. FERGUSON, P.O. Box 845, Spring-

dale, Ark. 72764, of control of such rights through the purchase. Applicants' attorney: Bill R. Davis, Suite 101 Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339. Operating rights sought to be transferred: *Salt and salt products*, and *pepper*, in packages, when transported in mixed loads with salt and salt products, as a common carrier over irregular routes from Marysville and St. Clair, Mich., and Rittman and Akron, Ohio, to points in Alabama, Florida, Georgia, points in that part of Kentucky west of U.S. Highway 31W, and to points in that part of Tennessee on and west of U.S. Highway 31W commencing at the Kentucky-Tennessee State line to Nashville, Tennessee, and running thence along U.S. Highway 31 to the Tennessee-Alabama State line; and *animal and poultry mineral feed mixtures*, in packages, in mixed loads with salt and salt products, from Rittman, Ohio, and Marysville, Mich., to points in Alabama, Florida, Georgia, points in that part of Kentucky west of U.S. Highway 31W, and points in that part of Tennessee on and west of U.S. Highway 31W commencing at the Kentucky-Tennessee State line to Nashville, Tennessee, and running thence along U.S. Highway 31 to the Tennessee-Alabama State line; and *materials and supplies* used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, in mixed loads with salt and salt products (otherwise authorized), from Akron and Rittman, Ohio, and Marysville and St. Clair, Mich., to points in Alabama, Florida, Georgia, points in that part of Kentucky west of U.S. Highway 31W, and points in that part of Tennessee on and west of U.S. Highway 31W commencing at the Kentucky-Tennessee State line to Nashville, Tennessee, and running thence along U.S. Highway 31 to the Tennessee-Alabama State line. INTERSTATE TRANSPORT, INC., is controlled by WILLIAM L. FERGUSON who also controls POLAR EXPRESS, INC., and SERVICE TRANSPORT, INC. (formerly Arctic Transport Inc.). They have the authority to operate as a *common carrier* in Alabama, Florida, Georgia, Indiana, Kentucky, Maryland, Michigan, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. Application has been filed for temporary authority under section 210a (b).

OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights applications are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with pending transfer applications under Section 212(b) of the Interstate Commerce Act. An original and two copies of protests to the granting of the authorities must be filed with the Commission on or before May 17, 1976. Such protests shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named. Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its applications.

No. MC 19311 (Sub-No. 31) (Amendment), filed July 15, 1975, published in the FEDERAL REGISTER issue of August 13, 1975, and republished solely for purpose of indicating broadening additions in this issue. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, Mich. 48077. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *General commodities* (except those of unusual value, Classes A and B explosives, livestock, furs, household goods as defined by the Commission, commodities requiring special equipment, and commodities in bulk), from Tiffin, Ohio, to: (1) points in the commercial zones of Chicago, Ill., Cincinnati and Dayton, Ohio, Indianapolis, Ind., Detroit, Mich., and Milwaukee, Wis.; (2) those points in Illinois and Indiana in a territory beginning at the junction of U.S. Highways 41 and 30 near Chicago, Ill., and extending westerly along U.S. Highway 30 to junction Illinois Highway 31 near Aurora, Ill., thence northerly along Illinois Highway 31 to junction U.S. Highway 20 near Calumet Park, Ill., including points on the named highways; (3) those points between Chicago, Ill., and Detroit, Mount Clemens, and Rochester, Mich., along the following routes: (a) Over U.S. Highway 20 to Elkhart, Ind., thence over Indiana Highway 112 to junction U.S. Highway 12 (formerly U.S. Highway 112), thence over U.S. Highway 12 to Detroit, thence over U.S. Highway 25 to Mount Clemens, (b) over Interstate Highway 94 (formerly U.S. Highway 12) to junction U.S. Highway 12 (formerly U.S. Highway 112), thence over U.S. Highway 12 to Detroit, (c) Over Interstate Highway 94 (formerly U.S. Highway 12) to Detroit, serving points between junction Interstate Highway 94 and U.S. Highway 31 and Niles, Mich., over U.S. Highway 31, and points between junction Interstate Highway 94 (formerly U.S. Highway 12), and Michigan Highway 40 and Niles, Mich., over Michigan Highway 40.

(d) Over Interstate Highway 94 (formerly U.S. Highway 12) to junction Michigan Highway 78, thence over Michigan Highway 78 to junction U.S. Highway 27, thence over U.S. Highway 27 to junction Michigan Highway 43 (formerly portion U.S. Highway 16), thence over Michigan Highway 43 to junction unnumbered highway (formerly portion U.S. Highway 16), thence over unnumbered highway to junction Interstate Highway 96 (formerly portion U.S. Highway 16), thence over Interstate Highway 96 to Detroit, (e) Over Interstate Highway 94 (formerly U.S. Highway 12) to junction Michigan Highway 78, thence over Michigan Highway 78 to junction U.S. Highway 27, thence over U.S. Highway 27 to Lansing, Mich., thence over Michigan Highway 78 to junction U.S. Highway 10, thence over U.S. Highway 10 to Detroit, (f) Over Interstate Highway 94 (formerly U.S. Highway 12) to junction U.S. Highway 12 (formerly U.S. Highway 112), thence over U.S. Highway 12 to junction U.S. Highway 223, thence over U.S. Highway 223 to Toledo, Ohio, thence over U.S. Highway 24 to junction U.S. Highway 25 to Detroit, (g) Over Interstate Highway 94 (formerly U.S. Highway 12) to junction U.S. Highway 12 (formerly U.S. Highway 112), thence over U.S. Highway 12 to junction U.S. Highway 23, thence over U.S. Highway 24 or 25 to Detroit, (h) Over U.S. Highway 41 to junction U.S. Highway 30, thence over U.S. Highway 30, to junction U.S. Highway 30S (formerly portion U.S. Highway 30), thence over U.S. Highway 30S to Lima, Ohio; thence over U.S. Highway 25 to Toledo, Ohio, thence over either U.S. Highway 24 or 25 to Detroit.

(4) Those points along U.S. Highway 31 from junction Interstate Highway 94 (formerly U.S. Highway 12) to Michigan Highway 89 over U.S. Highway 31, thence over Michigan Highway 89 to Fennville, Mich., thence in a southerly direction over county roads through Grand Junction, Bangor, and Hartford, Mich., to junction Interstate Highway 94 (formerly U.S. Highway 12), (5) Dundee, Lansing, Jackson, Flint, Mount Clemens, Rochester, and Monroe, Mich., and Middletown, Ohio; (6) those points between Chicago, Ill., and Cincinnati, Ohio, along the following routes: (a) Over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Cincinnati, Ohio, (b) Over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction Indiana Highway 44, thence over Indiana Highway 44 to Liberty, Ind., thence over U.S. Highway 27 to junction Ohio Highway 73, thence over Ohio Highway 73 to junction U.S. Highway 172, thence over U.S. Highway 127 to Cincinnati, (c) Over Illinois Highway 1 to junction Illinois Highway 17, thence over Illinois Highway 17 to the Indiana-Illinois State line, thence over Indiana Highway 2 to junction U.S. Highway 41 thence over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Cincinnati, (d) Over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction Indiana Highway 28, thence over Indiana Highway 28 to junction U.S. Highway 35 thence over U.S. Highway 35 to junction U.S. Highway 127, thence over U.S. Highway 127 to Cincinnati, (e) Over U.S. Highway 41 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 30S (formerly portion U.S. Highway 30), thence over U.S. Highway 30S to Lima, Ohio, thence over U.S. Highway 25 to Cincinnati, and (f) Over U.S. Highway 41 to junction U.S. High-

way 30, thence over U.S. Highway 30 to junction U.S. Highway 30S (formerly portion U.S. Highway 30), thence over U.S. Highway 30S to Lima, Ohio, thence over U.S. Highway 25 to Dayton, Ohio, thence over Ohio Highway 4 to junction U.S. Highway 127, thence over U.S. Highway 127 to Cincinnati; and (7) those points between Chicago, Ill., and Dayton, Ohio, along the following routes.

(a) Over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction Ohio Highway 49, thence over Ohio Highway 49 to Dayton, and (b) Over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction Indiana Highway 28, thence over Indiana Highway 28 to junction U.S. Highway 35, thence over U.S. Highway 35 to Dayton. The purpose of this filing is to eliminate the gateway at Lambertville, Mich., in the Toledo, Ohio, commercial zone. (B) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and commodities in bulk), from Tiffin, Ohio, to Toledo, Cleveland, Akron, Mansfield, Columbus, and Springfield, Ohio, and Coal City, Ill. The purpose of this filing is to eliminate the gateway at Lambertville, Mich. (C) *New furniture and stone furniture tops*, from Tiffin, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, Wisconsin, and the District of Columbia, and West Virginia. The purpose of this filing is to eliminate a gateway at Adrian, Mich. (D) *Groceries and food products*, from New York, N.Y., Philadelphia, Pa., and Jersey City, N.J., to points in that part of Michigan bounded by a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Jackson, thence along U.S. Highway 127 to Lansing, thence along U.S. Highway 27 to Mount Pleasant, thence along Michigan Highway 20 to Bay City, thence along the Michigan shore line to the Michigan-Ohio State line, thence along the Michigan-Ohio and Michigan-Indiana State lines to Lake Michigan, and thence along the Lake Michigan shore to the point of beginning, including points on the indicated portions of the highways specified The purpose of this filing is to eliminate a gateway at Tiffin, Ohio.

(E) *Soap and soap materials*, from New York and Elmhurst, N.Y., to points in that part of Michigan bounded by a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Jackson, thence along U.S. Highway 127 to Lansing, thence along U.S. Highway 27 to Mount Pleasant, thence along Michigan Highway 20 to Bay City, thence along the Michigan shore line to the Michigan-Ohio State line, thence along the Michigan-Ohio and Michigan-Indiana State lines to Lake Michigan, and thence along the Lake Michigan shore to the point of beginning, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate a gateway at Tiffin, Ohio. (F) *Iron and steel articles, iron and steel and chemicals*, from Tiffin, Ohio, to Rockford, Ill. The purpose of this filing is to eliminate a gateway at Lambertville, Mich., in the Toledo, Ohio, commercial zone. (G) *Paper and paper products, chemicals, iron and steel, and iron and steel articles*, from Tiffin, Ohio, to Belvidere, Elgin, St. Charles, Aurora, and North Aurora, Ill. The purpose of this filing is to eliminate a gateway at Lambertville, Mich., in the Toledo, Ohio, commercial zone. (H) *Forgings and steel*, from Muskegon, Muskegon Heights, Lansing, and East Lansing, Mich., and points within eight miles of each, to points in that part of Michigan bounded by a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Jackson, thence along U.S. Highway 127 to Lansing, thence along U.S. Highway 27 to Mount Pleasant, thence along Michigan Highway 20 to Bay City, thence along the Michigan shore line to the Michigan-Ohio State line, thence along the Michigan-Ohio and Michigan-Indiana State lines to Lake Michigan, and thence along the Lake Michigan shore to the point of beginning, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway at Tiffin, Ohio.

(I) *Drugs*, from Grand Rapids, Mich., to points in that part of Michigan bounded by a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Jackson, thence along U.S. Highway 127 to Lansing, thence along U.S. Highway 27 to Mount Pleasant, thence along Michigan Highway 20 to Bay City, thence along the Michigan shore line to the Michigan-Ohio State line, thence along the Michigan-Ohio and Michigan-Indiana State lines to Lake Michigan, and thence along the Lake Michigan shore to the point of beginning, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate a gateway at Tiffin, Ohio. (J) *Seats*, motor vehicle and car, from Grand Rapids, Mich., to points in that part of Michigan bounded by a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Jackson, thence along U.S. Highway 127 to Lansing, thence along U.S. Highway 27 to Mount Pleasant, thence along Michigan Highway 20 to Bay City, thence along the Michigan shore line to the Michigan-Ohio State line, thence along the Michigan-Ohio and Michigan-Indiana State lines to Lake Michigan, and thence along the Lake Michigan shore to the point of beginning, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate a gateway at Tiffin, Ohio. (K) *New furniture*, from Grand Rapids, Mich., to points in that part of Michigan bounded by a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Jackson, thence along U.S. Highway 127 to Lansing, thence along U.S. Highway 27 to Mount Pleasant, thence along Michigan Highway 20 to Bay City, thence along the Michigan shore line to the Michigan-Ohio State line, thence along the Michigan-Ohio and Michigan-Indiana State lines to Lake Michigan, and thence along the Lake Michigan shore to the points of beginning, including points on the indicated portions of the highways specified.

The purpose of this filing is to eliminate a gateway at Tiffin, Ohio.

NOTE.—The issues previously noticed in MC 19311 (Sub-No. 31) relate to the gateway elimination of operating rights pending the merger of Central Transport, Inc., and Michigan Express, Inc. docketed in MC–F–12589. The issues presented in this notice reflect the applicant's request to eliminate additional gateways which resulted from the merger of the operating rights of Mohawk Motor, Inc., into Central Transport, Inc., in MC–F–10318. This matter is directly related to the Section 5(2) merger proceeding in MC–F–12589 which was noticed in the FEDERAL REGISTER issue of July 30, 1975.

No. MC 27903 (Sub-No. 21), filed March 1, 1976. Applicant: CHARLES W. KARPER, INC., 144 South Eighth Street, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete products*, requiring the use of special equipment from Winchester, Va., to points in Connecticut, Delaware, Massachusetts, Maryland, New York, New Jersey, Rhode Island, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Franklin County, Pa.

NOTE.—The purpose of this application is to eliminate the gateway which results from the combination of vendee's and vendor's authorities involved in the underlying purchase proceeding. This is a matter directly related to a Section 5(2) finance proceeding in MC–F–12703 published in the FEDERAL REGISTER issue of December 17, 1975. If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 114273 (Sub-No. 245), filed March 16, 1976. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Bldg., 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from St. Joseph, Mo., to points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia, restricted to the transportation of shipments originating at the facility utilized by Armour & Company, at or near St. Joseph, Mo. The purpose of this filing is to eliminate the gateway of McKees-

port, Pa. (2) *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite and storage facilities of Dubuque Packing Company at or near Dubuque, Iowa, to points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia, restricted to the transportation of shipments originating at the plantsite and storage facilities of Dubuque Packing Company at or near Dubuque, Iowa. The purpose of this filing is to eliminate the gateway of McKeesport, Pa.

(3) *Meats meat products, and meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities and hides in bulk, in tank vehicles), from the plantsite and storage facilities of Missouri Beef Packers, Inc., at Holton and Topeka, Kans., to points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia, restricted to the transportation of traffic originating at the plantsite and storage facilities of Missouri Beef Packers, Inc., at Holton and Topeka, Kans. The purpose of this filing is to eliminate the gateway of McKeesport, Pa. (4) *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 restricted against the transportation of commodities in bulk, in tank vehicles, and hides, (a) from the plantsite of Swift & Company at or near Grand Island, Nebr., to points in Indiana, on and north of U.S. Highway 20, points in Ohio, and points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, and thence on and south of U.S. Highway 25 from said junction to Detroit, and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442, points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia, the operations authorized next-above are restricted to traffic originating at the plantsite of Swift & Company.

The purpose of this filing is to eliminate the gateways of Chicago, Illinois, Dayton, Ohio, and McKeesport, Pa., (b) from Sioux City, Iowa, and Omaha, Nebr., to points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia, and points in Ohio and those in Indiana, on and north of U.S. Highway 20, and points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, and thence on and south of U.S. Highway 25 from said junction to Detroit, and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442. The purpose of this filing is to eliminate the gateways of Chicago, Ill., Dayton, Ohio, and McKeesport, Pa. (c) from Mason City, Iowa, to points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of McKeesport, Pa.

(d) From the plantsite and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia, the operations authorized under the route immediately above are restricted to the transportation of traffic originating at the plantsite and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo. The purpose of this filing is to eliminate the gateway of McKeesport, Pa. (5) *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 except hides, and liquid commodities in bulk, in tank vehicles, originating at the plantsite and storage facilities of, or utilized by, American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of McKeesport, Pa. (6) *meats, meat products, and meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the plantsite and storage facilities of Iowa Beef Processors, Inc., near Le Mars, Iowa, to points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia, and those points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442 the operations authorized under the commodity description immediately above are restricted to the transportation of shipments originating at the described plantsite and storage facilities. The purpose of this filing is to eliminate the gateways of Chicago, Illinois, and McKeesport, Pa.

(7) *General commodities* (except those of unusual value, Classes A and B explosives, and commodities in bulk), from Great Bend, Kans., to Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia, points in Ohio, points in Indiana on and north of U.S. Highway 20, and points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, and thence on and south of U.S. Highway 25 from said junction to Detroit, and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442, restricted to the transportation of shipments which originate at the plantsite and warehouse facilities of Fuller Brush Company, at Great Bend, Kans. The purpose of this filing is to eliminate the gateways of Chicago, Ill., Dayton, Ohio and McKeesport, Pa. (8) *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and those requiring special equipment), between Chicago Heights and Elmhurst, Ill., and points in Indiana on and north of U.S. Highway 20, points in Ohio, points in that part Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, and thence on and south of U.S. Highway 25 from said junction to Detroit, and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Dayton, Ohio.

(9) *Calcium chloride and magnesium chloride* (except in bulk, from Ludington and Midland, Mich., to points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia, points in that part of Indiana on and north of U.S. Highway 20, points in Ohio, and points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, and thence on and south of U.S. Highway 25 from said junction to Detroit, and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442. The purpose of this filing is to eliminate the gateways of Chicago, Illinois, Dayton, Ohio, and McKeesport, Pa. (10) *Steel fencing and gates,* from Centerville, Iowa, to points in that part of Indiana on and north of U.S. Highway 20, points in Ohio, and points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27 to St. Louis, thence on and

south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, and thence on and south of U.S. Highway 25 from said junction to Detroit, and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442 and points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateways of Chicago, Ill., Dayton, Ohio, and McKeesport, Pa.

(11) *Foodstuffs, and nonedible food products,* in vehicles equipped with mechanical refrigeration, from Bettendorf, Iowa, to points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia, restricted to the transportation of traffic originating at the facilities of Terminal Ice and Cold Storage Company, at or near Bettendorf, Iowa. The purpose of this filing is to eliminate the gateway of McKeesport, Pa. (12) *Foodstuffs,* in containers, from points in the Chicago, Ill., Commercial Zone as defined by the Commission, and those points in Illinois south of a line extending from Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53, and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53 to intersection Palatine Road, thence easterly along Palatine Road to intersection Roselle Road, thence southerly along Roselle Road to intersection Interstate Highway 90, thence easterly along Interstate Highway 90 to intersection County Highway D, thence southerly along County Highway D to intersection U.S. Highway 20, thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois Highway 64 to intersection Bloomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road, thence easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, thence southerly along Highland Avenue to intersection Main Street (Downers Grove), thence southerly along Main Street to intersection 75th Street, thence easterly along 75th Street to intersection Cass Avenue, thence southerly along Cass Avenue to intersection Illinois State Highway 83, thence southerly along Illinois Highway 83 to intersection Illinois Highway 171, thence southerly along Illinois State Highway 171 to intersection Bell Road, thence southerly along Bell Road to intersection Cook-Will County Boundary line, thence easterly and southerly along said county boundary line to intersection of U.S. Highway 30 to points in Missouri. The purpose of this filing is to eliminate the gateway of Lawton, Mich.

(13) *Canned goods,* from Cambridge, Gilman, Grundy Center, Oskaloosa, and Roland, Iowa, to Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia, points in that part of Indiana on and north of U.S. Highway 20, points in Ohio, and points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Marshall, thence on and east U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, and thence on and south of U.S. Highway 25 from said junction to Detroit, and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442. The purpose of this filing is to eliminate the gateways of Chicago, Ill., Dayton, Ohio and McKeesport, Pa. (14) *Canned goods and canning factory machinery and supplies,* (a) from points in Ohio and points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, and thence on and south of U.S. Highway 25 from said junction to Detroit, and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442, and Norfolk, Va.; Annapolis, Baltimore, Cumberland, Frederick, Frostburg, Hagerstown, Hancock, Rockville, Silver Spring, and Westminster, Md.; Keyser and Piedmont, W. Va.; Alexandria, Clarendon, and Richmond, Va., and the District of Columbia, to points in Iowa within 100 miles of Cedar Rapids, Iowa, and Sac City, Storm Lake, LaPorte City, and Garrison, Iowa, points in Minnesota, points in Missouri on and north of U.S. Highway 50 and points in Kansas on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateways of Richmond, Va., McKeesport, Pa., Cedar Rapids, Iowa, Chicago, Ill., and Dayton, Ohio.

(b) From Vinton, Iowa, and points within 15 miles of Vinton and Sac City, Storm Lake, LaPorte City, Garrison, and Shellsburg, Iowa, to points in that part of Indiana on and north of U.S. Highway 20, points in Ohio, and points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, and thence on and south of U.S. Highway 25 from said junction to Detroit, and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442 and points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateways of Washington and McKeesport, Pa., Chicago, Ill. and Dayton, Ohio. (15) *Canned goods and groceries,* from points in Ohio and points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, and thence on and south of U.S. Highway 25 from said junction to Detroit, and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442, and Norfolk, Va.; Annapolis, Baltimore, Cumberland, Frederick, Frostburg, Hagerstown, Hancock, Rockville, Silver Spring, and Westminster, Md.; Keyser and Piedmont, W. Va.; Alexandria, Clarendon, and Richmond, Va. and the District of Columbia to Norfolk, Nebr. The purpose of this filing is to eliminate the gateways of Richmond, Va., McKeesport, Pa., Dayton, Ohio, Chicago, Ill., Cedar Rapids and Marshalltown, Iowa. (16) *Lawn mowers,* from Marshalltown, Iowa, to points in Ohio. The purpose of this filing is to eliminate gateway of Dayton, Ohio.

(17) *Road machinery,* from Omaha, Nebr., to points in Indiana, on and north of U.S. Highway 20, points in Ohio, points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, and thence on and south of U.S. Highway 25 from said junction to Detroit, and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442 and points in Ohio. The purpose of this filing is to eliminate the gateways of Chicago, Ill. and Dayton, Ohio. (18) *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Beardstown, Ill., to points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442 and points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateways of Hammond, Ind. and McKeesport, Pa. (19) *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses,* as described in Section A of Appendix 1 to the report in *Descriptions*

in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); from York, Nebr., to points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina and Virginia, and those points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442. The purpose of this filing is to eliminate the gateways of Hammond, Ind., and McKeesport, Pa.

(20) *Frozen foods*, (a) from Carrollton, Macon, Marshall, Moberly, and Milan, Mo., to points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442, and points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateways of Chicago, Ill. and McKeesport, Pa. (b) From Darien, Wis., to points in Alabama, Florida, Georgia, Maryland, and North Carolina, South Carolina, and Virginia, and points in that part of Indiana on and north of U.S. Highway 20, points in Ohio, and points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, and thence on and south of U.S. Highway 25 from said junction to Detroit, and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442. The purpose of this filing is to eliminate the gateways of Chicago, Ill., Dayton, Ohio and McKeesport, Pa. (c) From St. James, and Madelia, Minn., to points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442 and points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia. The purposce of this filing is to eliminate the gateways of Chicago, Ill., and McKeesport, Pa.

(d) From St. Joseph, Mo., to points in that part of Indiana on and north of U.S. Highway 20, points in Ohio and points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, and thence on and south of U.S. Highway 25 from said junction to Detroit, and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442 and points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateways of Chicago, Ill., Darien, Wis., McKeesport, Pa., and Dayton, Ohio, (21) *Food products, and commodities exempt from economic regulation* pursuant to the provisions of Section 203(b)(c) of the Interstate Commerce Act, in mixed loads with food products, from the plantsite of Ralston Purina Co., located at or near California, Mo., to points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of McKeesport, Pa. (22) *Unfrozen bakery products*, from the plantsite of the United States Baking Company at Seeleyville, Ind., to points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia, and points in that part of Indiana on and north of U.S. Highway 20, points in Ohio, and points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, thence on and south of U.S. Highway 25 from said junction to Detroit, and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442. The purpose of this filing is to eliminate the gateways of Chicago, Ill., Dayton, Ohio, and McKeesport, Pa.

(23) *Livestock, agricultural commodities, and farm machinery*, from Vinton, Iowa, to points in that part of Indiana on and north of U.S. Highway 20, points in Ohio, and points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, and thence on and south of U.S. Highway 25 from said junction to Detroit and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and McKeesport, Pa. (24) *Farm machinery, binder twine, mill feeds, and building materials*, from points in Ohio, points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, thence on and south of U.S. Highway 25 from said junction to Detroit, and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442 to points in Iowa within 100 miles of Cedar Rapids, Iowa. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Cedar Rapids, Iowa.

(25) *Iron and steel products*, from points in Ohio, points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, and thence on and south of U.S. Highway 25 from said junction to Detroit, and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442 to Dubuque, Iowa. The purpose of this filing is to eliminate the gateways of Dayton, Ohio and Chicago, Ill. (26) *Iron and steel products*, from points in Ohio, points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 25, and thence on and south of U.S. of U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, and thence on and south of U.S. Highway 25 from said junction to Detroit, and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442 to Dubuque, Iowa, and points in Iowa within 100 miles of Cedar Rapids, Iowa. The purpose of this filing is to eliminate the gateways of Portage, Ind., and Cedar Rapids, Iowa. (2) *Iron and steel articles*, from points in Allegheny County, Pa., to points in Colorado, Iowa, Nebraska, and Minnesota. The purpose of this filing is to eliminate the gateway of Allenport or Monessen, Pa.

(28) *Iron and steel articles*, from points in Allegheny County, Pa., to points in Iowa. The purpose of this filing is to eliminate the gateway of Aliquippa or Pittsburgh, Pa. (29) *Furnace and furnace parts*, from Montgomery County and Bethel, Monroe, and Union Townships, Miami County, Ohio, to Chicago, Joliet, Peoria, and Rockfort, Ill.; Fort Wayne, Gary, Hammond, and South Bend, Ind.; Cedar Rapids, Davenport, and Des Moines, Iowa, and Madison, Manitowoc, and Sheboygan, Wis. The purpose of this filing is to eliminate the gateway of Columbus, Ohio. (30) *Heating furnaces, heating equipment and parts thereof*, between points in the Chicago, Ill., Commercial Zone as defined by the Commission, and those points in Illinois south of a line extending from Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53 and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53 to intersection Palatine Road, thence easterly along Palatine Road to intersection Roselle Road, thence southerly along Roselle Road to intersection Interstate Highway 90, thence easterly along Interstate Highway 90 to intersection County Highway D, thence southerly along County Highway D to intersection U.S. Highway 20, thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois High-

way 64 to intersection Bloomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road, thence easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, thence southerly along Highland Avenue to intersection Main Street (Downers Grove), thence southerly along Main Street to intersection 75th Street, thence easterly along 75th Street to intersection Cass Avenue, thence southerly along Cass Avenue to intersection Illinois State Highway 83, thence southerly along Illinois Highway 83 to intersection Illinois Highway 171, thence southerly along Illinois State Highway 171 to intersection Bell Road, thence southerly along Bell Road to intersection Cook-Will County Boundary line, thence easterly, and southerly along said county boundary line to intersection of U.S. Highway 30 and points in Montgomery County and Bethel, Monroe, and Union Townships, Miami County, Ohio, and Syracuse, N.Y. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

(31) *Non-frozen, canned and preserved foodstuffs,* from Portland, Geneva, and Sunman, Ind., to points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25 and thence on and south of U.S. Highway 25 from said junction to Detroit, restricted to traffic originating at the plantsite and/or storage facilities of Naa's Foods at the specified origin points. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

(32) *Canned goods,* from Norfolk, Va., to points in Indiana on and north of U.S. Highway 20, points in the Chicago, Ill., Commercial Zone as defined by the Commission, and those points in Illinois south of a line extending from Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53, and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53 to intersection Palatine Road, thence easterly along Palatine Road to intersection Roselle Road, thence southerly along Roselle Road to intersection Interstate Highway 90, thence easterly along Interstate Highway 90 to intersection County Highway D, thence southerly along county Highway D to intersection U.S. Highway 20, thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois Highway 64 to intersection Bloomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road, thence easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, thence southerly along Highland Avenue to intersection Main Street (Downers Grove), thence southerly along Main Street to intersection 75th Street, thence easterly along 75th Street to intersection Cass Avenue, thence southerly along Cass Avenue to intersection Illinois State Highway 83, thence southerly along Illinois Highway 83 to intersection Illinois Highway 171, thence southerly along Illinois State Highway 171 to intersection Bell Road, thence southerly along Bell Road to intersection Cook-Will County Boundary line, thence easterly and southerly along said county boundary line to intersection of U.S. Highway 30, points in Iowa within 100 miles of Cedar Rapids, Iowa, points in Minnesota, in Missouri on and north of U.S. Highway 50 and in Kansas on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateways of Richmond, Va., McKeesport, Pa., Chicago, Ill., and Cedar Rapids, Iowa.

(33) *Iron and steel articles,* as defined by the Commission in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except oil field commodities as defined by the Commission, 74 M.C.C. 459, and *nonferrous metals and plastic articles,* from points in Ohio, and points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, and thence on and south of U.S. Highway 25 from said junction to Detroit and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442 to points in Minnesota. The purpose of this filing is to eliminate the gateway of the facilities of Central Steel and Wire, A. M. Castle and Co., and Joseph T. Ryerson and Son, Inc., Chicago, Ill. (34) *Steel welding wire,* from points in Montgomery County and Bethel, Monroe, and Union Townships, Miami County, Ohio, to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Colorado, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Troy, Ohio. (35) *Such commodities as are dealt in by brush manufacturing concerns,* and in conjunction therewith, *equipment, materials, and supplies used in the conduct of such business,* when moving from, to or between the warehouses, plants, or other facilities of brush manufacturing concerns, from East Berlin, Greenwich, and Hartford, Conn. and Albany, N.Y., to points in that part of Indiana on and north of U.S. Highway 20, and points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27, to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, and thence on and south of U.S. Highway 25 from said junction to Detroit. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

(36) *Iron and steel articles, and nonferrous metal articles* when moving in the same vehicle at the same time iron and steel articles, from points in Ohio, points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, and thence on and south of U.S. Highway 25 from said junction to Detroit, and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442 to points in Colorado, on and east of the Continental Divide. The purpose of this filing is to eliminate the gateway of Chicago, Ill. (37) *Glass products,* from points in Allegheny County, Pa., and Annapolis, Baltimore, Cumberland, Frostburg, Rockville, and Westminster, Md., Keyser and Piedmont, W. Va., Alexandria and Richmond, Va., and the District of Columbia to Bayport, Minn. The purpose of this filing is to eliminate the gateways of McKeesport and Ford City, Pa. (38) *Flat glass,* from points in Allegheny County, Pa., to Truesdale, Mo. The purpose of this filing is to eliminate the gateway of Floreffe, Pa.

(39) *Bowling alleys, equipment, and supplies* used in the construction and operation of bowling alleys, billiard tables, and billiard table equipment, bowling alley equipment and supplies (except commodities the transportation of which because of size or weight require the use of special equipment for hauling), between Montgomery County and Bethel, Monroe, and Union Townships, Miami County, Ohio, on the one hand, on the other, points in Colorado, Iowa, Nebraska, Minnesota, North Dakota, South Dakota, and Wisconsin. The purpose of this filing is to eliminate the gateway of Shelby, Ohio. (40) *Paper and paper products,* from Franklin, Va., Montgomery County and Bethel, Monroe, and Union Townships, Miami County, Ohio, to points in Indiana located on and north of U.S. Highway 20. The purpose of this filing is to eliminate the gateway of Coshocton, Ohio, and Chicago, Ill. (41) *Kraft wrapping paper, and wood pulpboard in rolls* from Franklin, Va., to points in Indiana located on and north of U.S. Highway 20. The purpose of this filing is to eliminate the gateway of Chicago, Ill. (42) *Paper and paper products,* from the plantsite of the West Virginia Pulp and Paper Company located at or near Wickliffe, Ky., to Annapolis, Baltimore, Cumberland, Frost-

burg, Rockville, and Westminster, Md., Keyser and Piedmont, W. Va., and the District of Columbia. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

(43) *Candy and paper products*, from points in the Chicago, Ill., Commercial Zone as defined by the Commission, and those points in Illinois south of a line extending from Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53, and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53 to intersection Palatine Road, thence easterly along Palatine Road to intersection Roselle Road, thence southernly along Roselle Road to intersection Interstate Highway 90, thence easterly along Interstate Highway 90 to intersection County Highway D, thence southerly along county Highway D to intersection U.S. Highway 20, thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois Highway 64 to intersection Bloomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road, thence easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, thence southerly along Highland Avenue to intersection Maine Street (Downers Grove), thence southerly along Maine Street to intersection 75th Street, thence easterly along 75th Street to intersection Cass Avenue, thence southerly along Cass Avenue to intersection Illinois State Highway 83, thence southerly along Illinois Highway 83 to intersection Illinois Highway 171, thence southerly along Illinois State Highway 171 to intersection Bell Road, thence southerly along Bell Road to intersection Cook-Will County Boundary line, thence easterly and southerly along said county boundary line to intersection of U.S. Highway 30, to Annapolis, Baltimore, Cumberland, Frostburg, Rockville, and Westminster, Md., Keyser and Piedmont, W. Va., and the District of Columbia. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

(44) *Groceries, except fresh vegetables*, from Baltimore, Md., to points in the Chicago, Ill. Commercial Zone as defined by the Commission, and those points in Illinois south of a line extending from Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53, and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53 to intersection Palatine Road, thence easterly along Palatine Road to intersection Roselle Road, thence southerly along Roselle Road to intersection Interstate Highway 90, thence easterly along Interstate Highway 90 to intersection County Highway D, thence southerly along County Highway D to intersection U.S. Highway 20, thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois Highway 64 to intersection Bloomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road, thence easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, thence southerly along Highland Avenue to intersection Main Street (Downers Grove), thence southerly along Maine Street to intersection 75th Street, thence easterly along 75th Street to intersection Cass Avenue, thence southerly along Cass Avenue to intersection Illinois State Highway 83, thence southerly along Illinois Highway 83 to intersection Illinois Highway 171, thence southerly along Illinois State Highway 171 to intersection Bell Road, thence southerly along Bell Road to intersection Cook-Will County Boundary line, thence easterly and southerly along said county boundary line to intersection of U.S. Highway 30 and points in Indiana on and north of U.S. Highway 20. The purpose of this filing is to eliminate the gateways of McKeesport, Pa., and Chicago, Ill.

(45) *Such commodities as* are used or sold by dealers in five- and ten-cent store merchandise, from Frederick and Hagerstown, Md., to points in the Chicago, Ill., Commercial Zone as defined by the Commission, and those points in Illinois south of a line extending from Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53, and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53 to intersection Palatine Road, thence easterly along Palatine Road to intersection Roselle Road, thence southerly along Roselle Road to intersection Interstate Highway 90, thence easterly along Interstate Highway 90 to intersection County Highway D, thence southerly along county Highway D to intersection U.S. Highway 20, thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois Highway 64 to intersection Bloomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road, thence easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, thence southerly along Highland Avenue to intersection Main Street (Downers Grove), thence southerly along Maine Street to intersection 75th Street, thence easterly along 75th Street to intersection Cass Avenue, thence southerly along Cass Avenue to intersection Illinois State Highway 83, thence southerly along Illinois Highway 83 to intersection Illinois Highway 171, thence southerly along Illinois State Highway 171 to intersection Bell Road, thence southerly along Bell Road to intersection Cook-Will County Boundary line, thence easterly and southerly along said county boundary line to intersection of U.S. Highway 30, and points in Indiana on and north of U.S. Highway 20. The purpose of this filing is to eliminate the gateways of McKeesport, Pa., and Chicago, Ill.

(46) *Such commodities* as are used or sold by dealer in five-and-ten-cent store merchandise, from points in the Chicago, Ill., Commercial Zone as defined by the Commission, and those points in Illinois south of a line extending from Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53, and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53 to intersection Palatine Road, thence easterly along Palatine Road to intersection Roselle Road, thence southerly along Roselle Road to intersection Interstate Highway 90, thence easterly along Interstate Highway 90 to intersection County Highway D, thence southerly along County Highway D to intersection U.S. Highway 20, thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois Highway 64 to intersection Bloomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road, thence easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, thence southerly along Highland Avenue to intersection Maine Street (Downers Grove), thence southerly along Maine Street to intersection 75th Street, thence easterly along 75th Street to intersection Cass Avenue, thence southerly along Cass Avenue to intersection Illinois State Highway 83, thence southerly along Illinois Highway 83 to intersection Illinois Highway 171, thence southerly along Illinois State Highway 171 to intersection Bell Road, thence southerly along Bell Road to intersection Cook-Will County Boundary line, thence easterly and southerly along said county boundary line to intersection of U.S. Highway 30, and points in Indiana on and north of U.S. Highway 20. The purpose of this filing is to eliminate the gateways of McKeesport, Pa., and Chicago, Ill.

(47) *Such commodities* as are used or sold by dealers in five-and-ten-cent store merchandise, from Annapolis, Baltimore, Cumberland, Frostburg, Rockville, Westminster, Md., Keyser and Piedmont, W. Va., Alexandria and Richmond, Va., and the District of Columbia,

to points in Indiana located on and north of U.S. Highway 20, points in the Chicago, Ill., Commercial Zone as defined by the Commission and those points in Illinois south of a line extending from Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53, and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53 to intersection Palatine Road, thence easterly along Palatine Road to intersection Roselle Road, thence southerly along Roselle Road to intersection Interstate Highway 90, thence easterly along Interstate Highway 90 to intersection County Highway D, thence southerly along county Highway D to intersection U.S. Highway 20 thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois Highway 64 to intersection Bloomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road, thence easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, thence southerly along Highland Avenue to intersection Main Street (Downers Grove), thence southerly along Main Street to intersection 75th Street, thence easterly along 75th Street to intersection Cass Avenue, thence southerly along Cass Avenue to intersection Illinois State Highway 83, thence southerly along Illinois Highway 83 to intersection Illinois Highway 171, thence southerly along Illinois State Highway 171 to intersection Bell Road, thence southerly along Bell Road to intersection Cook-Will County Boundary line, thence easterly, and southerly, along said county boundary line to intersection of U.S. Highway 30. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and McKeesport, Pa.

(48) *Such merchandise* as is dealt in by five-and-ten-cent retail stores, and in connection therewith, *equipment, material and supplies* used on the conduct of such business, from points in the Chicago, Ill., Commercial Zone as defined by the Commission, and those points in Illinois south of a line extending from Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53, and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53 to intersection Palatine Road, thence easterly along Palatine Road to intersection Roselle Road, thence southerly along Roselle Road to intersection Interstate Highway 90, thence easterly along Interstate Highway 90 to intersection County Highway D, thence southerly along county Highway D to intersection U.S. Highway 20, thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois Highway 64 to intersection Bloomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road, thence easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, thence southerly along Highland Avenue to intersection Main Street (Downers Grove), thence southerly along Main Street to intersection 75th Street, thence easterly along 75th Street to intersection Cass Avenue, thence southerly along Cass Avenue to intersection Illinois State Highway 83, thence southerly along Illinois Highway 83 to intersection Illinois Highway 171, thence southerly along Illinois State Highway 171 to intersection Bell Road, thence southerly along Bell Road to intersection Cook-Will County Boundary line, thence easterly and southerly along said county boundary line to intersection of U.S. Highway 30, to Silver Spring and Hancock, Md., and Clarendon, Va. The purpose of this filing is to eliminate the gateways of McKeesport, Pa., and Chicago, Ill.

(49) *Such merchandise as is dealt in by five-and-ten-cent retail stores,* and in connection therewith, *equipment, material, and supplies* used in the conduct of such business, from Silver Spring and Hancock, Md., and Clarendon, Va., to points in Indiana located on and north of U.S. Highway 20, points in the Chicago, Ill., Commercial Zone as defined by the Commission and those points in Illinois south of a line extending from Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53, and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53 to intersection Palatine Road, thence easterly along Palatine Road to intersection Roselle Road, thence southerly along Roselle Road to intersection Interstate Highway 90, thence easterly along Interstate Highway 90 to intersection County Highway D, thence southerly along county Highway D to intersection U.S. Highway 20, thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois Highway 64 to intersection Bloomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road, thence easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, thence southerly along Highland Avenue to intersection Main Street (Downers Grove), thence southerly along Main Street to intersection 75th Street, thence easterly along 75th Street to intersection Cass Avenue, thence southerly along Cass Avenue to intersection Illinois State Highway 83, thence southerly along Illinois Highway 83 to intersection Illinois Highway 171, thence southerly along Illinois State Highway 171 to intersection Bell Road, thence southerly along Bell Road to intersection Cook-Will County Boundary line, thence easterly and southerly along said county boundary line to intersection of U.S. Highway 30. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and McKeesport, Pa.

(50) *Paper and paper articles,* as described in Appendix XI to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and *wood pulp,* from West Point, Va., to points in the Chicago, Ill., Commercial Zone as defined by the Commission, and those points in Illinois south of a line extending from Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53, and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53 to intersection Palatine Road, thence easterly along Palatine Road to intersection Roselle Road, thence southerly along Roselle Road to intersection Interstate Highway 90, thence easterly along Interstate Highway 90 to intersection County Highway D, thence southerly along county Highway D to intersection U.S. Highway 20, thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois Highway 64 to intersection Bloomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road, thence easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, thence southerly along Highland Avenue to intersection Main Street (Downers Grove), thence southerly along Main Street to intersection 75th Street, thence easterly along 75th Street to intersection Cass Avenue, thence southerly along Cass Avenue to intersection Illinois State Highway 83, thence southerly along Illinois Highway 83 to intersecton of U.S. Highway 30, and points in Indiana located on and north of U.S. Highway 20. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Chicago, Ill.

(51) *Glass containers, closures and rubber rings* for glass containers, and *wooden and paper cases and labels* for use in conjunction with the sale and distribution of glass containers, from Montgomery County and Bethel, Monroe, and Union Townships, Miami County, Ohio, and points in the Chicago, Ill., Commercial Zone as defined by the Commission, and those points in Illinois south of a line extending from Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53,

and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53 to intersection Palatine Road, thence easterly along Palatine Road to intersection Roselle Road, thence southerly along Roselle Road to intersection Interstate Highway 90, thence easterly along Interstate Highway 90 to intersection County Highway D, thence southerly along county Highway D to intersection U.S. Highway 20, thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois Highway 64 to intersection Bloomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road, thence easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, thence southerly along Highland Avenue to intersection Main Street (Downers Grove), thence southerly along Main Street to intersection 75th Street, thence easterly along 75th Street to intersection Cass Avenue, thence southerly along Cass Avenue to intersection Illinois State Highway 83, thence southerly along Illinois Highway 83 to intersection Illinois Highway 171, thence southerly along Illinois State Highway 171 to intersection Bell Road, thence southerly along Bell Road to intersection Cook-Will County Boundary line, thence easterly and southerly along said county boundary line to intersection of U.S. Highway 30, to points in that part of Virginia on, east and south of a line beginning at the Virginia-North Carolina state line and extending along U.S. Highway 29 through Danville and Lynchburg, Virginia to U.S. Highway 60 at Amherst, Va., thence east along U.S. Highway 60 to Richmond, Va., and thence along U.S. Highway 360 through Tappahannock, Va., to Reedville, Va., on the Chesapeake Bay, and points in Virginia on the Del-Mar-Va Penninsula. The purpose of this filing is to eliminate the gateways of Zanesville, Ohio, and Washington, Pa.

(52) *Such commodities*, as are used or sold by dealers in so-called five-and-ten-cent store merchandise, from points in the Chicago, Ill., Commercial Zone as defined by the Commission, and those points in Illinois south of a line extending Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53, and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53 to intersection Palatine Road, thence easterly along Palatine Road to intersection Roselle Road, thence southerly along Roselle Road to intersection Interstate Highway 90, thence easterly along Interstate Highway 90 to intersection County Highway D, thence southerly along county Highway D to intersection U.S. Highway 20, thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois Highway 64 to intersection Bloomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road, thence easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, thence southerly along Highland Avenue to intersection Main Street (Downers Grove), thence southerly along Main Street to intersection 75th Street, thence easterly along 75th Street to intersection Cass Avenue, thence southerly along Cass Avenue to intersection Illinois State Highway 83, thence southerly along Illinois Highway 83 to intersection Illinois Highway 171, thence southerly along Illinois State Highway 171 to intersection Bell Road, thence southerly along Bell Road to intersection Cook-Will County Boundary line, thence easterly and southerly along said county boundary line to intersection of U.S. Highway 30, to points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of McKeesport, Pa.

(53) *Such commodities* as are used or sold by dealers in five-and-ten-cent store merchandise, from Annapolis, Baltimore, Cumberland, Frederick, Frostburg, Hagerstown, Hancock, Rockville, Silver Spring, and Westminster, Md., Keyser and Piedmont, W. Va., Alexandria, Clarendon, and Richmond, Va., and the District of Columbia, to points in Texas, Arkansas, Missouri, Louisiana, Kansas, Oklahoma, New Mexico and Colorado. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa. and McKeesport, Pa. (54) *Such commodities*, as are used or sold by dealers in so-called five-and-ten-cent store merchandise from Chicago Heights and Elmhurst, Ill., to points in Alabama, Georgia, Florida, Maryland, North Carolina, South Carolina, and Virginia. The purpose for this filing is to eliminate the gateways of Chicago, Ill., and McKeesport, Pa. (55) *Such commodities* as are used or sold by dealers in so-called five-and-ten-cent store merchandise between Chicago Heights, Illinois and Annapolis, Baltimore, Cumberland, Frostburg, Hancock, Rockville, Silver Spring, and Westminster, Md., Keyser and Piedmont, W. Va., Alexandria, Clarendon, and Richmond, Va., and the District of Columbia. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and McKeesport, Pa.

(56) *Wood pulp, pulpboard, and kraft paper*, from West Point, Va., to points in the Chicago, Ill., Commercial Zone as defined by the Commission, and those points in Illinois south of a line extending from Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53 and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53 to intersection Palatine Road, thence easterly along Palatine Road to intersection Roselle Road, thence southerly along Roselle Road to intersection Interstate Highway Highway 90 to intersection County Highway D, thence southerly along county Highway D to intersection U.S. Highway 20, thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois Highway 64 to intersection Bloomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road, thence easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, to intersection Main Street (Downers Grove), thence southerly along Main Street to intersection 75th Street, thence easterly along 75th Street to intersection Cass Avenue, thence southerly along Cass avenue to intersection Illinois State Highway 83, thence southerly along Illinois Highway 83 to intersection Illinois Highway 171, thence southerly along Illinois State Highway 171 to intersection Bell Road, thence southerly along Bell Road to intersection Cook-Will County Boundary line, thence easterly and southerly along said county boundary line to intersection of U.S. Highway 30, and points in Indiana, on and north of U.S. Highway 20. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Chicago, Ill.

(57) *Coffee, tea, and prepared foods* (except frozen foods, meats, meats products, and meat by-products, and commodities in bulk), from the plantsite of Standard Brands, Inc., at Suffolk, Va., to points in the Chicago, Ill., Commercial Zone as defined by the Commission and those points in Illinois south of a line extending from Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53, and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53 to intersection Palatine Road, thence easterly along Palatine Road to intersection Roselle Road, thence southerly along Roselle Road to intersection Interstate Highway 90, thence easterly along Interstate Highway 90 to intersection County Highway D, thence southerly along county Highway D to intersection U.S. Highway 20, thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois Highway 64 to intersection Boomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road, thence easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, thence southerly along

Highland Avenue to intersection Main Street (Downers Grove), thence southerly along Main Street to intersection 75th Street, thence easterly along 75th Street to intersection Cass Avenue, thence southerly along Illinois Highway 83 to intersection Illinois Highway 171, thence southerly along Illinois State Highway 171 to intersection Bell Road, thence southerly along Bell Road to intersection Cook-Will County Boundary line, thence easterly and southerly along said county boundary line to intersection of U.S. Highway 30, points in Indiana, on and north of U.S. Highway 20 and points in Iowa within 100 miles of Cedar Rapids, Iowa, Norfolk, Nebraska, points in Minnesota, points in Missouri on and north of U.S. Highway 50 and points in Kansas on and east of U.S. Highway 81, the operation authorized above are restricted to the transportation of traffic moving in mixed loads with nuts, candy, peanut products, cream-filled cookies or paper tea bag wrappers, and and are restricted to the transportation of traffic originating at the plantsites of Standard Brands, Inc., at Suffolk, Va. The purpose of this filing is to eliminate the gateways of Toledo, Ohio, Chicago, Ill., Cedar Rapids, Iowa.

(58) *Nuts, candy and peanut products,* from Suffolk, Va., to points in the Chicago, Ill., Commercial Zone as defined by the Commission, and those points in Illinois south of a line extending from Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53, and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53 to intersection Palatine Road, thence easterly along Palatine Road to intersection Roselle Road, thence southerly along Roselle Road to intersection Interstate Highway 90, thence easterly along Interstate Highway 90 to intersection County Highway D, thence southerly along county Highway D to intersection U.S. Highway 20, thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois Highway 64 to intersection Bloomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road, thence easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, thence southerly along Highland Avenue to intersection Maine Street (Downers Grove), thence southerly along Main Street to intersection 75th Street, thence easterly along 75th Street intersection County Highway D, thence southerly along county Highway D to intersection U.S. Highway 20, thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois Highway 64 to intersection Bloomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road, thence easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, thence southerly along Highland Avenue to intersection Main Street (Downers Grove), thence southerly along Main Street to intersection 75th Street.

Thence easterly along 75th Street to intersection Cass Avenue, thence southerly along Cass Avenue to intersection Illinois State Highway 83, thence southerly along Illinois Highway 83 to intersection Illinois Highway 171, thence southerly along Illinois State Highway 171 to intersection Bell Road, thence southerly along Bell Road to intersection Cook-Will County Boundary line, thence easterly and souhterly along said county boundary line to intersection of U.S. Highway 30, points in Indiana on and north of U.S. Highway 20, points in Iowa within 100 miles of Cedar Rapids, Iowa, points in Minnesota, points in Missouri on and north of U.S. Highway 50, points in Kansas on and east of U.S. Highway 81 and Norfolk, Nebr., to intersection Cass Avenue, thence southerly along Cass Avenue to intersection Illinois State Highway 83, thence southerly along Illinois Highway 83 to intersection Illinois Highway 171, thence southerly along Illinois State Highway 171 to intersection Bell Road, thence southerly along Bell Road to intersection Cook-Will County Boundary line, thence easterly and southerly along said county boundary line to intersection of U.S. Highway 30, points in Indiana on and north of U.S. Highway 20, points in Iowa within 100 miles of Cedar Rapids, Iowa, points in Minnesota, points in Missouri on and north of U.S. Highway 50, points in Kansas on and east of U.S. Highway 81 and Norfolk, Nebr. The purpose of this filing is to eliminate the gateways of Cincinnati, Ohio, Chicago, Ill., and Cedar Rapids, Iowa.

(59) *Nuts,* from Suffolk and Petersburg, Va., to points in the Chicago, Ill., Commercial Zone as defined by the Commission, and those points in Illinois south of a line extending from Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53, and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53 to intersection Palatine Road thence easterly along Palatine Road to intersection Roselle Road, thence southerly along Roselle Road to intersection Interstate Highway 90, thence easterly along Interstate Highway 90 to. The purpose of this filing is to eliminate the gateways of Toledo, Ohio, Chicago, Ill., and Cedar Rapids, Iowa.

(60) *Malt beverages,* from the Chicago, Ill., Commercial Zone as defined by the Commission, and those points in Illinois south of a line extending from Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53, and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53 to intersection Palatine Road, thence easterly along Palatine Road to intersection Roselle Road, thence southerly along Roselle Road to intersection Interstate Highway 90, thence easterly along Interstate Highway 90 to intersection County Highway D, thence southerly along county Highway D to intersection U.S. Highway 20, thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois Highway 64 to intersection Bloomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road, thence easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, thence southerly along Highland Avenue to intersection Main Street (Downers Grove), thence southerly along Main Street to intersection 75th Street, thence easterly along 75th Street to intersection Cass Avenue, thence southerly along Cass Avenue to intersection Illinois State Highway 83, thence southerly along Illinois Highway 83 to intersection Illinois Highway 171, thence southerly along Illinois State Highway 171 to intersection Bell Road, thence southerly along Bell Road to intersection Cook-Will County Boundary line, thence easterly and southerly along said county boundary line to intersection U.S. Highway 30 to Petersburg. The purpose of this filing is to eliminate the gateways of Dayton and Cleveland, Ohio.

(61) *Cream-filled cookies,* from Suffolk, Va., to points in the Chicago, Ill., Commercial Zone as defined by the Commission, and those points in Illinois south of a line extending from Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53, and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53 to intersection Palatine Road, thence easterly along Palatine Road to intersection Roselle Road, thence southerly along Roselle Road to intersection Interstate Highway 90, thence easterly along Interstate Highway 90 to intersection County Highway D, thence southerly along county Highway D to intersection U.S. Highway 20, thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois Highway 64 to intersection Bloomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road, thence easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, thence southerly along Highland Avenue to in-

tersection Main Street (Downers Grove), thence southerly along Maine Street to intersection 75th Street, thence easterly along 75th Street to intersection Cass Avenue, thence southerly along Cass Avenue to intersection Illinois State Highway 83, thence southerly along Illinois Highway 83 to intersection Illinois Highway 171, thence southerly along Illinois State Highway 171 to intersection Bell Road, thence southerly along Bell Road to intersection Cook-Will County Boundary line, thence easterly and southerly along said county boundary line to intersection of U.S. Highway 30, points in Indiana on and north of U.S. Highway 20, points in Iowa within 100 miles of Cedar Rapids, Iowa, points in Minnesota, points in Missouri on and north of U.S. Highway 50, points in Kansas in and east of U.S. Highway 81 and Norfolk, Nebr. The purpose of this filing is to eliminate the gateways of Cincinnati, Ohio, Chicago, Ill., and Cedar Rapids, Iowa.

(62) (a) *Tires and tire tubes* from Montgomery County and Bethel, Monroe, and Union Townships, Miami County, Ohio, to Millersburg, Iowa; and (b) *returned shipments of tires and tire tubes* from Millersburg, Iowa, to Montgomery County and Bethel, Monroe, and Union Townships, Miami County, Ohio. The purpose of this filing is to eliminate the gateway of Mansfeld, Ohio. (63) *Butter, eggs, dressed poultry, and feathers* from points in Benton, Boone, Carroll, Dallas, Fayette, Greene, Grundy, Hardin, Jasper, Madison, Marshall, Page, Poweshiek, Ringgold, Story, Tama, and Taylor Counties, Iowa, and Maryville, Mo., to points in that part of Indiana on and north of U.S. Highway 20, points in Ohio, and points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to junction U.S. Highway 25, and thence on and south of U.S. Highway 25 from said junction to Detroit, and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442 and points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateways of Chicago, Ill., Dayton, Ohio, and McKeesport, Pa.

(64) (a) *Iron and steel articles, and nonferrous metals* and *plastic articles* moving in mixed shipments with iron and steel articles, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, and those points in Illinois south of a line extending from Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53, and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53 to intersection Palatine Road, thence easterly along Palatine Road to intersection Roselle Road, thence southerly along Roselle Road to intersection Interstate Highway 90, thence easterly along Interstate Highway 90 to intersection County Highway D, thence southerly along County Highway D to intersection U.S. Highway 20, thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois Highway 64 to intersection Bloomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road, thence easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, thence southerly along Highland Avenue to intersection Main Street (Downers Grove), thence southerly along Main Street to intersection 75th Street, thence easterly along 75th Street to intersection Cass Avenue, thence southerly along Cass Avenue to intersection Illinois State Highway 83, thence southerly along Illinois Highway 83 to intersection Illinois Highway 171, thence southerly along Illinois State Highway 171 to intersection Bell Road, thence southerly along Bell Road to intersection Cook-Will County Boundary line, thence easterly and southerly along said county boundary line to intersection of U.S. Highway 30, and points in Illinois north of U.S. Highway 30; points in that part of Indiana on and north of U.S. Highway 20, Cincinnati, Dayton, and Hamilton, Ohio.

Points in that part of Ohio on and north of U.S. Highway 20 extending from the Ohio-Indiana State Boundary line to and including Toledo, Ohio, Midland, Michigan, and points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to intersection U.S. Highway 25, thence on and south of U.S. Highway 25 from said intersection to Detroit; and points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 442, to points in Colorado, Iowa, and Minnesota. The purpose of this filing is to eliminate a gateway at Chicago, Ill. (b) (1) *General commodities* (except those of unusual value Classes A and B explosives, livestock, household goods defined by the Commission, commodities in bulk and those requiring special equipment), between Chicago, Ill., and points in its Commercial Zone as defined by the Commission and those points in that part of Illinois south of a line extending from Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53, and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53, to intersection Palatine Road, thence easterly along Palatine Highway 53 to intersection Roselle Road, thence southerly along Roselle Road to intersection Interstate Highway 90, thence easterly along Interstate Highway 90 to intersection County Highway D, thence southerly along Roselle Road to D to intersection U.S. Highway 20, thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois Highway 64 to intersection Bloomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road.

Thence easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, thence southerly along Highland Avenue to intersection Main Street (Downers Grove), thence southerly along Main Street to intersection 75th Street, thence easterly along 75th Street to intersection Cass Avenue, thence southerly along Cass Avenue to intersection Illinois State Highway 83, thence southerly along Illinois Highway 83 to intersection Illinois Highway 171, thence southerly along Illinois State Highway 171 to intersection Bell Road, thence southerly along Bell Road to intersection Cook-Will County Boundary line, thence easterly and southerly along said county boundary line to intersection U.S. Highway 30; and points in Illinois north of U.S. Highway 30 on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of Dayton Ohio; and (2) from points in Ohio to points that part of Indiana located on and north of U.S. Highway 20. The purpose of this filing is to eliminate the gateways of Dayton, Ohio and Chicago, Ill.

(c) (1) *Glass closures and rubber rings* for glass containers, *and wooden and paper cases and labels* for use in connection with the sale and distribution of glass containers, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, and those points in Illinois south of a line extending from Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53, and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53 to intersection Palatine Road, thence easterly along Palatine Road to intersection Roselle Road, thence southerly along Roselle Road to intersection Interstate Highway 90, thence easterly along Interstate Highway 90 to intersection County Highway D, thence southerly along County Highway D to intersection U.S. Highway 20, thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois Highway 64 to intersection Bloomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road, thence

easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, thence southerly along Highland Avenue to intersection Main Street (Downers Grove), thence southerly along Main Street to intersection 75th Street, thence easterly along 75th Street to intersection Cass Avenue, thence southerly along Cass Avenue to intersection Illinois State Highway 83, thence southerly along Illinois Highway 83 to intersection Illinois Highway 171, thence southerly along Illinois State Highway 171 to intersection Bell Road, thence southerly along Bell Road to intersection Cook-Will County Boundary line.

Thence easterly, and southerly along said county boundary line to intersection of U.S. Highway 30, and points in Illinois north of U.S. Highway 30; to points in Virginia; and (2) *such commodities* as are used or sold by dealers in five- and ten-cent store merchandise, between points in the Chicago, Ill., Commercial Zone, as defined by the Commission, and those points in Illinois south of a line extending from Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53, and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53 to intersection Palatine Road, thence easterly along Palatine Road to intersection Roselle Road, thence southerly along Roselle Road to intersection Interstate Highway 90, thence easterly along Interstate Highway 90 to intersection County Highway D, thence southerly along County Highway D to intersection U.S. Highway 20, thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois Highway 64 to intersection Bloomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road, thence easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, thence southerly along Highland Avenue to intersection Main Street (Downers Grove), thence southerly along Main Street to intersection 75th Street, thence easterly along 75th Street to intersection Cass Avenue, thence southerly along Cass Avenue to intersection Illinois State Highway 83, thence southerly along Illinois Highway 83 to intersection Illinois Highway 171, thence southerly along Illinois State Highway 171 to intersection Bell Road, thence southerly along Bell Road to intersection Cook-Will County Boundary line, thence easterly, and southerly along said county boundary line to intersection of U.S. Highway 30, and points in Illinois north of U.S. Highway 30; on the one hand, and, on the other, points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate a gateway at Pittsburgh, Pa.

(65) *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Chicago, Illinois, and points in its Commercial Zone as defined by the Commission and those points in that part of Illinois south of a line extending from Lake Michigan along the Cook-Lake County Boundary line to intersection Illinois Highway 53, and points east of a line extending from the intersection of Illinois Highway 53 and the Cook-Lake County Boundary line southerly along Illinois Highway 53, to intersection Palatine Road, thence easterly along Palatine Road to intersection Roselle Road, thence along Roselle Road to intersection Interstate Highway 90, thence easterly along Interstate Highway 90 to intersection County Highway D, thence southerly along County Highway D to intersection U.S. Highway 20, thence southeasterly along U.S. Highway 20 to intersection Gary Avenue, thence southerly along Gary Avenue to intersection Illinois Highway 64, thence easterly along Illinois Highway 64 to intersection Bloomingdale Road, thence southerly along Bloomingdale Road to intersection Roosevelt Road, thence, easterly along Roosevelt Road to intersection Bryant Avenue, thence southerly along Bryant Avenue to intersection Butterfield Road, thence easterly along Butterfield Road to intersection Highland Avenue, thence southerly along Highland Avenue to intersection Main Street (Downers Grove), thence southerly along Main Street to intersection 75th Street, thence easterly along 75th Street to intersection Cass Avenue, thence southerly along Cass Avenue to intersection Illinois State Highway 83 thense southerly along Illinois Highway 83 to intersection Illinois Highway 171, thence southerly along Illinois State Highway 171 to intersection Bell Road, thence southerly along Bell Road to intersection Cook-Will County Boundary line, thence easterly and southerly along said county boundary line to intersection U.S. Highway 30; and points in Illinois north of U.S. Highway 30 on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway at Dayton, Ohio.

NOTE.—The purpose of this application is to elimnate gateways. This is a matter directly related to a Section 5(2) finance proceeding in MC–F–12498, published in the FEDERAL REGISTER issue of April 30, 1975. Common control may be involved.

HEARING: On May 10, 1976 (1 week), at 9:30 O'Clock A.M. local time, at Chicago, Ill., and for continued hearing on May 24, 1976, at 9:30 A.M. local time at the offices of the Interstate Commerce Commission in Washington, D.C.

No. MC 139292 (Sub-No. 6) (Partial correction), filed February 3, 1976, published in the FEDERAL REGISTER issue of March 25, 1976, and republished as corrected this issue. Applicant: SATURN EXPRESS, INC., 7860 "F" Street, Omaha, Nebr. 68127. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. The purpose of this partial Correction is to indicate applicant's correct name as Saturn Express, Inc. in lieu of Satrun Express, Inc. The rest of the notice remains the same. This is a matter directly related to a Section 5(2) finance proceeding in MC–F–12570 published in the FEDERAL REGISTER issue of December 17, 1975.

No. MC 141790, filed March 3, 1976. Applicant: OSBORNE GROUP, INC., 125 University Avenue, Berkeley, Calif. 94710. Applicant's representative: James H. Gulseth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Paper products*, from the plant sites of Ponderosa Paper Products, Inc., located at Flagstaff, Ariz., to points in California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; (b) *chemicals, supplies and machinery* used in the manufacture and sale of paper products, from points in the above-named destination states to the plant sites of Ponderosa Paper Products, Inc., located at Flagstaff, Ariz.; (c) *scrap paper* between points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. (2)(a) *bead bags, pillows, pads, and cushions and new chairs and tables*, from the facilities of Plymouth Enterprises, Inc., located in Los Angeles County, Calif., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; and (b) *materials and supplies* used in the production and disrtibution of commodities described in (2)(a) above (except commodities in bulk), from points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming to the facilities of Plymouth Enterprises, Inc., located in Los Angeles County, Calif.;

(3)(a) *Cushioning, padding, wadding and packaging articles, products and material* from the facilities of Paper-Pak Products, Inc., located in La Verne, Calif., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; and (b) *materials and supplies* used in the production and distribution of commodities described in (3)(a) above (except commodities in bulk), from points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming to the facilities of Paper-Pak, Inc., at La Verne, Calif.; and (4)(a) *paper and paper products, advertising*

matter, premiums and display materials from the Potlatch Corporation facilities in Orange and Los Angeles Counties, Calif., to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington; and (b) *materials and supplies* (except commodities in bulk) used in the manufacture and distribution of paper and paper products, from points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington to the Potlach Corporation facilities in Orange and Los Angeles Counties, Calif.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceeding in MC–F–12785 published in the FEDERAL REGISTER issue of March 17, 1976. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141843 (Partial correction), filed February 5, 1976, published in the FEDERAL REGISTER issue of March 25, 1976, republished as corrected this issue. Applicant: BOND TRANSPORTATION, INC., P.O. Box 115, Mutton Hollow Road, Woodbridge, N.J. 07095. Applicant's representative: William P. Sullivan, 1819 H Street NW., Suite 1030, Washington, D.C. 20006.

NOTE.—The purpose of this notation is to indicate that applicant intends to convert a permit to a Certificate of Public Convenience and Necessity, rather than convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. The rest of the notice remains as previously published. This is a matter directly related to a Section 5(2) finance proceeding in MC–F–12049 published in the FEDERAL REGISTER issue of November 28, 1973.

No. MC 141843 (Sub-No. 1) (Partial correction), filed February 5, 1976, published in the FEDERAL REGISTER issue of March 17, 1976, republished as corrected this issue. Applicant: BOND TRANSPORTATION, INC., Mutton Road, P.O. Box 115, Woodbridge, N.J. 07095. Applicant's representative: William P. Sullivan, 1819 H Street NW., Suite 1030, Washington, D.C. 20006.

NOTE.—The purpose of this notation is to indicate that applicant intends to convert a permit to a Certificate of Public Convenience and Necessity rather convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. The rest of the notice remains as previously published. This is a matter directly related to a Section 5(2) finance proceeding in MC–F–12049 published in the FEDERAL REGISTER issue of November 28, 1973.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Property (49 CFR § 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before May 17, 1976.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

No. MC 263 (Deviation No. 17), GARRETT FREIGHTLINES, INC., P.O. Box 4048, Pocatello, Idaho 83201, filed March 30, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Portland, Oreg., over U.S. Highway 30 to junction Washington Highway 433, thence over Washington Highway 433 to Longview, Wash., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Portland, Oreg., over Interstate Highway 5 to Kelso, Wash., thence over Washington Highway 4 to Longview, Wash., and return over the same route.

No. MC 26739 (Deviation No. 42), CROUCH FREIGHT SYSTEMS, INC., Highway 36 West, Box 1059, St. Joseph, Mo. 64502, filed March 29, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction U.S. Highway 6 and Ohio Highway 300 (near Helena, Ohio) over U.S. Highway 6 to junction U.S. Highway 20, (2) From junction U.S. Highway 20 and Ohio Highway 18 (near Norwalk, Ohio), over Ohio Highway 18 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction Interstate Highway 91, thence over Interstate Highway 91 to junction Interstate Highway 86, thence over Interstate Highway 86 to junction U.S. Highway 20, (3) From junction U.S. Highway 20 and Ohio Highway 18 (near Norwalk, Ohio), over Ohio Highway 18 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction Interstate Highway 91, thence over Interstate Highway 91 to junction Interstate Highway 86, thence over Interstate Highway 86 to junction Interstate Highway 90, thence over Interstate Highway 90 to Boston, Mass., (4) From junction U.S. Highway 20 and Ohio Highway 18 (near Norwalk, Ohio), over Ohio Highway 18 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction Interstate Highway 95 to junction Interstate Highway 91, thence over Interstate Highway 91 to junction Interstate Highway 86, thence over Interstate Highway 86 to junction Interstate Highway 90, thence over Interstate Highway 90 to Massachusetts Highway 9, thence over Massachusetts Highway 9 to Boston, Mass.,

(5) From junction U.S. Highway 20 and Ohio Highway 18 (near Norwalk, Ohio), over Ohio Highway 18 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction U.S. Highway 1 (north of Milford, Conn.), thence over U.S. Highway 1 to junction U.S. Highway 5, thence over U.S. Highway 5 to junction Interstate Highway 86, thence over Interstate Highway 86 to junction U.S. Highway 20, (6) From junction U.S. Highway 20 and Ohio Highway 18 (near Norwalk, Ohio), over Ohio Highway 18 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction U.S. Highway 1 (north of Milford, Conn.), thence over U.S. Highway 1 to junction U.S. Highway 5, thence over U.S. Highway 5 to junction Interstate Highway 86, thence over Interstate Highway 86 to junction Interstate Highway 90, thence over Interstate Highway 90 to Boston, Mass., (7) From junction U.S. Highway 20 and Ohio Highway 18 (near Norwalk, Ohio), over Ohio Highway 18 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction U.S. Highway 1 (north of Milford, Conn.), thence over U.S. Highway 1 to junction U.S. Highway 5, thence over U.S. Highway 5 to junction Interstate Highway 86, thence over Interstate Highway 86 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Massachusetts Highway 9, thence over Massachusetts Highway 9 to Boston, Mass.,

(8) From junction U.S. Highway 20 and Ohio Highway 18 (near Norwalk, Ohio), over Ohio Highway 18 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 84, thence over Interstate Highway 84 to junction Interstate Highway 86, thence over Interstate Highway 86 to junction U.S. Highway 20, (9) From junction U.S. Highway 20 and Ohio Highway 18 (near

Norwalk, Ohio), over Ohio Highway 18 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 84, thence over Interstate Highway 84 to junction Interstate Highway 86, thence over Interstate Highway 86 to junction Interstate Highway 90, thence over Interstate Highway 90 to Boston, Mass., (10) From junction U.S. Highway 20 and Ohio Highway 18 (near Norwalk, Ohio), over Ohio Highway 18 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 84, thence over Interstate Highway 84 to junction Interstate Highway 86, thence over Interstate Highway 86 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Massachusetts Highway 9, thence over Massachusetts Highway 9 to Boston, Mass.,

(11) From junction U.S. Highway 20 and Ohio Highway 18 (near Norwalk, Ohio), over Ohio Highway 18 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 84, thence over Interstate Highway 84 to junction Connecticut Highway 66, thence over Connecticut Highway 66 to junction Interstate Highway 91, thence over Interstate Highway 91 to junction Interstate Highway 86, thence over Interstate Highway 86 to junction U.S. Highway 20, (12) From junction U.S. Highway 20 and Ohio Highway 18 (near Norwalk, Ohio), over Ohio Highway 18 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 84, thence over Interstate Highway 84 to junction Connecticut Highway 66, thence over Connecticut Highway 66 to junction Interstate Highway 91, thence over Interstate Highway 91 to junction Interstate Highway 86, thence over Interstate Highway 86 to junction Interstate Highway 90, thence over Interstate Highway 90 to Boston, Mass., (13) From junction U.S. Highway 20 and Ohio Highway 18 (near Norwalk, Ohio), over Ohio Highway 18 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 84, thence over Interstate Highway 84 to junction Connecticut Highway 66, thence over Connecticut Highway 66 to junction Interstate Highway 91, thence over Interstate Highway 91 to junction Interstate Highway 86, thence over Interstate Highway 86 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Massachusetts Highway 9, thence over Massachusetts Highway 9 to Boston, Mass., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction U.S. Highway 6 and Ohio Highway 300, over Ohio Highway 300 to junction U.S. Highway 20, junction Interstate Highway 84, thence over Interstate Highway 84 to junction Connecticut Highway 66, thence over Connecticut Highway 66 to junction Interstate Highway 91, thence over Interstate Highway 91 to junction Interstate Highway 86, thence over Interstate Highway 86 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Massachusetts Highway 9, thence over Massachusetts Highway 9 to Boston, Mass.

(14) From Junction U.S. Highway 20 and Ohio Highway 18 (near Norwalk, Ohio), over Ohio Highway 18 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 84, thence over Interstate Highway 84 to junction Connecticut Highway 66, thence over Connecticut Highway 66 to junction U.S. Highway 5, thence over U.S. Highway 5 to junction Interstate Highway 86, thence over Interstate Highway 86 to junction U.S. Highway 20, (15) From junction U.S. Highway 20 and Ohio Highway 18 (near Norwalk, Ohio), over Ohio Highway 18 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 84, thence over Interstate Highway 84 to junction Connecticut Highway 66, thence over Connecticut Highway 66 to junction U.S. Highway 5, thence over U.S. Highway 5 to junction Interstate Highway 86, thence over Interstate Highway 86 to junction Interstate Highway 90, thence over Interstate Highway 90 to Boston, Mass., and

(16) From junction U.S. Highway 20 and Ohio Highway 18 (near Norwalk, Ohio), over Ohio Highway 18 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 84, thence over Interstate Highway 84 to junction Connecticut Highway 66, thence over Connecticut Highway 66 to junction U.S. Highway 5, thence over U.S. Highway 5 to junction Interstate Highway 86, thence over Interstate Highway 86 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Massachusetts Highway 9, thence over Massachusetts Highway 9 to Boston, Mass., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 20 to junction Ohio Highway 10, thence over Ohio Highway 10 to Cleveland, Ohio, thence over Ohio Highway 2 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Pennsylvania Highway 5 near Erie, Pa., thence over Pennsylvania Highway 5 to the Pennsylvania-New York State Line, thence over New York Highway 5 to junction U.S. Highway 20 near Silver Creek, N.Y., thence over U.S. Highway 20 to Auburn, N.Y., thence over New York Highway 5 to Albany, N.Y., thence over U.S. Highway 20 to Boston, Mass., and return over the same route.

No. MC 30319 (Sub-No. 133) (Deviation No. 10), SOUTHERN PACIFIC TRANSPORT COMPANY OF TEXAS AND LOUISIANA, P.O. Box 6187, Dallas, Tex. 75222, filed March 30, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Gloster, La., over U.S. Highway 171 to DeRidder, La., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Gloster, La., over Louisiana Highway 5 to Logansport, La., thence over U.S. Highway 84 to Tenaha, Tex., thence over U.S. Highway 59 to Lufkin, Tex., thence over U.S. Highway 69 to Beaumont, Tex., thence over Interstate Highway 10 to Lake Charles, La., thence over U.S. Highway 171 to DeRidder, La., and return over the same route.

No. MC 52752 (Deviation No. 3), WESTERN TRANSPORTATION COMPANY, 1300 W. 35th St., Chicago, Ill. 60609, filed March 30, 1976. Carrier's representative: Edward Bazelon, 39 S. LaSalle St., Chicago, Ill., 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 61 and Iowa Highway 92 near Grandview, Iowa, over U.S. Highway 61 to junction U.S. Highway 218, near Keokuk, Iowa, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 61 and Iowa Highway 92 near Grandview, Iowa, over Iowa Highway 92 to junction U.S. Highway 218, thence over U.S. Highway 218 to junction U.S. Highway 61 near Keokuk, Iowa, and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATIONS

NOTICE

The following application for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49

CFR § 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A56359, filed March 24, 1976. Applicant: WEBER TRUCK AND WAREHOUSE, 2761 Fruitland Avenue, Vernon, Calif. 90058. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, between all points and places within the Los Angeles Basin Territory as described in Note A, and between said Territory and points and places in the County of Ventura, Calif. Applicant shall not transport any shipments of: (a) used household goods and personal effects not packed in accordance with the crated property requirements set forth in Paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A. (b) automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses, bus chassis. (c) livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, camp outfits, sows, steers, stags or swine. (d) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment. (e) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles. (f) commodities when transported in bulk in dump trucks or in hopper-type trucks. (g) commodities when transported in motor vehicles equipped for mechanical mixing in transit. (h) trailer coaches and campers, including integral parts and contents, when the contents are within the trailer coach or camper; and (i) logs.

NOTE A.—Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth, easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Los Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74;

Westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of the Atchison, Topeka & Santa Fee Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the County Road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary lines; westerly along said boundary line to the Orange County-San Diego County boundary lines; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should *not* be directed to the Interstate Commerce Commission.

Florida Docket No. 760214–CCT, filed March 23, 1976. Applicant: H.E.R. EXPRESS, INC., Building 2142, Miami International Airport Deport, Miami, Fla. 33159. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except articles which, because of size or weight require special handling and special equipment, Classes A and B explosives, commodities requiring refrigeration, household goods, livestock, and commodities in bulk), to, from, and between all points and places in Dade County, Fla. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Florida Public Service Commission, 700 South Adams Street, Tallahassee, Fla. 32304 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–10805 Filed 4–14–76;8:45 am]

[Notice No. 25]

ASSIGNMENT OF HEARINGS

APRIL 12, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. 36277, Increased Absorption of Switching Charges at Mobile Ala., now assigned April 20, 1976, at Mobile, Ala., is postponed indefinitely.

No. 36276, Investigation into Abandonment of Tofc Services by Louisville & Nashville Railroad at Points in Tennessee, and No. 36086, Tennessee Public Service Commission v. Louisville & Nashville Railroad Co., et al., are now assigned for a pre-hearing conference April 27, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C. with hearing remaining as scheduled on May 17, 1976, at Nashville, Tenn.

MC 107515 (Sub 997), Refrigerated Transport Co., Inc. now being assigned July 15, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 107295 Sub 789, Pre-Fab Transit Co., now assigned May 17, 1976 at Denver, Colo. will be held in Room 152, U.S. Customs House, 721 19th & Stout Street.

MC–C–8866 Harry L. Young & Sons, Inc. & Melvin L. Johnson—Investigation of Operations and Practices and Revocation of Certificates now assigned May 24, 1976, at Salt Lake City, Utah, will be held in Room B–20, Federal Building, 125 S. Gate Street.

MC 59856 Sub 65, Salt Creek Freightways, now assigned May 19, 1976, at Denver, Colo. will be held in Room 152, U.S. Customs House, 721 19th & Stout Street.

MC 76032 (Sub 312), Navajo Freight Lines, Inc. now being assigned July 26, 1976 (2 weeks) at Phoenix, Arizona in a hearing room to be later designated.

MC 138146 Sub 1, Olympic Trails Bus Company, now assigned April 26, 1976, at New York, N.Y. will be held in Hearing Room 2, 24th Floor, 2 World Trade Center.

MC 19311 Sub 30, Central Transport, Inc., now being assigned for continued hearing on June 30, 1976, at Midland, Mich. (2 weeks), at the Ramada Inn, 2914 West Midland Road.

MC 141540, B.M.I.L. Inc. now assigned July 26, 1976 (2 days) at San Francisco, California is now cancelled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–10922 Filed 4–14–76;8:45 am]

[Notice No. 226]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30 days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC–FC–76456, filed April 2, 1976. Transferee: Lindsay Transportation, Inc., Lindsay, Nebraska 68644. Transferor: Mid Nebraska Trucking, Inc., Cornlea, Nebraska 68630. Applicants' representative: Patrick E. Quinn, Nelson, Harding, Marchetti, Leonard & Tate, P.O. Box 82028, 300 NSEA Building, 14th & J Streets, Lincoln, Nebraska 68501. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permits No. MC–135903 and MC–135903 Sub-No. 5, issued February 9, 1972, and August 15, 1973, authorizing the transportation of irrigation systems and parts, equipment and materials used in irrigation systems from the facilities utilized by Lindsay Manufacturing Co., Inc., at Lindsay, Nebr., to points in the United States, except Alaska, Hawaii and Nebraska; and equipment materials and supplies utilized in the manufacture of irrigation systems on return. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76489, filed March 25, 1976. Transferee: A. J. Elliott Motor Trans., Inc., 295 West First Street, South Boston, Mass. 02127. Transferor: L. B. Trucking, Inc., 59 Norfolk Avenue, Boston, Mass. 02119. Representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought for purchase by transferee the operating rights of transferor, as set forth in Certificate of Registration, No. MC 120264 (Sub-No. 1), issued January 21, 1964, as follows: (1) Property in containers and bundles & manufactured products anywhere east of the Connecticut River; (2) fish between points in Boston and points in Gloucester and within a radius of 25 miles of City Hall in Boston; and (3) groceries delivered to retail stores within a radius of 100 miles of the City Hall, in Boston. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76491, filed March 30, 1976. Transferee: Pennsylvania Petroleum Transportation Co., Inc., Bridgeboro Road, Moorestown, New Jersey 08057. Transferor: Roy A. Newman (Roy W. Newman, Executor) and Roy W. Newman, a partnership, doing business as Pennsylvania Petroleum Transportation Co., Bridgeboro Road, Moorestown, New Jersey 08057. Applicants' representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–103793 Sub-No. 5, issued June 26, 1951, authorizing the transportation of propane, butane, pentane and hentane, from Newark, N.J., to points in Delaware, Maryland, Pennsylvania, New York, Connecticut, Rhode Island, and Massachusetts; and from Marcus Hook, Pa., to Poughkeepsie, N.Y. Transferee is presently authorized to operate as a common carrier under Certificate No. MC–105351. Application has not been filed under Section 210a(b).

No. MC–FC–76492, filed March 30, 1976. Transferee: Van Voorst Transfer, Inc., 1652 14th Street, Rock Valley, Iowa 51247. Transferor: Sam Van Voorst (Eva Van Voorst, executor), doing business as Van Voorst Transfer, Rock Valley, Iowa 51247. Applicants' representative: S. A. Huff, Attorney at Law, 314 Security Bank Building, Sioux City, Iowa 51101. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC–28974 issued June 25, 1964, authorizing the transportation of general commodities, with exceptions, between Rock Valley, Iowa, and Sioux City, Iowa, over a described regular route, serving the intermediate point of Ireton, Iowa; oil and grease, in containers, from Omaha, Nebr., to Rock Valley, Iowa and points within 25 miles of Rock Valley; and feeds and agricultural implements between Rock Valley, Iowa, and points within 15 miles of Rock Valley, on the one hand, and, on the other, Sioux Falls, S. Dak. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76494, filed March 30, 1976. Transferee: S & H Truck Lines, Inc., 13990 Valley Boulevard, Fontana, CA 92335. Transferor: Jansen Transportation Co., Inc., 13327 East Temple Avenue, La Puente, CA 91746. Applicants' representative: R. Y. Schureman, Esquire, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought for purchase by transferee of Certificate of Registration No. MC–96835 (Sub-No. 1) issued April 29, 1965, to transferor, evidencing authority to perform a transportation service in interstate or foreign commerce corresponding in scope to the intrastate authority in Certificate of Public Convenience and Necessity No. 53774, dated September 18, 1956, as transferred by Decision No. 55439, and No. 65282, dated May 1, 1963, issued by the Public Utiilties Commission of the State of California. Transferee is presently authorized to operate as a common carrier under Certificate of Registration No. MC–56945 (Sub-No. 1). Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–76497, filed April 1, 1976. Transferee: Only Way, Inc., 359 San Miguel, Newport Beach, California. Transferor: Kennedy Motors, Inc., 1305 South Mountain Avenue, Monrovia, California 91016. Applicants' representative: Frederick J. Coffman, Attorney at Law, P.O. Box 81849, South 14th Street, Lincoln, Nebraska 68501. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–134526 (Sub-No. 1), issued October 4, 1973, as follows: (1) Such commodities as are dealt in by a manufacturer of toilet articles and cosmetics (except commodities in bulk), from points in Los Angeles County, Calif., to points in Arizona, Idaho, Nevada, Oregon, Utah, and Washington; and (2) returned shipments of the commodities in (1) above, from points in Arizona, Idaho, Nevada, Oregon, Utah, and Washington, to points in Los Angeles, Calif.; and (3) commodities, the transportation of which is exempt from economic regulation under section 203(b)(6) of the Act when transported in mixed shipments with the commodities in (1) and (2) above, between points in Los Angeles County, Calif., on the one hand, and, on the other, points in Arizona, Idaho, Nevada, Oregon, Utah, and Washington. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(a).

No. MC–FC–76499, filed April 9, 1976. Transferee: Crescent Industries, Inc., 851 Brookhurst Drive, Dallas, Tex. 75218. Transferor: National Aerospace Freight Lines, Inc., P.O. Box 18146, 4312 Forney Ave., (Mesquite, Tex.), Dallas, Texas 75218. Applicants' representative: James Hightower, Attorney-at-Law, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought for purchase by transferee of that portion operating rights of transferor, as set forth in certificate No. MC–106715, issued March 28, 1968, as follows: Aeroplanes, unassembled or dismantled, and aeroplane parts, between Lockhaven, Pa., Wayne, Mich., Alliance, Middletown, Riverdale, Md.,

Dallas and Fort Worth, Tex., and Cape Girardeau, Mo. and points within ten miles of each, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, New Mexico, Nebraska, and Kansas (except Wichita and points within five miles of Wichita; between points in Colorado, Wyoming, Utah, New Mexico, Nebraska, and Kansas (except Wichita and points within five miles of Wichita); uncrated new or used, unassembled or dismantled aeroplanes, and aeroplane parts when transported along with an aeroplane; from points in Oklahoma, to points in Colorado, Wyoming, Utah, New Mexico, Nebraska, and Kansas; and between points in Colorado, Wyoming, Utah, New Mexico, Nebraska, Texas and Kansas (except Wichita and points within five miles of Wichita). Transferee presently holds no authority from this Commission. Application has not filed for temporary authority under Section 210a(b).

No. MC–FC–76500, filed April 12, 1976. Transferee: Leisure Time Tours, 12 Industrial Avenue, Upper Saddle River, N.J. 07458. Transferor: Hudson Transit Lines, Inc., doing business as Short Line, 17 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representatives: Samuel B. Zinder, Attorney-at-Law, 98 Cutter Mill Road, Great Neck, N.Y. 11021. Benjamin Bendit, Attorney-at-Law, 744 Broad Street, Newark, N.J. 07102. Authority sought for purchase by transferee of that portion of the operating rights of transferor, as set forth in Certificates Nos. MC–228 (Sub-No. 25), MC–228 (Sub-No. 37) and MC–228 (Sub-No. 40), issued by the Commission March 21, 1961, July 26, 1963, and May 23, 1963, as follows: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, between a point on U.S. Highway 202 where it is intersected by the Township of Mahwah-Borough of Oakland, N.J. boundary line, and the junction of Franklin Avenue, and Wyckoff Avenue, in Wyckoff, N.J., serving all intermediate points; between points in Oakland, N.J., serving all intermediate points, from Junction U.S. Highway 202 (Ramapo Valley Road) and Belmont Avenue over U.S. Highway 202 to junction West Oakland Avenue, and thence over West Oakland Avenue to a points 100 feet from the intersection of West Oakland and U.S. Highway 202; between Oakland, N.J., and Paramus, N.J., serving all intermediate points in Oakland (Franklin Lakes, and Wyckoff, N.J.; between points in Franklin Lakes, N.J., serving all intermediate points; between points in Wyckoff, N.J., serving all intermediate points; and between a point on U.S. Highway 202 where it is intersected by the Township of Mahwah-Borough of Oakland, N.J. Boundary line, and the junction of Franklin Avenue and Wyckoff Avenue, in Wyckoff, N.J., serving all intermediate points; and between points in Oakland, N.J. Transferee presently holds no authority from this Commission. Applicant has not been filed for temporary authority under Section 210a (b).

No. MC–FC–76504, filed April 5, 1976. Transferee: F. G. McFarland and S. R. Hullinger, A Utah Limited Partnership, Doing Business as McFarland & Hullinger, 915 North Main Street, P.O. Box 238, Tooele, Utah 84074. Transferor: F & S Company, Inc., 915 North Main Street, P.O. Box 238, Tooele, Utah 84074. Applicants' representative: Miss Irene Warr, Attorney at Law, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificates Nos. MC–120279 Sub 5 and MC–120279 Sub 6, issued January 31, 1975, and September 25, 1974, respectively, as follows: Copper concentrates, in dump vehicles, from the facilities of Anaconda Copper Company at or near Victoria, Nev., to Wendover, Utah; uranium and vanadium bearing ores, in bulk, between points within 225 miles of Monticello, Utah, including Monticello; barites, bentonite, calcite, dolomite, granite, limestone, marble, pumice, quartz, ragamite, sand, and drilling mud, in bulk, in dump vehicles, from Glenwood Springs, Grand Junction, and Marble, Colo., to points within 225 miles of Monticello, Utah, including Monticello; and uranium and vanadium ores, in bulk, in dump vehicles, from points in Carbon and Sweetwater Counties, Wyo., to Maybell, Colo., and points within five miles thereof. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–10918 Filed 4–14–76;8:45 am]

[Notice No. 223]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 15, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 5, 1976. 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–76277. By order of April 8, 1976 the Motor Carrier Board approved the transfer to Aurelia Trucking Co., A Corporation, Port Huron, Michigan, of Permits Nos. MC–126956 (Sub-No. 1), MC–126956 (Sub-No. 3), MC–126956 (Sub-No. 4) and MC–126956 (Sub-No. 8), issued February 20, 1970, October 5, 1971, May 26, 1972, and December 4, 1973, respectively, to Northland Transport, Inc., Superior, Wisconsin, authorizing the transportation of various commodities from specified points in the States of Michigan, Wisconsin, and Minnesota, to points in Minnesota, Michigan, Ohio, Wisconsin, Indiana, Illinois, West Virginia, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, Rhode Island, and the District of Columbia. Dual operations authorized. Robert D. Schuler, 100 W. Long Lake Road, Suite 102, Bloomfield, Michigan, 48013, Attorney for applicants.

No. MC–FC–76310. By order of April 8, 1976 the Motor Carrier Board approved the transfer to Texas Interstate Motor Express, Inc., Houston, Tex., of Certificates Nos. MC–42000 Sub 1 and MC–42000 Sub 4 issued by May 9, 1960, and December 4, 1972, respectively, to Bates Truck Line, Inc., Houston, Tex., authorizing the transportation of general commodities, with exceptions, from Houston, Tex., to Big Springs, Sweetwater, Odessa, and El Paso, Tex., and to points in a described portion of Texas; cotton, cotton linters, wool, and mohair from the aforementioned destination points to Houston, Tex.; and petroleum wax, in containers, from Kilgore, Tex., to Houston, Tex. Clint Oldham, Esquire, Sayers, Scurlock, Binion and Brackett, 1108 Continental Life Building, Fort Worth, Tex. 76102.

No. MC–FC–76350. By order of April 8, 1976 the Motor Carrier Board approved the transfer of Simmons and Sons Garage, Inc., Boonville, Missouri of Certificate No. MC 124262, issued August 26, 1974, to J. W. Simmons, Doing Business as Simmons and Sons Garage, Boonville, Missouri, authorizing the transportation of wrecked, disabled and inoperative trailers, semitrailers, boats, boat trailers, house trailers, and motor vehicles, and replacements therefor, by the use of wrecker equipment, between specified counties in Missouri, on the one hand, and on the other, points in seven states.

No. MC–FC–76383. By order of April 8, 1976 the Motor Carrier Board approved the transfer to George M. McGowan and Bette J. McGowan—A Partnership, doing business as M & B Truck Line, Fall City, Nebraska, of Certificate No. MC–14149, issued December 2, 1964, to Edwin Bauman, Jr., doing business as Bauman Truck Line, Sabetha, Kansas, authorizing the transportation of various commodities from, to, or between points in the States of Kansas, Missouri, Nebraska, and Iowa. Clyde N. Christey, 641 Harrison, Topeka, Kansas 66603, Attorney for applicants.

No. MC–FC–76393. By order of April 8, 1976 the Motor Carrier Board approved the transfer to M&S Express, Inc., doing business as M&S Express, Medford, Massachusetts, of Certificate

of Registration No. MC–97580 (Sub-No. 1), issued June 16, 1964, to Richard R. Sparks, Jr., doing business as M&S Express, Medford, Massachusetts, evidencing a right to engage in transportation in interstate commerce corresponding in scope to the Irregular Route Common Carrier Certificate No. 3282 dated February 2, 1961, and Regular Route Common Carrier Certificate No. 731 dated January 6, 1961, issued by the Massachusetts Department of Public Utilities, authorizing the transportation of general commodities anywhere within the Commonwealth, over irregular routes, and general commodities between a point in Cambridge and a point in Hingham passing through: Boston, Milton, Quincy, Braintree and Weymouth. Richard R. Sparks Jr., 200 Mystic Ave., Medford, Massachusetts 02155, Representative for applicants.

No. MC–FC–76450. By order of April 7, 1976 the Motor Carrier Board approved the transfer to Midwest Transport, Inc., Hutchinson, Kans., a portion of Certificate No. MC–52054 and the entire operating rights in Certificates Nos. MC–52954 Sub 17, MC–52954 Sub 19, MC–52054 Sub 22, MC–52054 Sub 26, and MC–52054 Sub 27, issued November 6, 1962, July 12, 1960, July 5, 1962, March 31, 1969, October 11, 1968, and December 9, 1969, respectively, to S & C Transport Company, Inc., Kansas City, Kansas, authorizing the transportation of canned goods from Nebraska City and Plattsmouth, Nebr., to points in a described part of Kansas; from Hutchinson and Wichita, Kans., to six named points in Oklahoma; from Hutchinson, Kans., to three named points in Nebraska; salt from three named points in Kansas to points in Oklahoma and points in a described part of Colorado; from South Hutchinson, Kans., to points in Nebraska and Oklahoma and points in the same described part of Colorado; from Hutchinson to points in Nebraska; from three named points in Kansas to points in Minnesota, North Dakota, South Dakota, and Wyoming; from Hutchinson and Lyons, Kans., to points in Arkansas and points in 46 named counties of Texas, and points in 14 named counties in New Mexico; grain from points in Minnesota, North Dakota, South Dakota and Wyoming to points in Kansas; pepper, in packages, in mixed shipments with salt, from Hutchinson, Kans., to points in Minnesota, Arkansas, Nebraska, Oklahoma, North Dakota, South Dakota, Wyoming, points in a described part of Colorado, points in 14 named counties in New Mexico, and points in 46 named counties in Texas; and empty containers used in transporting the commodity described immediately above from the specified destination territory to Hutchinson, Kans.; flour, in sacks, from Hutchinson, Kans., to nine named points in Oklahoma;

Glass containers from Okmulgee and Muskogee, Okla., to Hutchinson, Kans.; products used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries when shipped in mixed shipments with salt or salt products otherwise authorized, from points in the Hutchinson-South Hutchinson, Kans., Commercial Zone to points in Minnesota, Arkansas, Nebraska, Oklahoma, North Dakota, South Dakota, and Wyoming, points in a described part of Colorado, points in 14 named counties in New Mexico, and points in 46 named counties of Texas; foodstuffs, not frozen, except dairy products, from the facilities of Western Food Products Company, Inc., at or near Hutchinson, Kans., to points in Colorado (except Denver), Missouri, Nebraska, North Dakota, and South Dakota; foodstuffs, not frozen, except fresh meats and dairy products, from Hutchinson, Kans., to points in Arkansas, Oklahoma, and Texas; foodstuffs, not frozen, from La Junta, Colo., to Hutchinson, Kans.; and glass, glass containers, and glassware from Okmulgee and Muskogee, Okla., to the facilities of Western Food Products Company, Inc., at or near Hutchinson, Kans., and the facilities of Wichita Cider and Vinegar Works at or near Wichita, Kans. D. S. Hultx, Esquire, Attorney for Transferor, Lawrence National Bank Bldg., Lawrence, KS 66044. John E. Jandera, Esquire, Attorney for Transferee, 641 Harrison Street, Topeka, KS 66603.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 76—10919 Filed 4–14–76; 8:45 am]

[Notice No. 225]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 15, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–76515. By application filed April 8, 1976, MARKET EXPRESS, INC., 3342 No. Weber Street, Fresno, CA., 93705, seeks temporary authority to lease the operating rights of AMERICAN TRANSPORT SYSTEM, INC., 871 Charter Street, Redwood City, CA., 94063, under section 210a(b). The transfer to MARKET EXPRESS, INC., of the operating rights of AMERICAN TRANSPORT SYSTEM, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–10920 Filed 4–14–76;8:45 am]

[Notice No. 224]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 15, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–76484. By application filed March 25, 1976, MORGAN COUNTY TRUCKING, INC., 1010 E. Nutter Street, Martinsville, Indiana, 46151, seeks temporary authority to lease the operating rights of CALLIS TRUCKING, INC., Clay and Market Street, Box 25, Centerton, Indiana, 46116, under section 210a(b). The transfer to MORGAN COUNTY TRUCKING, INC., of the operating rights of CALLIS TRUCKING, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–10921 Filed 4–14–76;8:45 am]

federal register

THURSDAY, APRIL 15, 1976



PART II:

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

■

HAZARDOUS MATERIALS REGULATIONS

Consolidation of Title 14, Part 103, and Title 46, Part 146, in Title 49

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-112]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Revocation of Part

For the reasons set forth in a document consolidating the Department of Transportation's hazardous materials regulations in Title 49, Code of Federal Regulations appearing elsewhere in this Part II of the FEDERAL REGISTER, 14 CFR PART 103 is revoked effective July 1, 1976.

(49 U.S.C. 1472(h)(1), 49 CFR 1.53(h))

Issued in Washington, D.C. on March 31, 1976.

JAMES T. CURTIS, Jr.,
Director, Materials Transportation Bureau.

[FR Doc.76-9660 Filed 4-14-76;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER N—DANGEROUS CARGOES

[Docket No. HM-112]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Partial Revocation of Part

For the reasons set forth in a document consolidating the Department of Transportation's hazardous materials regulations in Title 49, Code of Federal Regulations appearing elsewhere in this Part II of the FEDERAL REGISTER, Subparts 146.01-146.28 and 146.30 of 46 CFR are revoked effective July 1, 1976.

(46 U.S.C. 170(7), 49 CFR 1.53(f))

Issued in Washington, D.C. on March 31, 1976.

JAMES T. CURTIS, Jr.,
Director, Materials Transportation Bureau.

[FR Doc.76-9661 Filed 4-14-76;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-103; HM-112; Amdt. Nos. 171-32, 172-29, 173-94, 174-26, 175-1, 176-1, 177-35]

CONSOLIDATION OF HAZARDOUS MATERIALS REGULATIONS

On January 24, 1974, the Hazardous Materials Regulations Board (the Board) published two proposals identified as Docket No. HM-103; Notice No. 73-10 (39 FR 3164) and Docket No. HM-112; Notice No. 73-9 (39 FR 3022). HM-103 proposed to adopt a Hazard Information System to enhance the identification and communication of hazards during transportation and made other proposals pertaining to shipping papers, package marking, package labeling, and transport vehicle placarding. HM-112 proposed to consolidate the air, water, and surface transportation hazardous materials regulations of the Department into one volume of the Code of Federal Regulations, 49 CFR Parts 100-189. In addition, HM-112 proposed several other miscellaneous amendments.

The reasons for the proposals under HM-103 and HM-112 were explained in the preamble to these dockets. Interested persons were invited to participate in these rule-making proceedings. Since the closing date of the comment period for Dockets HM-103 and HM-112, the Department of Transportation has established the Materials Transportation Bureau (the Bureau) which has been delegated the rule-making authority previously exercised by the Hazardous Materials Regulations Board.

In consideration of many comments received on implementing a hazard information system, and to give the public an opportunity to evaluate other hazard information systems, the Board published Notice 73-10, Docket HM-103, on June 25, 1975 (40 FR 26687), terminating its original proposal under that docket establishing a two-digit number to identify and communicate hazards during transportation. The remainder of the docket pertaining to shipping papers, package marking, package labeling, and transport vehicle placarding was retained although modified to some degree based on recommendations received. All comments received that pertain to the elements of the HM-103 Notice retained by the Board have been given full consideration by the Bureau before it decided on the amendments made herein. Of the many comments received, several were not specifically directed to the contents of Docket HM-103 pertaining to the elements retained by the Board. Such comments will be given separate consideration and may be the subject of future rule-making action.

Some of the most significant amendments under HM-103 are the adoption of a uniform vehicle placarding system, a uniform marking system for cargo tanks, portable tanks, and tank cars, and an improved format for shipping paper entries. These amendments and the package labels are the major elements of a system the Board had proposed for better identification of hazards in transportation. Many commenters had objected to th complexity of the placarding system that had been proposed in the Notice. The Bureau reconsidered the matter, believes some of the objections valid and has simplified considerably the implementation of the placarding system.

The Bureau believes that the action taken to place the shipping paper, marking, labeling, and placarding requirements in a separate Part will simplify the effort by the shippers and carriers in locating the pertinent requirements. Comments addressed to the changes retained by the Bureau under Docket HM-103 are discussed under the respective Part designations with references from 49 CFR, 14 CFR, and 46 CFR, parenthetically noted.

All comments received on Docket HM-112 have been given full consideration by the Bureau before a decision was made on the amendments contained herein. Of the many comments received, a number were not specifically directed to the content of Docket HM-112. Such comments will be given separate consideration and may be the subject of future rule-making action. In many cases, amendments have been introduced which are purely editorial in nature, such as the substitution of "subchapter" for "chapter", rewording for clarification, etc. In each case where a substantive change is not evident, the amendment has been identified as "no substantive change". In addition, references to rail express shipments and to conditions related to "the emergency" have been deleted. In the case of rail express, this service is no longer available. References to "the emergency" were adopted during the Second World War. These provisions which were temporary relaxations in the regulations are no longer appropriate. These changes have been identified. Another general change which appears in these amendments is in the language identifying authorized carriers to encompass common, contract and private carriers since the safety provisions of these regulations are applicable to all carriers. Also, references are made to § 172.330 which provides marking requirements for packagings to improve hazard communication.

Some of the most significant amendments under HM-112 have resulted from the incorporation of the U.S. Coast Guard Regulations, 46 CFR Part 146, and Federal Aviation Regulations, 14 CFR Part 103, into 49 CFR Parts 170-177. In this consolidation, the Bureau has replaced the long-standing acceptance of rail express criteria as the basis for determining the rules applicable to aircraft. In its place, the Bureau has adopted the approach of evaluating commodities in terms of their direct implications to aircraft operations as a means of establishing more realistic standards for the transportation of hazardous materials in air commerce. For consistency, the Bureau has decided to apply this same approach in classifying materials transported by vessel that were previously classified as "Hazardous Articles". In Notice 73-9 there were proposed regulations for the shipment of flammable and combustible liquids aboard vessels (§ 173.116a) that were not consistent with regulations of these same materials shipped via other modes of transportation. This inconsistency involved the different methods and temperature ranges used in determining flashpoints of flammable and combustible liquids. In order to correct this disparity, another notice (Notice 73-9A) was published under this docket on September 8, 1975, that revised the flammable and combustible liquid definition criteria to be uniform for all modes of transport. A hearing was held on October 1, 1975, and all of the written

comments filed in response to the notice supported the change to standardize the definitions. In order to expedite implementation of uniform criteria, the action was transferred to Docket HM–133 and published December 31, 1975 (40 FR 60030) with certain corrections published on February 23 1976 (41 FR 7497). The amendments published herein reflect those changes except certain matters related to the original proposals made under Docket HM–112 on January 24, 1974.

To address the specific additional requirements for transportation by air or water, the concept of "Other Regulated Materials" ORM–A, B, and C was introduced to include those materials identified as "Hazardous Articles" when transported by water, "Other Restricted Articles" when transported by air, and materials corrosive only to aluminum. On September 8, 1975, an extension of the effective date was published (40 FR 41527) pertaining to materials corrosive only to aluminum. It was stated that disposition of the classification of these materials would be in the amendments made herein. Since these amendments class such materials as ORM–B, no further action under Docket HM–57 is necessary and it is hereby terminated so far as materials corrosive only to aluminum are concerned. HM–112 also proposed an additional category, ORM–D, to provide certain exceptions for limited quantity packages of hazardous materials. Included in this category are those items identified as "Consumer Commodities". It is the Bureau's opinion that the packaging of those hazardous materials available to the general public in retail outlets provides an adequate level of safety in the transportation environment except to a limited degree that requires their identification when carried aboard aircraft. Accordingly, ORM–D materials are not required to be labeled and they are not required to be identified on shipping papers except where offered for transportation aboard aircraft.

In light of the Bureau's conclusions regarding ORM–D materials, the Board's proposed deletion of the marking and labeling exceptions for harzardous materials packaged in limited quantities has been modified. Limited quantities will continue to be excepted from labeling (except when shipped by air) and specification packaging requirements, but they must now be marked in accordance with the marking requirements. However, with regard to poisons, the Bureau believes that positive identification of the material and its associated hazards is essential particularly to preclude the combination in transportation of poisons and foodstuffs. Accordingly, it has been decided to implement the requirement for both marking and labeling of Poison B materials as was proposed in the notice.

Several comments on HM–112 suggested that the Bureau consider the establishment of degrees of hazard within each classification, such as "Highly Corrosive" in comparison to "Corrosive", etc. While the suggestion has merit, the difficulties of establishing parameters for such gradations within a classification and the necessarily arbitrary selection of transition points lead the Bureau to conclude that such proposals require further study and should not be adopted at this time. In addition, Docket HM–112 proposed extensive revisions to Parts 170,171. In particular, rulemaking procedures in Part 170 would have been shifted to Part 171 and general information and regulations in Part 171 would have been redesignated Part 170. In consideration of comments received, as well as the recent replacement of Part 170 in its entirety by a new Part 102, which prescribes procedures applicable to all of the Bureau's rule-making activities (40 FR 31767, July 29, 1975) and a new Part 107, Subpart B, which prescribes exemptions procedures applicable to all hazardous materials regulations (40 FR 48466, October 15, 1975), the Bureau has decided to retain the present designation of Part 171 and to delete many of the proposed changes. Comments addressed to the remaining changes are discussed under the respective section designations with the HM–112 Notice designations parenthetically noted.

The basic purpose of these amendments is to achieve editorial clarity and uniformity in existing regulations. Substantive changes are primarily related to matters of identification and classification of certain materials moving in commerce.

In accordance with section 102(2)(c) of the National Environmental Policy Act (Pub. L. 91–190, 42 U.S.C. 4321 et seq.) the Bureau has evaluated the environmental impact of these amendments. On the basis of that evaluation, the Bureau has concluded that this regulatory consolidation is not a major Federal action significantly affecting the quality of the human environment and, accordingly, that the preparation of an environmental impact statement is not required.

By finalizing the proceedings in Dockets HM–103 and HM–112 through the issuance of the amendments set forth below, the Materials Transportation Bureau is completing the first major phase of its continuing effort to improve, update, and simplify the regulations governing the shipment and transportation of hazardous materials. The next phase, which the Bureau intends to embark upon as soon as practicable, will be a recodification of the entire body of hazardous materials regulations. Whereas the principal purpose of the HM–103/112 phase has been the consolidation and substantive improvement of specific segments of the regulations, the purpose of recodification phase will be to rearrange and revise the language of the regulations in comprehensible and accessible form to reduce inconsistency, redundancy and obsolescence. In an effort to minimize the number of future recodification language changes to be made in the parts now being restated in their entirety (i.e. Parts 171, 172, 174, 175, and 176), numerous non-substantive changes in terminology and style have been incorporated into those parts.

In the remarks which follow, an attempt has been made to address each section affected by this amendment. The extent of the change from current regulations is summarized, any modification to the changes as proposed in the notices is indicated and the Bureau's response to comments received is noted.

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

171.1 (HM–112, § 170.1) Revised to set forth purpose and scope of the regulations in subchapter.

171.2 New section setting forth the application of Department of Transportation Regulations to the transportation of hazardous materials.

171.6 (HM–112, § 170.6) The proposed amendments to the requirements and conditions for special permits have been deleted in view of the revocation of § 171.6 by the exemption procedures prescribed in new Part 107 published under Docket HM–127 in the FEDERAL REGISTER on October 15, 1975 (40 FR 48466).

171.7 (HM–112, § 170.7) Additional matter incorporated by reference. The incorporations of the IATA and IMCO material was not proposed but is being adopted in this amendment because the Bureau considers these materials pertinent. Several comments recommended reference to the current edition of any standard to avoid obsolescence. The Bureau recognizes the value of such an approach but considers it impractical since prior review of applicable standards would not be possible and unacceptable requirements would result. Also, recognizes footnotes as regulations.

171.8 (HM–112, § 170.30) A new section of definitions and abbreviations. In response to comments, the Bureau has incorporated in this section all of those definitions which appear to be applicable to one or more modes of transportation. New definitions have been added and others rewritten for clarification.

171.9 Existing 171.9 on Vessel Stores is deleted as unnecessary; rules of construction are adopted under same section designation.

171.11 Paragraph (c) with respect to shipper compliance with Federal Railroad Emergency Orders has been deleted. By petition dated July 16, 1975, the Hazardous Materials Advisory Committee (HMAC) of the Transportation Association of America took exception to new regulations published on December 12, 1974, under Docket HM–123 (39 FR 43310) that require shippers to comply with the provisions of Federal Railroad Emergency Orders as those orders pertain to shippers. Emergency Order No. 5, issued on October 25, 1974, imposed particular handling requirements for certain tank cars and a special notation on shipping papers. Since a provision pertaining to the identification of tank cars has been added to new section 172.203, the Bureau agrees with HMAC that section 171.11(c) and section 173.5 (c) (contains language identical to section 171.11) should be deleted.

171.12 (HM–112, §§ 170.12 and 173.9) Clarification of the requirements for

international shipments to recognize applicability of the U.S. regulations to import and export shipments as well as to shipments being transferred in a U.S. port area and recognizes certain IMCO provisions. Makes provision for marking packages with specification identifications when they meet the requirements of Part 178. This previously was authorized only for export shipments by § 173.9 (c). It should be noted that paragraph (b) applies only to the IMCO class and label, not to the shipping description, marking and packaging of imported or exported hazardous materials. The Bureau believes that these newly adopted provisions will facilitate the movement of materials in international commerce.

171.14, 171.15, and 171.16 (HM–112, §§ 170.14, 170.15, and 170.16) No substantive change.

PART 172—LIST OF HAZARDOUS MATERIALS AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

Part 172 has been completely revised.

172.1 Sets forth the purpose and scope of Part 172.

172.3 Sets forth the applicability of Part 172.

172.100 (HM–112, § 172.100) Explains the purpose and use of the Hazardous Materials Table. The increased number of people coming into contact with the regulations for the first time has prompted the Department to attempt a more elaborate explanation of the purpose and use of the Hazardous Materials Table. Much difficulty has been experienced by many individuals in attempting to use this table. The evaluation of material descriptions and the selection of the proper shipping name are probably the most common problems encountered. Once the correct class and shipping name has been determined further use of the table is, we believe, quite straightforward.

172.101 (HM–112, § 172.101) The Hazardous Materials Table was proposed with a somewhat modified format from that in current use and the table has been further modified for this amendment based on comments received. The United Nations class and label column which appeared in the proposed table has been deleted in the amended version. The presence of the UN class and label designation in the commodity table was felt to be undersirable since these are not regulatory but only informational items. There were several requests for the addition of the UN class and commodity numbers to the table.

We believe that this has merit from the standpoint of preparation of international shipments, however, due to space limitations it was not feasible to include these items in the commodity table. It is anticipated that an auxiliary table containing this information along with some other helpful information may be prepared at a later date. The content of this table, i.e., its regulatory nature, will determine whether it is included as part of the Code or as an addition to the index which is currently published as a separate non-regulatory document.

Other comments concerning the table indexed by specific column or material or shipping name description are as follows:

172.101 Column 2. *Hazardous material descriptions* and proper shipping names. Major comments suggested the addition or deletion of certain entries. IATA submitted a large list of commodity names or descriptions for addition to the table in order that the international tariff and the United States Regulations would be more nearly uniform. It is believed that the addition of a number of these names has merit, however, it was felt that the addition of a specific material to the table with the subsequent packaging and labeling requirements, should not be done without affording the opportunity for public comment on these entries. Additional entries made at this time were very limited and were of a type generally devised to eliminate some confusion that existed concerning the hazard class of a solution or device. Potential additions and deletions to the Table of Hazardous Materials is a subject of continual review. When appropriate, public will be given an opportunity to comment on such changes. Substantive changes to the requirements pertaining to entries in column 1 are discussed under comments addressed to specific commodities as follows:

Acetaldehyde. Because of its high volatility, low flashpoint, wide flammability limits (4–6 percent in air) and low ignition temperature, is no longer permitted exceptions for limited quantities.

Acetone Cyanohydrin. Due to its low decomposition temperature with evolution of extremely toxic gases is fully regulated regardless of the quantity being shipped and is forbidden on passenger-carrying aircraft.

Acetylene. Due to its inherent instability and subsequent requirements for stabilization for shipment is fully regulated regardless of the quantity being shipped and is forbidden on passenger-carrying aircraft.

Acrylonitrile. In addition to being poison by skin absorption, may polymerize with the evolution of heat and is flammable even in dilute solutions with water. This material is therefore considered sufficiently hazardous that it is completely regulated regardless of the quantity shipped and is forbidden on passenger-carrying aircraft and passenger vessels.

Allyl Alcohol. Previously classified as a Poison B is now classified as a flammable liquid requiring both a flammable liquid and poison label. In keeping with this change, the maximum quantity permitted in one package by air has been adjusted to those normally permitted flammable liquids.

Aluminum Chloride. Has been deleted as a specific entry due to the uncertainty that exists concerning its correct classification. Comments were received to the fact that this material in the dry state is pyrophoric in which case this material would be classed as a flammable solid. Previous comments in HM–57 addressed its skin corrosivity and metal corrosivity. Additional tests have been requested on this material and future consideration will be given to addition of this material to the table.

Aluminum Powder. Is believed to be sufficiently hazardous in a finely divided uncoated form to warrant classification as a flammable solid. This is an asterisk entry, meaning that not all forms are regulated. With the present qualitative definition of a flammable solid, some judgement, based on experience with the material must be used for classification of the powdered material .When a quantitative definition of a flammable solid becomes effective the classification of all flammable solids will be subject to reevaluation.

Ammonium Hydroxide (with not more than 44 percent Ammonia); Ammonia Solution (with 44 percent or more ammonia in water); Ammonia Solution (with not more than 44 percent ammonia in water) See Ammonium hydroxide; and Crude Nitrogen Fertilizer Solution (more than 25.4 p.s.i.g.). In the current 49 CFR these commodities are listed as asterisk entries, without the parenthetical qualifying phrase which describes the concentration of ammonia. In the nonflammable compressed gas class of entries the current "*Aqua ammonia solution containing anhydrous ammonia" has been replaced with a clearer descriptive name (Ammonia solution). The asterisk has been removed, and the qualifying phrase added "with 44 percent or more ammonia in water". According to vapor pressure tables of pure ammonia water solutions, at 44 percent ammonia the vapor pressure exceeds 40 p.s.i.a. at 70° F. which is one definition of a nonflammable compressed gas. Crude nitrogen fertilizer may contain compounds other than ammonia and water which contribute to the vapor pressure of the solution, therefore, the qualifying phrase "(more than 25.4 p.s.i.g.)" was added in place of the asterisk. The definition of these commodities remains unchanged. The introduction of a new entry of ammonium hydroxide in the corrosive class is to identify solutions which it is believed in the past were shipped as corrosive liquids, n.o.s. The minimum concentration of 10 percent was proposed based on past exemptions for mineral acids and alkalies in concentrations less than 10 percent. Corrosivity data establishing the minimum concentration that should be regulated as corrosive has not yet been obtained, therefore the entry for ammonium hydroxide has been made an "asterisk" entry with no minimum concentration specified.

Ammonium Perchlorate. For many years it has been the practice to ship certain grades of ammonium perchlorate as Class A Explosives. Title 46 CFR recognized this hazard and listed ammonium perchlorate of 15 micron particle size or less as Explosive A. There is some disagreement over the particle size at which the explosive characteristics become significant. This disagreement may be based to some extent on the method used to measure the particle size and particle size distribution. The effect of

moisture on the sensitivity has not been addressed in either the testing or the classification. The particle size description has therefore been removed in the Hazardous Materials Table and the entry asterisked with a reference to Explosive A. The entry of Ammonium perchlorate with the class listed as oxidizer is also an asterisk entry, referring to its potential as an Explosive Class A, i.e., ammonium perchlorate must be classed either as an Explosive A or an Oxidizer.

Ammonium Permanganate is sufficiently sensitive to initiation that shipment is forbidden in several foreign countries. It is believed that exceptions should no longer be permitted for this material. It is believed that this material is sufficiently hazardous that it should be completely regulated regardless of the quantity shipped and is forbidden in air transport or on passenger vessels.

Ammonium Sulfide. One shipper reports that this material as a 50 to 55 percent solution in water will not only flash but will sustain combustion for an appreciable period of time, depending upon the temperature of the solution. Ammonium sulfide solutions were thus classified as a flammable liquid as an asterisk entry rather than ORM–A as originally proposed.

Amyl Acetate. There are several isomers of this compound, and several technical grades. Several comments were received on whether or not this material should be classed as a flammable or as a combustible liquid because of the wide range of flash points recorded. This problem is not unique with this compound but occurs with a number of other materials and the class was determined from similar reasoning, i.e., the available flash points were reviewed and the majority of flash points were less than 100° F. Amyl acetate was thus classed as a flammable liquid. This does not prevent a shipper with a material of this general description, with a flash point of 100° F. or more, from shipping the material as a combustible liquid n.o.s.

Beryllium Compounds. Toxicity data were submitted on several beryllium compounds showing these materials did not meet the definition of a poison according to 49 CFR, therefore an asterisk was added to this entry.

Bromochloro Methane. Toxicity data were submitted on this material indicating no need for regulation, therefore, it was removed from the commodity table.

Butyl Acetate. Comments were received to the effect that the flash point of the several isomers of butyl acetate span the 73° F. range and therefore packaging requirements are different for different isomers. Similar comments were received for amyl acetate and hexaldehyde. The Bureau believes that the actual flash point of the material being shipped should be used to determine its classification and the packaging requirements for this commodity. If the flash point spans the 100° F. point and classification as either flammable liquid or combustible liquid is possible, the material being shipped should be classed and named accordingly. Butyl acetate is listed only as a flammable liquid. If the material being shipped has a flash point greater than 100° F. it should be shipped as combustible liquid, n.o.s., as paint thinner, combustible liquid, or some other entry appropriate for a combustible liquid.

Calcium Carbide. Packaging requirements, based on current industry practices were submitted and were considered by the Bureau to be preferable to the general packaging requirements for a flammable solid n.o.s., thus a new packaging section was added for calcium carbide.

Combustible Liquids. There were numerous comments concerning the proposed reduction in maximum quantity of combustible liquids permitted by air from 55 gallons to 15 gallons. A re-evaluation of this problem, considering the fact that the minimum flash point of a combustible liquid has been specified as 100° F. and also that there are no regulations for combustible liquids in containers less than 110 gallons, has resulted in the Bureau removing any restriction on the maximum quantity of combustible liquids by air.

Divinyl Ether. Due to its high volatility, low flash point, and anesthetic properties, is no longer permitted exceptions for limited quantities.

Ethyl Ether. Exceptions for limited quantities have been deleted for ethyl ether because of its low flash point, low boiling point and anesthetic properties. The Bureau believes it should be forbidden aboard passenger-carrying aircraft.

Ethyl Methyl Ether. Due to its high volatility, low flash point, and anesthetic properties, is no longer permitted exceptions for limited quantities.

Ethyl Nitrite. Due to its high volatility (low boiling point) low flash point, and low explosion temperature (194° F.) is no longer permitted exceptions for limited quantities.

Fluorine. The preamble to HM–112, Notice 73–9 listed fluorine as one of the commodities for which the classification had been changed. The table (172.101) listed fluorine without any change in the class. This amendment makes the change to the nonflammable gas class as intended, however for hazard identification the labels specified are POISON and OXIDIZER. These were felt to be more meaningful than the nonflammable compressed gas label.

Gas Mixtures. Carbon dioxide-oxygen mixtures and helium-oxygen mixtures will be tested when a quantiative definition of an oxidizer gas has been accepted, and the material classed accordingly. Until that time the correct classification of oxygen containing small amounts of carbon dioxide or helium remains the responsibility of the shipper.

Hexamethylene Imine. U.S. Department of Health, Education, and Welfare, Toxic Substances List of 1974 gives an oral LD50 of 33mg./kg. for rats. Therefore, a poison label was added.

Hydrazine. Was proposed to be reclassed as flammable liquid in the notice on the basis that it is a thermally unstable material. For the amendment, hydrazine has been broken into two classes depending on concentration: 64 percent or more is classed as a flammable liquid (concentrations from 64 percent up to 100 percent hydrazine are used as monopropellant explosives) and less than 64 percent is classed as corrosive material and listed as an asterisk entry. The packaging reference remains unchanged and is the same for both classes.

Hydrochloric and Hydrofluoric Acids. In the notice it was proposed that the maximum quantity in one package of either of these acids when carried aboard passenger aircraft be limited to one quart. Experimental evaluation of corrosion rates of dilute solutions of these two acids made subsequent to the notice show corrosion rates of 0.02 to 0.035 inches per week with 7075–T–6 aluminum. Restricting the total amount of acid per package does not provide an adequate level of safety when the number of packages permitted aboard the aircraft is not limited in view of the high corrosion rates of these materials. Therefore the amendment prohibits the shipment of these two acids aboard passenger-carrying aircraft.

Hydrogen Peroxide. In high concentrations is a high energy monopropellant which can decompose with explosive violence under the right stimuli. Therefore this amendment, as did the proposal, does not permit exceptions for limited quantities of hydrogen peroxide in concentrations greater than 52 percent.

Mesityl Oxide. Data submitted by two commenters indicated no need to regulate this material as a poison B, therefore the requirement for a poison label has been deleted.

Monoethyl Amine. Due to its high volatility, low flashpoint and corrosive characteristics, exceptions for limited quantities are no longer permitted for this material.

Nitric Acid. There was some objection to the proposed reclassification of nitric acid as an oxidizer material, on the basis that it has always been classed as a corrosive material. It is believed that the Logan Airport crash, November 1973 (NTSB–AAR–74–16) fully demonstrates the oxidizing characteristics of nitric acid. In addition, future development of the regulations along more technical lines (rather than tradition) for such items as mixed loading charts and selection of cushioning and absorbent materials would best be served by identifying nitric acid in its more concentrated forms as an oxidizer. Since the Bureau has no data indicating at what concentration the oxidization characteristics of this material is significant, it has relied on a technical bulletin (MCA Chemical Safety Data Sheet SD–5), which lists 52 percent HNO_3 as the most dilute commercial grade and the current packaging requirements recognize 40 percent HNO_3 as a suitable breakpoint. Concentrations greater than 40 percent are therefore classed as oxidizer and concentrations 40 percent or less are classed as corrosive. This breakpoint will be re-evaluated

when a quantitative definition of an oxidizer is developed.

Nitro-Carbo-Nitrate. A comment requested that a new hazard class "Blasting Agents" be added for this and similar materials. The Bureau believes that this is outside the scope of this rulemaking and will defer consideration of the request to a later date.

Nitro Aniline. The Bureau believes that a movement toward technically correct chemical names with indexing based more on family names or structure rather than alphabetically using prefixes such as, mono, ortho, para, etc., is desirable. The shipping requirements for ortho and para nitroaniline are the same, and there is no apparent basis for distinguishing between these two isomers. The main entry has therefore been changed to "nitroaniline" with alternate shipping names of Orthonitroaniline and paranitroaniline. It is anticipated that the alternate shipping names will eventually be deleted. A similar fate may be anticipated for similar entries. Deletion of the mono prefix is also anticipated at some future date.

Organic Peroxides. In the notice is was proposed to regulate all organic peroxides by name and permit no n.o.s. entries for this class. Packaging requirements were not included in the notice as they were not available at that time, and have not yet been obtained. Therefore, all new entries for organic peroxides have been deleted, except for those published in the HM–112 notice published on April 24, 1974 and the organic peroxides currently listed in the regulations (including n.o.s. entries) have been returned to the hazardous materials table § 172.101.

Organic Phosphate and Organic Phosphorus Compounds. This amendment adds a new entry in a hazardous materials table for organic phosphorus compounds. Though not proposed, this addition became necessary when it was brought to our attention that based on the chemical structure of the compound molecule, such materials as Phorate and Thimet are not technically organic phosphates. These materials have been traditionally treated, regulated, described and shipped as organic phosphates by the majority of the shippers who recognize the extreme hazard involved with these materials and the fact that the emergency response is similar or the same as that for organic phosphates. However, recent incidents occurring with this material in transportation demonstrate that some less knowledgeable shippers have been describing this material as poisonous liquid or solid n.o.s. with the corresponding lesser packaging requirements. The Bureau believes that it was the intention of the regulations to include these compounds as organic phosphates. However, since there seems to be some uncertainty as the accuracy of this description, the hazardous material table is being modified to accurately describe and specify the requirements for shipment of organic phosphorus compounds and mixtures.

Vinyl Ethyl Ether. As proposed, this amendment no longer permits exceptions for limited quantities of this material due to its high volatility, low flashpoint, and anesthetic properties.

Zirconium Picramate. Wet with at least 20 percent water had been listed as an oxidizing material with corresponding section references. This amendment changes the class of this material to flammable solid. The Bureau believes this more accurately reflects the hazard presented by the material and is more appropriate for mixed loading compatability considerations. However, no change has been made in the packaging requirements or quantity limitation with respect to this material.

172.101 Column 3. *Hazard Class.* In the transfer of a commodity from one class to another, objection was taken to the use of packaging references in the former class. It is felt that if suitable packaging is referenced that there is no need to change it. Recodification of these regulations in the near future will place the packaging references within the part or subpart assigned that class.

Subdivision of Compressed Gases. Objection was taken to the proposed subdivision of compressed gases into either flammable or nonflammable gases. The proposed deletion of the poison gas class was considered a major error. The identification of compressed gases with poison as an auxiliary hazard and use of the standard poison label was also found objectionable. These objections were partially responsible for the return, in this amendment, to the currently recognized Poison A and Poison B designations and identification system.

Those materials currently identified as poison A materials have been identified in the table as Poison A and are required to carry a Poison Gas label and placard. Other gases that have a lesser poison hazard but which are still considered poison, according to the definition of Poison B, are required to carry the poison label in addition to the flammable or nonflammable gas label unless specifically stated otherwise for a specific gas (see fluorine). When a more quantitative definition of oxidizer material is available, it is possible that some additional changes will be made in the hazard class of certain materials.

Poisonous or Toxic Materials. A number of comments were received concerning the uncertainty between extremely and highly toxic definitions as well as the confusion over the differences between irritants and ORM–A materials. It was suggested that a return to the old nomenclature as something that was currently understood would be appropriate. It was also pointed out that the hazard class and the wording on the label and placard were different. Recently there has been considerable discussion with OSHA and the Consumer Product Safety Commission over the criteria for evaluating the poison hazard of a material. Although the proposed definition was derived after considerable discussions with the National Academy of Sciences and HEW several years ago, the current thinking is toward somewhat modified versions of these definitions. International discussions on this subject (UN and IMCO) have also indicated some need to modify the proposed definitions. It was therefore decided to return to the current definitions of Poison A and Poison B, and Irritant, and leave the definition of ORM–A essentially the same as that of ORA–A as defined by IATA. A notice will be prepared on this subject for public comment as soon as possible. New names for these hazard classes will also be considered at that time. Any material currently listed as Poison A is again listed as Poison A in the Hazardous Materials Table and any material proposed in HM–112 as Extremely Toxic has been restored to its previous classification.

ORM Entries for Other Regulated Materials, Group A; Other Regulated Materials, Group B; Other Regulated Materials, Group C; and Other Regulated Materials, Group D have been deleted from the table and replaced with the simply entry, ORM–A, ORM–B, ORM–C and ORM–D. The quantitative definition of ORM–A has been deleted and will be reconsidered concurrently with the notice on the poison materials definition to be prepared as soon as possible. The definition of ORM–A becomes essentially the same as the definition used by IATA for ORA–A. ORM–D has been limited to consumer commodities in this amendment. However, the ORM–D class may be expanded in the future to include such things as diagnostic materials, chemical kits used for routine chemical analysis, etc.

Assignment of HI Numbers. A number of comments were submitted concerning the assignment of HI numbers to specific commodities. Because the proposal on the HI System has been terminated (see 40 FR 26687, June 21, 1975), these comments are not being addressed in this rulemaking. However, it should be noted that any data submitted has been filed as part of the background data on the appropriate commodity. The number of submissions of actual data was very few. Most comments consisted of qualitative expressions such as "* * * based on our experience of many years in handling this material we believe that the HI number should be 30 rather than 31." Such information is of little value in a data file.

Heat of Dilution Factor. Identification of this potential hazard has been deleted from the hazardous materials data or characterization requirements because of the withdrawal of the Hazard Information System (see 40 FR 26687, June 25, 1975). Thus comments directed toward this factor are no longer pertinent.

172.101 Column 4. *Label(s) Required.* With reversion to the previous Poison A and Poison B classes, the use of the Poison Gas label is also required and changes have been made in this column to reflect the changes required for this revision. The requirement for all poisons (Poison A and B) to bear the poison label may require double labeling where a hazard with a higher ranking order

exists, and thus the requirement for a poison label has been added where current data indicate the material meets the Poison B definition. Compressed gases not currently designated as Poison A materials but which meet the inhalation criteria of a Poison B are required to bear the Poison label in addition to the flammable gas, nonflammable gas or oxidizer label. Phosphorus pentasulfide and sesquisulfide were proposed in the notice as requiring a Flammable Solid, Dangerous When Wet and Poison label. Objection was taken to the use of three labels. The proposed requirement for the poison label has not been adopted based on the description of a "Dangerous When Wet" material as one which when in contact with water liberates a flammable or poison gas in dangerous quantities. Because the Dangerous When Wet label implies a potential poison hazard on exposure of the material to water, the proposed additional requirement for a Poison label is considered unnecessary.

Column 5. *Exceptions.* The Transportation Safety Act of 1974 (Pub. L. 93–633) defines exemptions in the same manner that we have defined special permits for many years. Therefore the word "exemptions" as it has been used in all previous regulations must be replaced with some alternate wording in order that these two types of relief from the regulations are not confused. The word chosen for use in this table is "exceptions". What formerly were referred to as exempt quantities are now identified as "Limited Quantities", in the specific sections referenced in the Hazardous Materials Table.

In the notice of proposed rulemaking it was proposed that exceptions (exemptions) for limited quantities be deleted for a number of commodities that were listed by name in the regulations. These exceptions are being removed on the basis of flash point, boiling point, stability, and narcotic or anesthetic effects.

Also, exceptions should apply only to those items specifically identified as safe in limited quantities, and should not apply to n.o.s. entries or general descriptions of materials such as "Compound, cleaning * * *." The Bureau intends to continue the evaluation of exceptions for all hazardous materials as soon as possible.

Column 6. Packaging Requirements have been separated from exceptions for limited quantities. It is believed that this makes the section references more meaningful.

Column 7. Maximum quantity in one package aboard aircraft. There were a number of objections to the reduction of combustible liquids aboard aircraft from 55 gallons to 15 gallons. In view of the lack of general restrictions applied to combustible liquids, (except for bulk shipments), any restriction as to maximum quantity of combustible liquids on aircraft, unless specifically designated in § 172.101, has been deleted. Rail express has been deleted from this table as obsolete since rail express no longer exists.

Column 8. Water shipments. Some objection was taken to the loss of additional descriptions of hazardous materials that currently appear in 46 CFR. The Bureau felt that the space required for these descriptions was not justified. These descriptions will be maintained as part of the background files by the Department. It is recommended that those individuals currently holding copies of 46 CFR keep them for future reference to identify more specifically such items as "garbage tankage."

172.200 (§ 173.427(a)) Sets forth the applicability of Subpart C. Several commenters recommended the use of a separate shipping document for listing hazardous materials. Consequently, a Notice of Public Hearing was published in the FEDERAL REGISTER in Volume 39, No. 238, December 10, 1974, Docket No. HM–103; Notice 73–10A for comment on a proposed Hazardous Materials Manifest as a replacement for the shipping paper. Several commenters at the hearing on February 11, 1975, presented objections to the increased cost of preparing a separate Hazardous Materials Manifest, and presented several ways in which the shipping paper could be prepared mechanically to meet the requirements. The Bureau agrees with these comments and has not adopted the proposal to require a Hazardous Materials Manifest.

172.201(a)(1) (HM–103, § 172.201) Prescribes the procedure for listing hazardous materials on a shipping paper when materials not classed as hazardous are also listed. Based on the comments received and the presentations at the February 11, 1975 hearing, the Bureau reconsidered the proposed requirement and provided for alternate methods of listing the hazardous materials; either list the hazardous materials first, or highlight hazardous materials entries by entering them in a color which contrasts with all other entries on the shipping paper, or place an "X" in a column with a colored border placed before the proper shipping name. The Bureau believes this will permit expeditious location of hazardous materials entries and still permit sequential listings for planned load discharging. The basis for this requirement was discussed extensively in the notice and in an advance notice of proposed rulemaking published on June 27, 1972 (37 FR 12660).

172.201(a)(2) (HM–103, § 172.201) Provides for shipping paper entries to be legible and to be printed (manually or mechanically) in English. Several commenters suggested that the requirement not exclude manually printed entries. The Bureau agrees and has made such provisions.

172.201(a)(3) (HM–103, § 172.201) Provides for shipping paper entries to contain no codes or abbreviations. Several commenters suggested that codes improve shipping paper entries. The Bureau does not agree. In accidents involving hazardous materials in transportation, emergency response personnel must be able to readily identify the hazards involved and at times no means other than the shipping paper is available. The Department has many examples of unreadable codes on shipping papers and examples where the reverse side of a shipping paper which contained the code explanation was not reproduced.

172.201(a)(4) (§ 173.427(a); HM–103, § 172.201(b)) Permits inclusion on the shipping paper of additional information concerning the material provided the information is not inconsistent with the required description. Several commenters recommended deleting the word "shipping" following the word "additional" in the notice. The Bureau agrees and provides accordingly.

172.202 (§ 173.427(a); HM–103, § 172.202) Provides for the required description of hazardous materials on the shipping paper. Changes to the existing rule are minor in that the classification is not required for an n.o.s. entry when, except for the authorized abbreviation "n.o.s." the proper shipping name and the classification are identical. Also, the sequence of the entries for a proper shipping name and classification is prescribed thereby precluding use of code references or split entries. Several commenters recommended that the requirements in the notice pertaining to the size of the print in the classification be deleted as being too restrictive; others recommended the word "immediately" in § 172.202(c) of the notice be deleted as being too retrictive. The Bureau agrees to these requested deletions and these amendments reflect that agreement.

172.203 (§ 173.427; HM–103, § 172.203) Sets forth requirements for shipping paper entries in addition to those required in § 172.202.

172.203(a) (§ 171.6(a)(2); HM–103, § 172.203(a)) Provides for identifying on the shipping paper a shipment made under a DOT exemption by entry of the exemption number in association with the proper shipping name and classification. No substantive change.

172.203(b) Provides for identifying a "Limited Quantities" shipment on the shipping paper. This was not in the notice, however, the Bureau considers it to be a minor requirement, yet one that is needed to identify shipments of hazardous materials that present a limited hazard in transportation because of the "form" or "quantity" in which they are packaged. Because of the limited hazard, the Bureau has excepted these materials from specification packaging and labeling requirements except when offered for transportation by air. Also, the proposal would have required the shipping paper to contain the entry "No label required" under certain conditions. The use of the term "limited quantities" replaces the requirement for the shipping paper entry "No label required" which has been misleading in the past so far as air transportation is concerned.

172.203(c) (§ 173.427(a)(1); HM–103, § 172.203(g)) Prescribes the "Blasting caps" entry on the shipping paper. No substantive change.

172.203(d) Provides for identifying on the shipping paper the placarding exception for corrosive materials that are not corrosive to skin.

172.203(e) (HM–103, § 172.203(j)) Provides for the required entry of the word "EMPTY" on the shipping paper for certain packagings and permits the optional entry of the word "EMPTY" for other packagings. Several commenters recommended this optional entry be deleted or be changed to read "EMPTY—Last Contained—". The Bureau agrees that the suggested wording is appropriate and permits its use as an alternate to the word "EMPTY".

172.203(f) (FAR § 103.3; HM–103, § 172.203(c)) Prescribes the "Cargo-only Aircraft" entry for air shipments not authorized aboard passenger-carrying aircraft. No substantive change.

172.203(g) (§ 174.584; HM–103, § 172.-203(d)) Prescribes additional shipping paper entries applicable to rail shipments.

172.203(g) (1) and (2) (§ 174.584; HM–103, § 172.203(d)) Provides for entering the placard notation and endorsement on the shipping paper. Several commenters suggested that the placard notation requirements be deleted as being redundant and unnecessary. The Bureau believes that this notation must be retained to permit carrier personnel to replace missing or destroyed placards to enhance safety in transportation. No substantive change.

172.203(g)(3) (§ 174.584(g)) Provides for the entry "EMPTY" on shipping papers for certain rail shipments. No substantive change.

172.203(g)(4) (§§ 171.11, 173.5; HM–123) Provides for a handling precaution entry on the shipping paper for DOT 112(a) and 114A tank cars without head shields that contain a flammable compressed gas. This was not in the notice; however, the Bureau believes this to be the appropriate action to incorporate the provisions of FRA E.O. No. 5 into the shipper part of the regulations as recommended in a petition for reconsideration to regulations adopted under Docket HM–123 (39 FR 43310).

172.203(h) (§ 173.427 and HM–113) Provides for additional shipping paper entries for certain shipments by highway in Specification MC 330 and MC 331 cargo tanks. No substantive change.

172.203(h)(1) (§ 173.427(a)(3) and HM–113) Provides for an additional shipping paper entry for anhydrous ammonia in Specification MC 330 and MC 331 cargo tanks consistent with new requirements adopted under HM–113 (40 FR 24902).

172.203(h)(2) (§ 173.427(a)(4); HM–103, § 172.203(i)) Provides for an additional shipping paper entry for liquefied petroleum gas in Specification MC 330 and MC 331 cargo tanks. No substantive change.

172.203(i)(1) (46 CFR §§ 146.05–12(f), 146.05–13(e) and 146.06–20; HM–103, § 172.202(a)(4)) The Bureau has added in this section certain additional shipping paper requirements for domestic and export shipments by water consistent with presently prescribed requirements in the 46 CFR references.

172.203(i)(2) (46 CFR § 146.05–12(f)(5); HM–103, § 172.203(e)) Provides for adding the technical name to the shipping paper for export water shipments of certain materials described by an n.o.s. entry in § 172.101 as previously required in § 146.05–12. To insure uniformity of shipping paper requirements for export shipments, the words "chemical name" have been changed to "technical name".

172.203(j) (§ 173.427(a)(5); HM–103, § 172.203(k)) Prescribes additional shipping paper entries for shipments of radioactive materials. The more significant changes from the existing rule are the requirements for identifying the transport index for each package bearing RADIOACTIVE YELLOW-II or RADIOACTIVE YELLOW-III labels; for identifying the fissile class or stating "Fissile Exempt" as appropriate, and the authorization for the use of packagings approved by the U.S. Nuclear Regulatory Commission or the Energy Research and Development Administration and under certain conditions, by the applicable International Atomic Energy Agency Certificate of Competent Authority.

172.204(a) (§ 173.430; HM–103, § 172.-204(d)(2)) Provides for manual or mechanical signing of the certification. Not a new requirement, but a clarification of the method of signing. No substantive change.

172.204(b) (§ 173.430(c); HM–103, § 172.204(a)) Provides for certification exceptions for shipments by highway in a cargo tank supplied by the carrier, and by highway during transportation by a private carrier. One commenter recommended paragraph (b)(2) of § 172.204 be reworded for clarity. The Bureau agrees and has reworded the paragraph essentially as it was in 49 CFR, 173.430(c).

172.204(c) (§ 173.430(b); FAR 103.3(e); HM–103, § 172.204; HM–112, § 175.30)) Provides for certification for shipments by air. One significant change from the existing rule pertains to the requirements for two copies of the certification, and another pertains to air shipment of radioactive materials as mandated by § 108 of the Hazardous Materials Transportation Act (Title I of Pub. L. 93–633, January 3, 1975).

172.204(c)(1) (HM–103, 172.204(c)) Provides for alternative wording of the certification for hazardous materials shipped by air including a portion of the IATA certificate. This exact language was not in the notice since IATA has since revised the language of its certificate. While certain portions of the IATA certificate have not been included as part of the alternate certificate, the Bureau believes the objectives of the certification requirement will be achieved through use of the portions adopted.

172.204(c)(2) (14 CFR 103.3(b); HM–112, § 175.30) Prescribes the requirement for executing in duplicate the certification for air shipments consistent with existing requirements.

172.204(c)(3) (HM–103, § 172.204(b)(1)) Provides for additional certification for shipments by passenger and cargo-only aircraft. Existing § 173.430(b)(1) required this added certification for passenger aircraft only. One commenter recommended the proposed paragraph be reworded for clarity because the phrase "permitted hazardous material" was confusing. The Bureau agrees and has reworded the paragraph accordingly.

172.204(c)(4) (FAR § 103.3(e); Pub. L. 93–633) Provides for additional certification for radioactive materials authorized aboard passenger-carrying aircraft. This provision was not in the notice, but published as a regulation in the FAR reference on April 17, 1975, to become effective on May 3, 1975, in accordance with the mandate of § 108 of the Hazardous Materials Transportation Act (Title I of Pub. L. 93–633, January 3, 1975).

172.204(d) (§ 173.430(a); HM–103, § 172.204(d)) Specifies who may sign a certification and how the signature may be accomplished. Significant changes from the existing rule provide for the signature to be legible and accomplished manually or mechanically by a "principal, officer, partner, or employee of the shipper or his agent."

172.300 (§ 172.401; HM–103, §§ 172.300, 172.302(a)(1)) Sets forth general requirement for the marking of shipping names on packages. Several commenters recommended that "cylinders" be added to this section. A cylinder is a packaging and need not be individually identified.

172.302 (46 CFR, § 146.05–15(e)(1); HM–103, § 172.302(f)) Provides for marking export water shipments of a material described by an "n.o.s." entry in § 172.101. Several commenters recommended that this requirement be deleted since the Hazard Information (HI) number and package label would provide adequate hazard identification. The proposal concerning HI numbers was withdrawn (see 40 FR 26687, June 25, 1975), and the Bureau believes that the marking requirement from the 46 CFR reference must be retained to enhance safety in transportation in export water shipments,. In response to comments, this amendment limits the requirement for marking the technical names of components of mixtures to the "technical name of the hazardous materials giving the mixture its hazardous properties."

172.304 (§ 173.401(a)(1); HM–103, § 172.302(d) and § 172.305(f); HM–101, § 173.31(a)(6)) Prescribes general marking requirements. Significant changes from the existing rule are that the prescribed marking must be durable, in English, and that it may not be near any other marking (such as advertising) that could substantially reduce its effectiveness. A commenter requested clarification on whether a product label was considered to be a "marking or advertisement". It is the Bureau's position that a product label that contains precautionary information consistent with the

intent of the DOT regulations would not be precluded by this restriction.

172.306 (§§ 173.401(b) and 177.816; HM–103, § 172.302(e)) Provides for marking the name and address of the consignee on the package and specifies the exceptions to this requirement. One commenter recommended that the exceptions be extended to packages in a freight container. The Bureau agrees, has made such provisions, and has added a clarification of the intent of the provision as pertaining to "carload lot", "truckload lot" and "freight container load".

172.308 (§ 173.400(a); HM–103, § 172.302(c)) Provides for the use of certain abbreviations in markings. No substantive change.

172.310 (HM–111, § 173.401(f)) Provides for additional markings for packages containing radioactive materials. This requirement proposed under Docket HM–111, was published after notice and published comment on December 31, 1974, and became effective on March 31, 1975 (39 FR 45238).

172.312 (§ 173.401(c); HM–103, § 172.302(h)) Provides for markings on certain packages containing liquid hazardous material to indicate the orientation of the inside packaging. One commenter recommended that specification containers 6D, 21P, 37M and 27P containing liquid hazardous materials be excepted from the "This Side Up" marking requirement because the intent of the package orientation marking is to identify the top of a package that has been overpacked. The Bureau agrees and has provided for this exception. This section also provides for the use of arrows to augment the required package orientation marking. This was not in the notice, however, it was recommended by a commenter and the Bureau believes the use of arrows will contribute to safety. To prevent confusion and make the use of arrows effective, this amendment provides that arrows on packages containing hazardous material may not be used for purposes other than to indicate the correct package orientation.

172.316 (HM–103, § 172.302) Provides for marking an outside packaging containing a material classed as ORM by identifying the ORM immediately following or below the proper shipping name. Those classed as ORM–A and C must be marked ORM–A and ORM–C, as appropriate. Those classed as ORM–B must be marked ORM–B unless corrosive only to aluminum when wet, and then must be marked ORM–B—KEEP DRY to indicate the precautions needed to prevent corrosive action. Since ORM–D materials essentially are consumer commodities packaged in limited quantities, the Bureau believes that, as recommended by several commenters, the marking of the proper shipping name and the appropriate ORM are adequate except that those ORM–D packages intended or offered for transportation by air must be marked ORM–D–AIR to indicate they meet the requirements of § 173.6. Although not contained in the notice, this amendment provides for attaching the marking to an ORM package with a tag when circumstances prevent the application of the marking to the package surface.

Also, the Bureau has added a provision authorizing the marking on a package containing a material classed as ORM to be accepted in lieu of the certification required on shipping papers in those instances wherein shipping papers are not required. This was not proposed in the notice, but the Bureau believes this will accomplish the requirements to enhance safety without requiring additional paperwork.

172.326 (§ 173.401(a)(1); HM–103, § 172.305(f)) Provides for marking the proper shipping name on the head and one side of each portable tank when appropriate or on two opposing sides. The Bureau agrees with commenters who recommended one marking be placed on an "operating side" of a portable tank, and has made such provision. Based on one commenter's recommendation, the Bureau reconsidered the proposed definition of portable tanks and has excluded multi-unit-tank-car-tanks. The most significant change from existing rules is the requirement that the marked name of contents on each portable tank must properly identify the actual hazardous material the portable tank contains.

172.328 (§ 177.823(b); HM–103, § 172.308) Provides for markings on cargo tanks. The most significant change from existing rules is that for gases, the marking must be the proper shipping name or an appropriate common name.

172.330 (HM–101, § 173.31(a)(6); HM–103, § 172.310) Provides for markings on tank cars including the marking visibility and the location of the marking on both sides of the tank car near the stencilled DOT specification marking. Also requires that markings indicate the actual hazardous material the tank car contains. The most significant changes from existing rules are the provisions indicated above and the fact that tank car marking requirements are implemented by references in Part 173 of the regulations as originally proposed under Docket HM–101 (37 FR 7104).

172.400 (§ 172.402(b); HM–103, §§ 172.400(a) and 172.402) Provides for general labeling requirements, and exceptions thereto. The most significant changes to existing requirements are: (a) The establishment of a maximum size for freight containers wherein labels are required instead of placards; (b) the exclusion of packages containing materials classed as ORM from labeling; and (c) modification of the labeling prohibition in existing § 173.404(b).

In accordance with the CGA (Compressed Gas Association) proposal in response to the notice, the Bureau has adopted in this section a change to CGA Pamphlet C–7, Appendix A ("A Guide for the Preparation of Precautionary Markings for Compressed Gas Containers") which will identify one additional hazard when appropriate for a nonflammable or a flammable compressed gas. Adoption of the amended standard was proposed in Notice 73–10A (39 FR 43091). The standard has since been revised to remove references to hazard information numbers. Commenters recommended that a hazardous material classed as a "Poisonous compressed gas" be authorized under the provisions of the CGA Pamphlet C–7, Appendix A. This recommendation is not adopted because the Bureau believes that materials classed as Poison A must be labeled because of the special requirements applicable to them. Other comments recommended that packages in freight containers and palletized loads be excepted from labeling requirements. The Bureau believes that the hazards must be identified for proper handling and as an assistance to emergency response personnel during incidents involving hazardous materials in transportation. This was discussed in the preamble to Docket No. HM–28 (Removal of Label Exemptions) and the following language from the preamble is considered appropriate: "In the common carrier sector, even when truckload lots are involved, it is essential that a uniform and consistent labeling system be maintained in order to assure its maximum effectiveness. Also, there are occurrences which necessitate the 'breaking up' of truckload lots even though not intended at the time of shipment." (See 36 FR 9068, May 19, 1971.) The Bureau believes the same thinking applies to palletized loads and freight containers.

172.401 (§§ 173.404 and 173.86; HM–103, § 172.401) Specifies labeling that is prohibited by the regulations in this subchapter and provides for the use of certain labeling on packages in import and export shipments. The Bureau agrees with the commenters who recommended that proposed § 172.401(a) be clarified to permit the shipment of packages of hazardous and nonregulated materials (unless otherwise prohibited) in the same outside packaging, and has reworded the paragraph accordingly. Several commenters discussed the problem a carrier could encounter in determining whether or not a labeled package offered for transportation contained regulated material for which the label was appropriate. The intent of the regulation is to prevent a carrier from "knowingly" accepting for transportation an improperly labeled package. The carrier is not expected to open a package to inspect its contents. The certification of the shipper is to be accepted unless inspection or other information leads the carrier to believe the labeling may be in error. The Bureau agrees with the commenters who recommended that proposed § 172.401 be reworded to better identify the exceptions therein and has rewritten the section accordingly. The most significant change from existing rules is the labeling exception for a package containing a sample of a material being shipped to a laboratory for testing to determine its hazard characteristics.

172.402 (§§ 173.402 and 173.388; HM–103, § 172.402) Provides additional la-

beling requirements for specific materials including those offered for air transport authorized only on cargo aircraft. The most significant new requirements apply to the labeling of a material meeting the definitions of more than one class, one of which is Poison B, and the labeling of packages containing samples for laboratory examination. The multiple labeling is adopted as proposed in the notice.

The Bureau agrees with the commenter's recommendation that specific requirements be placed in this section for the CARGO AIRCRAFT ONLY and MAGNETIZED MATERIAL labels that have been used in the past, but not required by 49 CFR. Several commenters recommended deletion of the requirement for multiple labeling which they considered unnecessary with the use of the Hazard Information (HI) numbers to identify additional hazards. Since the HI numbers have been withdrawn from the HM-103 proposal, the Bureau believes it is essential to use labels to identify certain significant hazards in transportation. Because of the significance of the potential hazard in transporting poisons with foodstuffs, the Bureau believes that a poison that is an additional hazard must be identified, and has made such provisions based on a commenter's recommendations. One commenter recommended that provisions be made to cover the possibility of a shipper accidentally "overlabeling" a sample being sent to a laboratory for classification. This amendment makes such provisions because the Bureau believes that when a material must be sent to a laboratory for classification the shipper must classify it to the best of his ability based on the defining criteria in this subchapter, the hazard precedence specified in § 173.2 of this subchapter, and his knowledge of the material. It then must be properly packaged, marked, and labeled as required for the hazards determined by the shipper. Subsequent laboratory tests of the sample may or may not be in agreement with the shipper's initial determination of hazard classification.

172.403 (§§ 173.399, 173.402(a)(10); HM-111, § 173.416; HM-103, § 172.403) Prescribes specific labeling requirements for radioactive materials. One commenter mistakenly interpreted the language in this section and confused RADIOACTIVE YELLOW-II with Fissile Class II Category. No substantive change.

172.404 (§ 173.403; HM-103, § 172.404) Provides for label requirements on mixed packing. The Bureau agrees with commenters' recommendations and has inserted the word "hazardous" to indicate the intent of the regulation that the labeling on the outside packaging must identify the hazards contained therein. Also, the Bureau substituted the term "outside container" for "outside packaging" for consistency with the definitions. The wording of this section was changed by the Bureau from that in the notice to allow for the withdrawal of the Hazard Information numbers and to be more specific in identifying the pertinent references in Part 173.

173.405 Provides for permissive substitution for the word "OXYGEN" for "OXIDIZER" on the label for oxygen.

173.406 (§ 173.404(a), § 173.402(a); HM-103, § 172.405) Provides for the label placement requirements on packages and for exceptions thereto. The more significant changes to existing rules are: (a) The requirement to place the label near the marked name of contents; (b) the optional use of a tag under certain conditions to attach labels; (c) the requirement to place multiple labels next to each other; (d) the requirement for placing at least two labels on certain packages; and (e) the requirement under certain conditions for placing labels on a contrasting color background or having an outer border line on the label.

Several commenters recommended this section be rewritten for clarity particularly concerning (a) the use of a tag on a cylinder; (b) the dotted line border on labels; and (c) affixing labels near the closure on a freight container. The Bureau has rewritten the section accordingly and based on commenter's recommendations the Bureau added provisions for (a) attaching a label by means of a tag to a package having an irregular surface to which a label will not adhere; (b) optional placement of a solid or dotted line outer border on a label; and (c) placement of two of the required labels on packages of radioactive materials. The latter requirement was inadvertently omitted from the notice, however, it requires no more than that already required by existing § 173.402(a)(10).

One commenter suggested that the use of only one label on a package would be less confusing to emergency services personnel. The Bureau believes that for certain significant hazards, two labels identifying those hazards are required so that personnel encountering a spill or fire involving such material will have a better opportunity to make an informed judgment as to actions required.

172.407 (§ 173.404; HM-103, § 172.411 through § 172.450) Prescribes the label specifications. These basically are the labels prescribed in existing § 173.405 through § 173.422 of 49 CFR, and the MAGNETIZED MATERIAL and CARGO AIRCRAFT ONLY labels which are presently used for air shipments. The most significant change from the existing specifications is that the required color for each label must be within the prescribed color tolerances as was proposed in the notice. The Bureau does not agree with the commenter's recommendation that the label color specifications not be mandatory. Part of the hazard identification and communication system is the label color. The color is particularly significant for those who cannot read, and the proper differentiation between colors is significant to those persons that are partially color blind.

A maximum tolerance for each color is allowed while color separation is maintained. This will permit easier compliance while preventing confusion of colors such as red and orange, yellow and orange, and blue and green. Several label manufacturers have forwarded label samples to the Bureau for examination for compliance with requirements as to size, format, and color. The majority of those submitted met the specifications and were within color tolerances. One printing ink manufacturer stated that it was part of his service, at no cost to the customer, to mix the inks to meet the color standard established by the customer.

Several commenters recommended tags be permitted to attaching labels to cylinders. This amendment adopts that recommendation. The Bureau agrees with a commenter's recommendation that the outer border of a label be a solid line or a dotted line when an outer border is required, and has made such provisions in § 172.406(d).

172.411 through 172.450 (§ 173.405 through § 173.422 and § 172.119(i); HM-103, § 172.411 through § 172.450) Specifies the use of sixteen labels and references the requirements for additional labels such as the bung label. The most significant additions to the existing labeling requirements are the MAGNETIZED MATERIAL and CARGO AIRCRAFT ONLY labels. These labels which are adopted by DOT are presently used for air shipments but were not contained in 49 CFR. The EMPTY label specification was not in the notice, but was in existing § 173.420 and the Bureau placed it in this amendment to continue its use as has been provided for in existing § 173.29. The specifications pertaining to the minimum size, shape, content, design, and color of each label remains as presently required in 49 CFR.

172.500(a) (§§ 177.823(a), 174.547; HM-103, § 172.500(a)) Sets forth the applicability of Subpart F which pertains to the placarding of motor vehicles, rail cars, portable tanks and freight containers.

172.500(b) (HM-103, § 172.500(b)) Sets forth exceptions to the placarding requirements, namely, that the provisions of Subpart F do not apply to materials classed as etiologic agents or as ORM-A, B, C, or D.

172.502(a) (§§ 177.823(b)(1), 177.823(d); HM-103, § 172.501(a)) Provides that placards may not be displayed for commodities that are not classified as hazardous materials, and that placards which are incorrect for a material may not be displayed. By this amendment placards may now be displayed on a transport vehicle or freight container that contains quantities of hazardous materials excepted from placarding requirements if the placards properly represent the hazardous material contained therein.

172.502(b) (§ 174.546(d); HM-103, § 172.501(a)(2)) Provides that signs or other devices which may be confused with placards specified in this subpart may not be affixed to or displaced on transport vehicles, portable tanks, or freight containers.

172.504(a) (§§ 177.823(a)(1), 174.540 through 174.542; HM-103, § 172.502(a)) Sets forth the required placards for classes of hazardous materials and cer-

tain materials by name. Many commenters objected to the complexity of the Hazard Information System proposed in Docket HM–103 and the resultant placarding system which they felt to be so complex as to be unworkable, and confusing to the extent that it would be a detriment to safety. Because the proposal with regard to the Hazard Information System has been withdrawn (see 40 FR 26687, June 25, 1975), this amendment adopts a placarding system without numerical hazard identifiers.

172.504(a) (§ 174.540 to § 174.552, § 177.823(a); HM–103, § 172.502(a) and Table (1)) Tables (1) and (2) specify the placarding required for motor vehicles and rail cars carrying any quantity of certain hazardous materials, including multiple placards for certain radioactive materials. The notes to Table (2) provide, among other things, for alternate placards, under certain conditions, for combustible liquids and flammable solids and the permissive use of the OXYGEN placard. Significant changes from existing rules are the requirements for placarding any quantity of a flammable solid requiring the DANGEROUS WHEN WET label, multiple placards for certain radioactive materials, and for placement of the rail POISON GAS and EXPLOSIVES A placards on a white background.

172.504(b) (HM–103, § 172.502(b)) Provides for the use of the DANGEROUS placard when no more than an aggregate gross weight of 5,000 pounds of one class of material is loaded at one loading facility into a freight container or transport vehicle. The basis for this new requirement is to more specifically identify the potential hazards of materials in mixed loads when more than a specified volume is loaded at one point, while taking into account the potential for confusion should such a requirement be imposed on all LTL pickups and deliveries.

172.504(c) (§ 177.823; HM–103, § 172.502(b)) Provides for a placarding exception in highway transportation and in TOFC or COFC rail service when motor vehicles and freight containers contain less than 1,000 pounds aggregate gross weight of certain materials covered by Table (2).

172.506 (§ 177.823(a); HM–103, § 172.503(a)) Prescribes the responsibility for the placarding of motor vehicles. Many commenters objected to the proposal in Docket HM–103 which requires the person offering the hazardous material to give to the highway carrier the placards required for the material, or to affix such placards if a representative of the highway carrier was not present. Many commenters stated that this requirement would be unworkable in actual practice and presented problems as to responsibility for correct placards, especially with mixed loads. The Bureau agrees and has changed the regulation to require the person who offers the material to give the required placards to the highway carrier and assigns to the highway carrier the responsibility to affix the correct placards. The requirement for the shipper to give a motor carrier the proper placards for the material he offers for transportation is a significant change from existing rules. Motor carriers will continue to be responsible for any placarding required by the aggregation of shipments at their terminals, or different pickup or delivery points. However, the regulation provides an exception if the carrier's vehicle is equipped with the required placards and they are displayed at the time the material is offered for transportation.

172.508 (§§ 174.548 and 174.549; HM–103, § 172.503(b)) Requires the shipper to affix the appropriate placards to each rail car containing the material he has offered for transportation.

172.510(a) (§ 174.540; HM–103, § 172.513(c) Prescribes a square background for the EXPLOSIVES A and POISON GAS rail placards. This allows for better identification of rail cars containing those materials which, by regulation, may not be uncoupled or cut off while in motion and which may not be struck by other cars or coupled with more force than needed to complete coupling.

172.510(b) (§ 173.119(h); HM–103, § 172.502(b)) Requires a DOME placard be affixed on domed tank cars transporting certain flammable liquids.

172.510(c) (§ 174.562; HM–103, § 172.527) Requires the display of EMPTY placards to communicate the potential hazards of so-called empty cars that have not been cleaned or purged or reloaded with a material not subject to the regulations.

172.510(d) (§ 174.579, § 173.426) Requires the FUMIGATION placard on each freight container and transport vehicle offered for rail transportation which contains lading that has been fumigated or treated with poisonous liquid, solid, or gas.

172.512 (§ 174.549, § 177.823; HM–103, § 172.504) Provides for placarding freight containers, including a provision for placarding freight containers having a capacity of less than 640 cubic feet when offered for transportation by air. It takes into account intermodal movements, including those for which the 1,000 pound placarding exception does not apply.

172.514 (§§ 174.541 and 177.823; HM–103, § 172.505) Provides for placarding of cargo tanks and portable tanks. In addition, placarding is required on empty portable tanks having a capacity of 110 gallons or more and cargo tanks unless reloaded with materials not subject to the regulation or sufficiently cleaned of residue or purged of vapor to remove the potential hazard. Not included are so-called "ton tanks" meeting specifications 106 or 110 due to their design and the manner in which they are handled and loaded.

172.516 (§§ 177.823(a), 174.549; HM–103, § 172.508) Sets forth visibility requirements for placards on transport vehicles, portable tanks, and freight containers including horizontal display, and the maintenance of visibility and legibility of placards. Also sets forth methods of attachment of placards. Several commenters discussed possible difficulties that may be encountered in displaying placards under various conditions. In consideration of these comments, the Bureau has provided for the placards to be made of various types of materials and for alternate attachment methods provided the format, color and legibility of the placard is maintained.

172.519 through 172.558 (Part 174, Subpart C; § 177.823; HM–103, §§ 172.511 through 172.550) Sets forth the specifications for each placard. The significant changes to existing specification are: (a) the placards are the same for all modes of transportation; (b) all hazardous material placards have similar dimensions and general appearance; (c) all except the DANGEROUS placards basically are enlargements of the labels; and (d) in addition to the improved format, the OXYGEN, CHLORINE, FLAMMABLE SOLID and ORGANIC PEROXIDE placards are adopted to improve the identification and communication of the hazards of materials in transportation.

PART 173—SHIPPERS

173.1 Clarification, deleting unnecessary language.

173.2 Amended to include a priority listing of hazard classification to be followed in cases involving multiple hazards. As a result of several comments, explosives required to be classed by the Department of Defense have been excepted from the requirements of this section. The listing which appeared in Notice HM–112 has been modified to take into account the comments of several interested parties. It should be further pointed out that this priority listing is intended to direct the shipper's attention to such things as more restrictive packaging requirements and does not purport to classify materials on the basis of hazard potential of unpackaged material.

173.3 Amended to incorporate the provisions of former §§ 173.1, 173.3, 173.4, 173.5 and 173.6.

173.4 Deleted.

173.5 Deleted.

173.6 This section now sets forth the general requirements for shipment of hazardous materials by air. The requirements are deemed necessary to provide adequate safety in the transportation of hazardous materials by air. Many comments were received regarding the proposed provisions. Several comments objected to the 4-foot drop test contending that this did not represent actual transportation conditions. Since this is intended as a bench mark for the determination of packaging integrity, the Bureau does not consider these objections valid, and has retained this requirement. Several comments objected to the outage requirements for liquid containment on the grounds that packagings over 110 gallons capacity could perform satisfactorily with a less restrictive limitation. The Bureau recognizes the merit of these comments and has revised this provision accordingly. Other comments expressed concern that cylinders might not be considered as "packaging." In view of

the definition provided in § 171.8 for packaging, which includes cylinders as a type of container, this difficulty should not arise. Editorial changes throughout this section have been made in response to comments received.

173.7 Changed to reference the U.S. Energy Research and Development Administration.

173.9 Deleted as unnecessary; provisions incorporated in § 171.12.

173.10 Deleted as unnecessary in view of §§ 171.15 and 171.16.

173.18 Proposed § 173.18 has been deleted because in certain respects it is unnecessary and, in its entirety, could be considered in conflict with § 175.30(b) which requires that aircraft operators inspect packages containing hazardous materials.

173.21 Paragraph (a) has been amended for clarification, and paragraph (b) adds a requirement regarding the forwarding of Bureau of Explosives reports on cigarette lighters to the Department. A comment objected to the designation of the B of E as the examining laboratory. Lacking laboratory facilities, it is the Bureau's position that the Department must rely upon the recognized capabilities of the B of E. The use of other laboratories may be considered in future rule-making actions.

173.22, 173.23 and 173.24 No substantive changes.

173.25 Clarifies the intent of orientation markings, "THIS SIDE UP" or "THIS END UP" to indicate position of closures of inside packages.

173.26 No substantive change. Deletes reference to rail express.

173.27 Pertaining to containers, the limitations on the maximum quantities of hazardous materials permitted in packages offered for transportation by aircraft must conform with the provisions of § 172.101 of this subchapter. Incorporates provisions of 14 CFR.

173.28 Paragraph (n) has been redesignated paragraph (o). A new paragraph (n) has been added to provide for reuse of single-trip packaging for ORM materials and other materials not subject to specification packaging requirements.

173.29 Many comments objected to the revisions proposed in the Notice HM–112 pertaining to shipment of empty packagings having a capacity of 110 gallons or less. The Bureau recognizes the impact which might result from such revisions. Accordingly, the matter will be addressed in a future rule-making action. However, the Bureau has adopted requirements pertaining to empty packagings having a capacity greater than 110 gallons because the Bureau believes there is sufficient quantity of material in an "empty" tank to warrant regulation.

173.30 Revised to include references to the loading and unloading requirements from 46 CFR and 14 CFR for hazardous materials transported aboard vessels or aircraft.

173.31, 173.32, and 173.33 Incorporate provisions of 46 CFR. Several comments suggested changing the word "Testing" to "Retesting." The Bureau considers the word "Qualification" to include testing and retesting requirements and has made the appropriate changes.

173.34 No substantive changes.

173.51 The language of this section formerly indicated a prohibition of transportation of certain explosives by common carriers. Due to the hazards presented by the materials covered by this section, the Bureau takes the position that this prohibition must be applicable to all types of carriers including private and contract carriers.

173.52, 173.54, 173.56, 173.57, 173.58, 173.59 and 173.60 Deletes reference to rail express and clarifies certain marking and labeling provisions.

173.61 No substantive changes.

173.62, 173.63, and 173.64 Deletes reference to rail express.

173.65 A change to exemption provisions, deletes authorization for shipment by rail express.

173.66 Deletes obsolete reference to emergency.

173.67, 173.68, and 173.69 Deletion of references to rail express.

173.70, 173.71, 173.72, 173.74, 173.75, 173.76, 173.77 and 173.78 Deletes reference to rail express, and eliminates types of carriage, as discussed earlier in this preamble for § 173.51.

173.79 and 173.80 Deletes reference to rail express.

173.87 No substantive changes.

173.89 and 173.90 Deletes reference to rail express.

173.91 and 173.92 No substantive changes.

173.93 Deletes reference to rail express, adds provisions applicable to cargo-only aircraft from 14 CFR.

173.94 No substantive changes.

173.95 Deletes reference to rail express.

173.101 No substantive changes.

173.103 Deletes reference to rail express.

173.104, 173.105, 173.106, 173.107, 173.108 and 173.109 No substantive changes.

173.110 Deletes reference to rail express.

173.111, 173.112, and 173.114 No substantive changes.

173.115 Paragraph (f) has been deleted in light of the definition provided in § 171.8. The proposed amendment to § 173.115 pertaining to a thermally unstable material is withdrawn pending further study of the defining criteria for such material. However, the Bureau intends to use the provisions of § 173.115 (g) adopted under Docket HM–102 (40 FR 22263) when it determines that a material should be made subject to the regulations due to its thermally unstable properties.

173.116 In Notice HM–112 packagings were required to be provided with sufficient outage to be less than liquid full at 130° F. This reference temperature was selected as the highest likely to be encountered in transportation in the United States. Many comments objected to this reference temperature on the grounds that no recognition was given to insulated tanks, heat sink capacity of large liquid volumes, etc. The Bureau agrees and has limited this requirement to packagings with capacities of 110 gallons or less.

173.116a Deleted. This proposal is withdrawn in light of proposals adopted under Notice 73–9a (40 FR 4537).

173.118 In Notice HM–112, it was proposed in paragraph (a) to change the requirements pertaining to "Exempt" quantities of flammable liquids. In light of changes to these amendments pertaining to the ORM-D class, the Bureau has decided not to proceed with the changes to this section which would require labeling of "exempt" quantities except for shipments offered for transportation by air. However the Bureau believes that in order to provide proper hazard communication they should not be exempt from marking requirements and has revised the regulation accordingly.

The Bureau believes that materials presenting hazards identified by more than one class should not, in the interests of safety, be allowed the exceptions specified in paragraph (b) of this section, and revised the paragraph accordingly.

173.118a A new section on exception provisions for combustible liquids incorporating requirements from 173.118 and provisions relating to air and water shipments has been added. Many comments were directed toward a "new" requirement for marking tank cars with the proper shipping name. The only such marking requirement is for tank cars containing combustible liquids when exported by vessel.

173.119 Subparagraphs (a)(1), (b)(7), (k)(3), (m)(1), (m)(5) and (m)(8) have been revised to prohibit use of certain packagings for the transportation of flammable liquids aboard aircraft since the Bureau does not consider them suitable for such service. Also, a provision has been added to subparagraph (a)(3) restricting use of drums specified therein to capacities of 5 gallons or less. Paragraph (b) has been revised for the same reasons stated for the revisions to § 173.118(b). Paragraph (1) has been deleted as unnecessary. Paragraph (m) has been amended to recognize the additional hazards of organic peroxides and poison B liquids. Section 173.119 (a) and (b) have been amended to reflect this change. Several comments of an editorial nature have been recognized.

173.119a and 173.119b Deleted as unnecessary because of the provisions of §§ 173.118 and 173.118a.

173.120 Simplification of requirements applicable to vehicles being transported by rail or highway.

173.121 Deletes reference to rail express. 173.122 References § 172.330. 173.123 No substantive changes. 173.124 References § 172.330.

173.125 Deletes obsolete reference to emergency, and prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service.

173.126 Deletes references to rail express. 173.127 No substantive changes.

173.128 Incorporates requirements of 46 CFR and prohibits the use of certain packaging aboard aircraft since the Bureau does not consider them suitable for such service. Deletes obsolete reference to an emergency and removes marking and labeling exceptions. Many comments objected to the deletion of marking and labeling exceptions on the basis of safety experience over the past several years. Notwithstanding, in view of the necessity for an improvement in the communication of hazard information, the Bureau believes that these marking and labeling requirements are essential.

173.129 Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such a service and deletes certain labeling and marking exceptions. Many comments objected to the deletion of marking and labeling exceptions. For the reasons cited in § 173.128, the Bureau believes these deletions necessary.

173.130 Deletes marking exception for refrigerating machines containing a limited amount of flammable liquid to improve hazard information communication. However, in response to comments, the Bureau agrees that retention of the labeling exception is justified, except that this exception is not applicable to transportation by air.

173.132 Incorporates provisions of 14 CFR and prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service and deletes marking and labeling exceptions. See discussion of § 173.128.

173.133 Deletes obsolete reference to an emergency. 173.134 Deletes reference to rail express.

173.135 and 173.136 Incorporate provisions of 14 CFR, and in § 173.138 includes diethyl dichlorosilane based on reclassification.

173.137 No substantive change. 173.138 Deletes reference to rail express. 173.139 References § 172.330. 173.140 and 173.141 No substantive changes. 173.143 Deletes reference to rail express. 173.144 See discussion for § 173.129. 173.145 Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such use. 173.146 No substantive change.

173.147 Deletes marking exception for limited quantities of methyl vinyl ketone to improve hazard information communication, however, in response to comments, the Bureau agrees that retention of labeling exception is justified, except that this exception is not applicable to transportation by air.

173.148 and 137.149 No substantive change.

173.149a Adds packaging provisions for shipments of nitromethane to recognize addition to Hazardous Materials Table.

173.149b This proposed section withdrawn since the Bureau believes formaldehyde to be properly classed as ORM–A.

173.150 No substantive change.

173.151 and 173.151a These provide a separate classification and definition for an oxidizer and an organic peroxide to recognize different hazard characteristics. Several comments were directed toward the definition of an oxidizer in comparison to that provided under the Hazard Information System in HM–103. Because the proposal with respect to the Hazard Information System has been withdrawn from HM–103, these comments are not pertinent. A comment recommended establishment of standard tests for classification of organic peroxides. This suggestion will be addressed in future rulemaking.

173.153 Deletes marking exception for certain quantities of flammable solids, oxidizers and organic peroxides to improve hazard information communication. However, in response to comments, the Bureau agrees that retention of the labeling exception is justified, except that this exception is not applicable to transportation by air.

173.154 No substantive change. 173.154a, 173.155, and 173.158 No substantive changes. 173.159 Deletes reference to rail express, incorporates provisions of 46 CFR.

173.160 and 173.161 No substantive changes.

173.162 Deletes marking exception for charcoal to improve hazard information communication. However, in response to comments, the Bureau agrees that retention of the labeling exception is justified, except that this exception is not applicable to transportation by air. Also deletes reference to rail express. Removes authorization for the use of bags aboard aircraft, since the Bureau does not consider them suitable for such service.

173.163 No substantive changes.

173.164 Addition of "Chromic acid mixture, dry" in response to Manufacturing Chemists Association's petition, and clarification of gross weight restriction.

173.165, and 173.166 No substantive changes. 173.167 Deletes reference to rail express. 173.168 No substantive change. 173.169, 173.170, 173.171, 173.172, and 173.174 Deletes reference to rail express. 173.175 No substantive change.

173.176 Deletes marking exception for matches, strike-on-box, book and card, (when packaged in outside wooden or fiberboard boxes with nonflammable material) to improve hazard information communication. However, the Bureau feels that retention of the labeling exception is justified except that this exception is not applicable to transportation by air. Also deletes reference to rail express. The word "exposed" has been deleted because this material is considered hazardous regardless of whether or not it has been exposed.

173.177 Deletes obsolete reference to an emergency.

173.178 Deleted as no longer necessary and replaced by a new section 173.178 to prescribe packaging requirements for calcium carbide to recognize its addition to the Hazardous Materials Table. Several comments objected to a requirement that calcium carbide be packaged in accordance with § 173.154 citing transportation safety experience over several years with other packagings. The Bureau agrees with these comments and, since the exclusion of moisture is the primary safety consideration in handling calcium carbide, has prescribed water-tight containment as a requirement for transportation.

173.179, 173.180 and 173.181 Deleted as no longer necessary. 173.182 Deletes labeling exception for nitrates to improve hazard information communication.

173.183 and 173.184 No substantive change. 173.185 Deletes reference to rail express.

173.186 Deletes obsolete reference to an emergency and reference to rail express.

173.187 No substantive change. 173.188 Deletes obsolete reference to an emergency. 173.189 No substantive changes.

173.190 References § 172.330, deletes reference to rail express and authorizes air transportation. Incorporates provisions of existing § 173.232 with respect to transportation of tank cars containing residual phosphorous.

173.191, 173.192, 173.193 and 173.194 No substantive changes. 173.195 Editorial, and deletes obsolete reference to an emergency. 173.196 Deletes reference to rail express. 173.197 Deletes reference to rail express. 173.197a and 173.198 No substantive changes. 173.199 and 173.200 Deletes reference to rail express. 173.201, 173.202, and 173.203 No substantive changes.

173.204 Deletes obsolete reference to an emergency. Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service.

173.205 No substantive changes.

173.206 Adds packaging requirements for several commodities to recognize additions to Hazardous Materials Table, and retains labeling exception for lithium or rubidium metal in cartridges.

173.207 and 173.208 No substantive changes.

173.209, 173.210, and 173.211 Deletes reference to rail express. 173.212 No substantive change. 173.213 Deletes reference to rail express. 173.214 and 173.216 No substantive changes.

173.226 Deletes marking exception for thorium metal, powdered, to improve hazard information communications, however, the Bureau feels the retention of the labeling exception is justified except that this exception is not applicable to transportation by air.

173.227 and 173.228 No substantive changes. 173.229 Delctes marking exception for chlorate and borate mixtures or chlorate and magnesium chloride mixtures to improve hazard information communication, however, the Bureau feels the retention of the labeling exception is justified except that this exception is not applicable to transportation by air.

173.217 Deletes marking exceptions for certain commodities to improve hazard information communication. However, the Bureau feels the retention of labeling exceptions is justified, except

that this exception is not applicable to transportation by air.

173.218 and 173.219 No substantive changes.

173.220 Deletes marking exceptions for magnesium or zirconium to improve hazard information communications. However, the Bureau feels the retention of the labeling exceptions is justified, except that this exception is not applicable for transportation by air.

173.221 and 173.222 No substantive changes.

173.223 Deletes marking exception for peracetic acid to improve hazard information communications. However, the Bureau feels the retention of the labeling exception is justified, except that this exception is not applicable to transportation by air.

173.224 No substantive change.

173.225 Adds packaging requirements for phosphorous trisulfide and phosphorous heptasulfide to recognize additions to Hazardous Materials Table.

173.226 Deletes marking exception for thorium metal, powdered, to improve hazard information communications, however, the Bureau feels the retention of the labeling exception is justified except that this exception is not applicable to transportation by air.

173.227 and 173.228 No substantive changes. 173.229 Deletes marking exception for chlorate and borate mixtures or chlorate and magnesium chloride mixtures to improve hazard information communication. However, the Bureau feels that the retention of the labeling exception is justified except that this exception is not applicable to transportation by air.

173.230 and 173.231 No substantive changes.

173.232 Former provisions of this section are incorporated in § 173.190. A new § 173.232 has been added to provide for the transportation of aluminum powder in recognition of the hazard characteristics of the material.

173.233, 173.234, 173.235 and 173.236 No substantive changes. 173.237 Adds packaging requirements for chloric acid to recognize addition to Hazardous Materials Table. 173.238 Deletes reference to rail express. 173.239 and 173.239a No substantive changes.

173.240 Recognizes deletion of materials which are corrosive only to aluminum. Such materials will be classed as ORM–B and regulated for air transportation only. The Bureau believes that these materials present a hazard limited to air transportation.

173.241 Specifies reference temperature of 130° F. for filling requirement.

173.242 No substantive change. 173.244 Deletes marking exception for certain quantities of corrosive materials to improve hazard information communication. However, in response to comments, the Bureau agrees that the retention of labeling exception is justified except that this exception is not applicable to transportation by air. One comment pointed out the deletion of glass bottles as authorized inside containers for corrosive liquids. The Bureau agrees that these are suitable containers and has modified the section accordingly. Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service. Several comments contended that the wording of § 173.245 (b) prohibits the use of plated, clad or lined tanks. The Bureau agrees and has deleted the word "entirely" to permit such use.

173.245a, 173.245b, and 173.246 No substantive changes. 173.247, and 173.248 Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service.

173.247a No substantive change. 173.249 Deletes marking exception for certain materials to improve hazard information communication. However, in response to comments, the Bureau agrees that the retention of labeling exception is justified except that this exception is not applicable to transportation by air. Several comments objected to the proposed deletion of certain specification tank cars and packagings. The Bureau considers these objections valid and has retained the tank cars as accepted packaging. The packagings deleted by the amendment to this section are now provided for in § 173.245. Specifically identifies certain additional materials with similar hazard characteristics and makes several editorial changes.

173.250 Simplification of requirements for transportation of automobiles and other vehicles equipped with wet storage batteries.

173.251 No substantive change. 173.252 References the marking requirements of § 172.330, prohiibts the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service. 173.253 Deletes obsolete reference to an emergency.

173.254, and 173.255 No substantive changes. 173.256, 173.257, and 173.258 Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service.

173.259 No substantive change. 173.260 Removes exception for carload quantities of electric storage batteries (wet) by rail. Experience demonstrated that shipment of these types of batteries in tightly closed rail cars pose an unacceptable hazard.

173.261 Deletes marking exception for fire extinguisher charges which are corrosive to improve hazard information communication. However, the Bureau feels that retention of the labeling exception is justified, except that this exception is not applicable to transportation by air.

173.262 Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service.

173.263 Deletes obsolete reference to an emergency. Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service. Deletes marking exceptions for certain corrosive liquids to improve hazard information communications, however, the Bureau feels that retention of the labeling exception is justified, except that this exception is not applicable to transportation by air.

173.264 Deletes obsolete reference to an emergency and also references the marking requirements of § 172.330. Incorporates provisions of 46 CFR.

173.265 Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service.

173.266 Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service and references the marking requirements of § 172.330.

173.267 Deletes reference to rail express, and prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service.

173.268 Deletes reference to rail express and references the marking requirements of § 172.330.

173.269 Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service.

173.270, and 173.271 No substantive changes. 173.272 Deletes marking exception for certain concentrations of sulfuric acid to improve hazard information communication. However, the Bureau feels that retention of labeling exception is justified, except that this exception is not applicable to transportation by air. Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service.

173.273 References the marking requirements of § 172.330. 173.274, and 173.275 No substantive changes.

173.276 Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service.

173.277 Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service. Also deletes marking exceptions for hypochlorite solutions to improve hazard information communication. However, the Bureau feels that retention of labeling exception is justified, except that this exception is not applicable to transportation by air.

173.278 Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service.

173.279 Deletes marking exception for anisoyl chloride to improve hazard information communications. However, the Bureau feels that the retention of labeling exception is justified, except that this exception is not applicable to transportation by air.

173.280 Deletion of diethyl dichlorosilane to reflect its reclassification from a corrosive to a flammable liquid. The packaging requirements for this material are now provided for in § 173.135. Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service.

173.281, 173.282, and 173.283 No substantive changes. 173.286 Proposed changes deleted. No substantive change. 173.287, and 173.288 Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service.

173.289 Deletes authorization of Bureau of Explosives approval. Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service.

173.290 No substantive change. 173.291 Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service.

173.292, 173.293 and 173.294 No substantive changes. 173.295 Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service.

173.296 and 173.297 No substantive changes. 173.298 Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service.

173.299, 173.299a and 173.300 No substantive changes. 173.301 Proposed changes deleted. No change from current 49 CFR. 173.302 and 173.303 No substantive changes. 173.304 Proposed changes deleted. No substantive change.

173.306 Deletes marking exception for certain compressed gases to improve hazard information communication. However, in response to comments, the Bureau agrees that retention of the labeling exception is justified, except that this exception is not applicable to transportation by air. Also, in response to several comments, the word "receptacle" has been replaced by "container", and in 173.306(d)(2) a provision has been introduced to authorize transportation of vehicles with fuel tank emptied and securely closed. In response to many comments, the maximum capacity for containers excepted from marking and labeling has been increased to 50 cubic inches. The Bureau believes this change does not affect the transportation safety of this material. Other comments directed to this section and concerning the inclusion of pneumatic accumulators as well as a revision of the pressure and volume criteria for determining requirements may be considered in separate rulemaking.

173.307 New section excepting from the requirements of this subchapter, certain compressed gases which pose no hazard during transportation.

173.308 New section setting forth requirements for shipment of cigarette lighters or similar devices charged with fuel to recognize the hazard peculiar to these devices.

173.314 References the marking requirements of § 172.330. 173.315, and 173.316 No substantive changes.

173.325, 173.326, 173.343, and 173.381 Retains definitions that were proposed to be deleted for poisonous gas or liquid, Poison A, poisonous liquid or solid, Poison B and irritating material. In response to comments on this rulemaking, the Bureau has agreed that "Poisonous materials" is more meaningful in communication than is "Toxic materials" and has made this change. In consideration of comments to Docket HM–51, the Bureau had proposed in this notice to introduce a new classification approach for toxic materials. Several comments objected on the grounds that this change would require extensive procedural changes and merits further study. It is the intent of the Bureau to proceed with new rulemaking action on poisonous materials at the earliest possible date. This rulemaking will take into account the comments received and the recent developments in the classification of poisonous materials by other government agencies as well as international organizations. One of the major aims of the future rulemaking will be to propose classifications that will not be in conflict with those of other U.S. or international agencies.

173.327 Specifies reference temperature for 130° F. for filling requirement. Recognition is given for packagings of greater than 110 gallons capacity to be excepted from these requirements as discussed regarding § 173.116. Also references marking requirements of § 172.330.

173.328, 173.329, 173.330, 173.331, and 173.332 No substantive changes. 173.333 Incorporates provisions of 46 CFR. 173.334 Requires approval of cylinder valves by the Department in place of the Bureau of Explosives. 173.335 Obsolete and deleted. The Bureau understands that the police grenades covered by this section are no longer shipped. 173.336 Incorporates provisions of 46 CFR. 173.337 No substantive change. 173.338 Obsolete and deleted. The Bureau understands that the commodities covered by this section are no longer shipped. 173.343 See discussion for 173.325.

173.344 Specifies reference temperature of 130° F. for filling requirement. Recognition is given for packaging of greater than 110 gallons capacity to be excepted from these requirements as discussed regarding § 173.116.

173.345 Deletes marking and labeling exceptions for poisonous liquids to improve hazard information communication. 173.346 Prohibits use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service.

173.347 Deletes obsolete reference to an emergency. 173.348 and 173.349 Prohibits use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service. 173.350 No substantive change. 173.351 Adds performance tests for glass packagings to assure adequacy of containment.

173.352 Prohibits use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service.

173.353 Deletes obsolete reference to an emergency and incorporates provisions of 46 CFR. 173.354, 173.355, and 173.356 No substantive changes. 173.357 Proposed changes deleted. Deletes obsolete reference to an emergency and incorporates provisions of 46 CFR. No other change from current 49 CFR.

173.358 Proposed section 173.358a deleted. See discussion for § 173.326. 173.359 Proposed change from poison to toxic deleted. Marking and labeling exceptions are deleted for certain Poison B materials to improve hazard information communication. Proposed section 173.359a deleted. See discussion for § 173.326.

173.360, 173.361, 173.362, 173.362a, and 173.363 No substantive changes. 173.364 Proposed change from poison to toxic deleted. Marking and labeling exceptions are deleted for certain Poison B materials to improve hazard information communications.

173.365 Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service. 173.367 Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service.

173.368 No substantive change. 173.369 and 173.370 Prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service and deletes marking and labeling exceptions for certain Poison B materials to improve hazard information communication.

173.371 Adds reference temperature for determining physical form of dinitrobenzol to establish packaging requirements. 173.372, 173.373 and 173.374 No substantive changes. 173.375 Deletes obsolete reference to an emergency. 173.376 No substantive change.

173.377 Proposed change deleted, except marking and labeling exceptions are deleted for certain Poison B materials to improve hazard information communication, and prohibits the use of certain packagings aboard aircraft since the Bureau does not consider them suitable for such service. Proposed sections 173.377a and 173.377b deleted. See discussion for § 173.326.

173.379 No substantive change. 173.381 See discussion for § 173.326. Also sets forth additional packaging requirements to improve transportation safety. In response to comments, the Bureau does not believe that the proposed requirement for packages to be "Hermetically closed" is more restrictive than the present requirement for packages to be "tightly closed." Therefore, this amendment adopts the proposed language.

173.382 Clarification of packaging requirements for compressed gas mixture with irritating materials, and specifically identifies certain additional materials with similar hazard characteristics and establishes packaging requirements for those materials.

173.384 Deleted as obsolete. The Bureau understands that the material covered by this section is no longer being shipped.

173.385, 173.386, and 173.387 No substantive change. 173.389 through 173.398 No substantive change. 173.399 Deleted. The labeling provisions of this section have been incorporated in new § 172.403. 173.400 through 173.417, and 173.420

through 173.422 Deleted. The provisions of this section have been incorporated in new § 172.423. 173.425 Deleted because the regulations are no longer necessary.

173.426 Editorial clarification. 173.427, 173.430, and 173.431 Deleted. See new § 172.204.

173.432 Add flammable compressed gas to those materials prohibited from being loaded into tank cars from motor vehicles or drums so as to reduce hazards in handling.

173.500 New section. Definitions of ORM–A, B, C and D materials.

173.501 New section on applicability of regulations to "Other Regulated Materials." 173.505 New section. Exceptions for "Other Regulated Materials." 173.510 New section. Sets forth general packaging requirements for "Other Regulated Materials." In response to comments, recognition has been provided for outage for packagings of over 110 gallons capacity. To be expected from these requirements. 173.605 through 173.1085 New sections added to set forth packaging requirements for materials added to the Hazardous Materials Table based on 46 CFR, and individual petitions received by the Bureau. A definition of magnetized material has been added in § 173.1020 in response to comments.

173.1050 In response to comments indicating that photographic flash bulbs do not pose a hazard during transportation, the Bureau has deleted this proposed section from this amendment.

173.1200 A new section setting forth the requirements for ORM–D materials, providing packaging and quantity limitations for certain commodities included in this class.

PART 174—CARRIERS BY RAIL

This part deals with the requirements for rail carriers engaged in the transport of hazardous materials. Comments received are addressed in a manner that will follow the format of Part 174. The section numbers for Part 174 are followed by the former section number from Title 49 in parenthesis.

174.1 (174.500) This section sets forth the purpose and scope of Part 174.

174.3 (174.501) Much of the material in former section 174.501 is covered elsewhere in the revised regulations and therefore has been deleted from this section. Since the material which was not deleted speaks entirely to shipments which are not in proper condition for transport, the heading has been changed to "Unacceptable Hazardous Materials Shipments."

174.5 (174.504) No substantive change. However, the section recognizes exception from shipper's certificate requirements for private carriage by rail.

174.7 (174.500) This section sets forth the responsibility for compliance with the requirements of Part 174. 174.8 (174.501 174.589 174.598) This section incorporates some of the material mentioned as being deleted in connection with § 174.3. It also requires an inspection of all placarded cars at points where trains are required to be inspected. The Bureau believes that this requirement will contribute substantially to safety without placing an unreasonable burden on the rail carriers. Several comments were received recommending that inspection by DOT of "methods of manufacture, packing, and storage" be restricted to those items only which affect safety in transportation. This recommendation has been incorporated in the wording of this section.

174.9 (174.596) No substantive change. Several comments were received relating to the "card". As recommended by these comments, the "card" has been revised to permit showing that either the tank, the safety valve, or both, is overdue for retest and the correct section reference has been inserted.

174.10 (174.598) No substantive change. Several commenters objected to some provisions of this inspection requirement. As adopted, § 174.10 is unchanged from existing § 174.598(a) because the Bureau believes that the provisions of this section are necessary in the interest of safety.

174.11 (174.505) No substantive change. One comment was received requesting clarifying wording to indicate that shipments can be made from Canada if they comply with applicable Canadian Transport Commission Regulations. This has been incorporated.

174.12 (174.576) No substantive change.

174.14 (174.582) No substantive change. The proposed wording "flammable extremely toxic gas" has been deleted and replaced by "poison gas" in accord with the Bureau's response to comments as discussed in regard to § 173.325 of this subpart.

174.16 (174.564) No substantive change. Section 174.16 reads the same as existing § 174.564 since the Bureau believes these provisions are necessary in the interest of safety. 174.18 (174.588) No substantive change. 174.20 (174.575) No substantive change.

174.22 Some of the definitions proposed in this section have been placed in § 171.8 as suggested by several commenters. Other commenters objected to the changed definition of "train". The Bureau has reviewed these objections but is aware that some rail carriers do not use "markers" on trains, with the result that the existing definition of "train" does not have general applicability. In a court decision, it was suggested that the definition of a train be clarified and a definition be developed that would provide for a more uniform understanding and enforcement. This revised definition will define all trains, with or without markers, including "transfer trains."

174.24 (174.510) No substantive change. Rail carriers are not required to tender shipping papers for ORM materials. As suggested by several commenters, the requirement for showing the placement of each placarded car has been deleted from this section and placed in § 174.26 (numbered as § 174.25 in the Notice). Likewise "shipping paper" has been defined by reference to Subpart C of Part 172.

174.25 (174.584) Expanded to take into account the new placards required under Part 172. The requirements relating to an initial switching operation have been expanded because the Bureau believes this is necessary to provide hazard information communication. Proposed § 174.25 has been renumbered § 174.26 and a new § 174.25 has been incorporated to read consistent with existing § 174.584 which was eliminated inadvertently from the Notice. It requires no additional burden and is consistent with an existing regulation. The "Dangerous" placard endorsement requirement for combustible liquid shipments has been removed since placement in the train of such shipments is not specified. In addition, the placard notation has been amended to read "Combustible".

174.26 (174.589) (HM–112, § 174.25) Revised section that includes a notice to train crews regarding "Poison" placarded cars in addition to "Explosives" placarded cars. The Bureau believes that the degree of hazard presented by "Poison" placarded cars is comparable to that presented by cars placarded "EXPLOSIVES A." Deletion of "Notice to Crews" for Class B Explosives has been made. One comment was received regarding the possibility of this section applying to switching. The section indicates in Paragraph (a) that it applies only to trains. Another commenter is concerned that chlorine laden rail cars would be subject to "Notice to Crews" requirements. Deletion of the "HI number" references removes chlorine from this requirement.

Commenters requested that a "Notice to Crews" be used to indicate the location of all placarded cars in a train and that this "Notice" may be used in lieu of a consist. The Bureau believes that a requirement for notification to train crews of the position of any placarded cars is essential for hazard information communication, but that it is not necessary that all of their information be on the "Notice to Crews." The consecutively numbered "Notice to Crews" is reserved for the materials considered to have maximum hazards and the information on the other cars permitted to be on another document such as a train consist.

174.27 (174.511) These provisions now appear in Part 172.

174.33 (174.507, 174.547) No substantive change. One comment was received objecting to the requirement that rail carriers have an adequate supply of labels. This provision currently is in section §174.507 as is the placard supply requirement existing in § 174.547. The Bureau believes these requirements necessary to ensure hazard information communication. 174.45 (174.506) No substantive change. A commenter requested that reports be made to the Bureau of Explosives. This section does not preclude the submission of these reports to the Bureau of Explosives. 174.47 (174.580, 174.588) No substantive change. 174.49 (174.578) No substantive change.

174.50 (174.594) The revision deletes certain non-regulatory language and makes the provisions of the section applicable to any leaking tank cars since

the Bureau believes that these requirements should apply to all hazardous materials rather than a certain few.

174.55 (174.532) Incorporates several new requirements for the handling of hazardous materials in general. The Bureau believes in the interest of safety that some of these requirements which were formerly limited to certain classes of materials must be expanded to cover all classes. Reference to the Bureau of Explosives procedures has been made recommendatory rather than mandatory as proposed in the notice since the Bureau believes that other methods may be equally satisfactory.

174.56 (174.532) No substantive change. This section separately sets forth specific requirements for the loading of drums containing hazardous materials into rail cars. 174.57 (174.566) No substantive change. 174.59 (174.589) No substantive change. As a result of several comments, the proposed requirement to allow movement of rail car without proper placards and car certificates only by obtaining approval from the Department has been deleted to facilitate short movements in wrecking operations. 174.61 (174.533) No substantive change except to include these tanks in COFC service. This section has been amended to authorize these tanks in COFC service only when approved by the Federal Railroad Administrator because the Bureau believes that adequate tie-downs are essential for safe transportation. Several comments were received concerning center-of-gravity greater than 98 inches. As a result, this matter has been deleted and will be revised and incorporated into a test procedure to be used by the Federal Railroad Administrator in evaluating proposed methods of securement. Also, the wording in this section has been revised so as to make its provisions consistent with § 174.61. Bureau of Explosives Pamphlet 6C is referenced as a recommended method, rather than as a mandatory method.

174.67 (174.561) In several places recommendations have been made mandatory because the Bureau believes these requirements are essential to safety in transportation. Several commenters recommended that this section be revised in accordance with a proposal submitted by the Manufacturing Chemists' Association. Because the MCA proposal is considered substantial and was received by the Department after the publication of Docket HM–112, it will be considered in future rulemaking activities.

174.69 (174.562) No substantive change. As recommended by several commenters, the requirement to remove "commodity cards" has been deleted. 174.81 (174.538). No substantive change. Several comments were received requesting that "in transportation" be added to paragraph (a) so as to delineate DOT requirements from those of other agencies. The scope of Parts 170–189 is clearly defined as transportation regulations and such a reference in this section would be duplicative. 174.83 (174.589(d)) No substantive change. Several comments were received concerning the added expense of "shoving to rest" certain tank cars such as those transporting chlorine. The section has been revised to clearly denote the need for such handling for cars placarded "EXPLOSIVES A" and "POISON GAS" as is required by current regulations.

174.84 (174.589(c)) No substantive change. This section is an extension of the provisions in section 174.589(c). Although two comments were received objecting to this section, the Bureau believes that returning these requirements is necessary for adequate safety in switching flat cars loaded with placarded trailers or containers. 174.85 (174.589(e)) No substantive change, except that an editorial change has been made to indicate that it applies only to cars placarded "EXPLOSIVES A."

174.86 (174.589(l)) No substantive change. 174.87 (174.589(m)) Incorporates provisions in proposed §§ 174.87, 174.89, 174.90, 174.93 and 174.95 that deal with placing of placarded cars in passenger and mixed trains. Paragraphs (a) and (a)(1) are expanded to include the placement of all placarded cars except those requiring the COMBUSTIBLE placard. The Bureau believes this necessary in the interest of safety. Paragraph (a)(2) is expanded to include all hazardous materials requiring labels for reasons of hazard information communication. In accordance with one comment, paragraph (a)(2) has been changed to say "requiring" rather than "bearing" so as to clarify the meaning of the requirement.

174.88 (174.589(g)) Several comments were received recommending that the "middle of the block" requirement be deleted. The Bureau agrees and has deleted paragraph (b)(2) in its entirety.

174.89 (174.589(n)) As proposed, this section now prohibits positioning a car placarded "Radioactive Materials" next to any other placarded car (other than one placarded "Combustible" or "Radioactive Materials"), an engine, occupied caboose, or carload of undeveloped film.

174.90 (174.589(h), (k)) No substantive change. 174.91 (174.589(i)) The existing train placement exception for tank cars placarded DANGEROUS when moved in a train consisting entirely of DANGEROUS placarded tank cars has been eliminated since the Bureau believes the use of buffer cars to be essential for safety in transportation.

174.92 (174.589(j)) No substantive change. 174.93 New section which sets forth a requirement that at least one buffer car be placed between an empty placarded tank car and the engine or caboose. Since "empty" tank cars may contain a substantial quantity of product, the Bureau believes that this provision is necessary for adequate safety.

174.95 (174.589) The proposed revisions of this section have been incorporated in § 174.87. 174.100 (174.502) No substantive change. 174.101 (174.526) No substantive change. Numerous comments were received requesting Bureau of Explosives Pamphlets No. 6 and 6A not be made mandatory. This has been done since the Bureau believes that other methods may be equally satisfactory. 174.102 (174.527) No substantive change. 174.103 (174.588) No substantive change. One comment was received recommending that paragraph (c)(2) be amended to read "* * * competent, who has been duly certified by the Department, or is willing * * *" The Bureau does not wish to develop a certification program for distressed explosive shipments, preferring to rely upon the rail carriers and the Bureau of Explosives for proper disposition.

174.104 (174.525) No substantive change however, incorporates amendments published under Docket HM–114. 174.105 (174.581) No substantive change. 174.106 (174.503) No substantive change. 174.107 (174.577) No substantive change. 174.109 (174.585) No substantive change.

174.110 (174.591) Revised to require placarding regardless of the presence of a responsible employee because the Bureau believes that even an occasional absence of the appropriate placard would reduce safety.

174.112 (174.529) No substantive change. One comment was received mentioning that Class B Explosive laden box cars would require either steel floors or spark shields. This is the intent and is incorporated in the final rule. Reference to Bureau of Explosives' Pamphlet Nos. 6 and 6C has been made recommendatory rather than mandatory since the Bureau believes that other methods may be equally satisfactory. 174.114 (174.590) No substantive change.

174.115 (174.530) Deletes the "no placards required" provision from existing rule. Under this amendment, FLAMMABLE placards are required for cars containing Class C explosives. The Bureau believes this placarding is necessary because these materials do present a serious fire hazard in transportation. One comment was received saying that the intent of the section is obscure. We have reviewed this section which was § 174.530 and believe that the intent to specify loading requirements for Class C explosives is clearly stated. Reference to Bureau of Explosives' Pamphlet Nos. 6 and 6C has been changed to recommendatory rather than mandatory since the Bureau believes that other methods may be equally satisfactory.

174.200 (174.532) Revised to apply only to shipments of flammable gases. Special handling requirements for flammable liquids are now set forth in § 174.300 of this amendment.

174.201 (174.532) No substantive change. Several comments were received regarding 106A and 110A tanks being subject to this requirement. In order to accommodate these suggestions, the heading to this section has been changed to "Compressed gas cylinders" eliminating reference to ton multi-unit tank car tanks.

174.204 (174.560) No substantive change except revised to apply only to compressed gases. Requirements for tank

cars containing flammable liquids or Poison A materials are now set forth in § 174.304 and § 174.600 respectively.

174.208 (174.579) Incorporates provisions that were proposed in § 174.625. Revised to include cars loaded with truck bodies and trailers. The Bureau believes that these present hazards just as great as those presented by cars when they have been fumigated.

174.280 (174.532) A section prohibiting any package of gaseous material bearing a poison label from being transported in the same vehicle with edible materials.

174.290 (174.532) No substantive change. One comment was received requesting revision of § 174.290(a)(7) to reference Department of Defense procedures and specifications. The reference has been incorporated in this amendment. Existing requirements in § 174.532(1) (8–13) were inadvertently not included in the Notice, but have been provided for in this amendment.

174.300 (174.532) Sets forth special handling requirements for flammable liquids that were formerly provided in § 174.532. One commenter mentioned the inconsistency that TOFC units can have certain heating and refrigerating devices whereas rail cars may not. The Bureau is aware of this difference but believes no amendment is necessary since, to our knowledge, the type of equipment in question is not utilized in rail service.

174.304 (174.560) Sets forth tank car delivery requirements for flammable liquids that were formerly provided in § 174.560. No substantive change.

174.380 (174.532) A section prohibiting any package of flammable liquid bearing a poison label from being transported in the same vehicle with edible materials.

174.410 (174.532) No substantive change. 174.450 (174.592, 174.593) No substantive change. 174.480 (174.380) A section prohibiting any package of flammable solids bearing a poison label from being transported in the same vehicle with edible materials.

174.510 (174.532) No substantive change. 174.515 (174.566) No substantive change except revised to apply only to potassium permanganate. Requirements for cleaning cars which contained poisons are now set forth in § 174.615 of this amendment.

174.580 (174.532) A section emphasizing that, regardless of class, any package bearing a poison label must not be transported in the same vehicle with edible materials.

174.600 (174.560) Sets forth special handling requirements for Poison A materials (regardless of flash point) that formerly appeared in § 174.560.

174.615 (174.566) Sets forth requirements for the cleaning of cars that contained poisonous materials. These requirements formerly appeared in § 174.566.

174.625 (174.579) The provisions of this proposed section have been incorporated in § 174.208.

174.680 (174.532) Sets forth the general prohibition against transporting any package bearing a poison label in the same vehicle with edible materials. No substantive change.

174.700 (174.532, 174.586) No substantive change. One editorial comment was received and the words "continuously occupied" are now used to clarify the intent of the requirement in paragraph (c) of this section. 174.715 (174.566) No substantive change. One comment was received regarding responsibility for cleaning cars. This comment, considered beyond the scope of the HM–112 Notice, may be the subject of future rulemaking. 174.750 (174.588) No substantive change. 174.800, 174.810, 174.812, (174.532, 174.586) No substantive change. The reasons for consolidating the requirements regarding corrosive materials into these sections were to facilitate use of the regulations. In § 174.810, wet electric storage batteries are prohibited from being loaded in refrigerator cars or "plug-door" type cars because experience has demonstrated that shipment of these type of batteries in such cars poses an unacceptable hazard.

Part 175—Carriage by Aircraft

This part deals with the carrier requirements for aircraft operators engaged in the transport of hazardous materials which were formerly in 14 CFR Part 103. Comments received are addressed in a manner that will follow the format of Part 175.

175 One comment objected to the absence of definitions in this part. This objection was handled by consolidating all definitions in § 171.8.

175.1 New section describing the purpose and scope of Part 175. 175.3 New section on the acceptability of hazardous materials shipments for transportation by air.

175.5 Applicability provision transferred from 14 CFR Part 103. One commenter recommended that this section disclaim any applicability of the International Air Transport Association (IATA) Regulations. This comment was not within the scope of the proposed rulemaking and cannot be made part of this rulemaking.

175.10 Sets forth exceptions from this part for certain commodities formerly covered in 14 CFR Parts 103, 121, and 134. Exceptions for radioactive materials formerly in 14 CFR Part 103 are now provided for in § 173.7 of this subchapter.

175.20 Requirements with regard to who must comply with applicable regulations are transferred from 14 CFR Parts 121 and 135.

175.30 Specifies the responsibilities of aircraft operators with respect to accepting hazardous materials shipments for transportation. Requirements are transferred from 14 CFR Part 103. Several comments suggested editorial changes which were adopted. Also, one comment recommended that the amendment be changed to preclude aircraft operators from accepting hazardous materials shipments prepacked by shippers in transport containers. Because this section requires the operator of an aircraft to inspect the "outside container" (see § 171.8 of this amendment) in which a hazardous material is packaged before placing the material aboard an aircraft, the Bureau believes that the concern of the commenter has been answered. However, an express prohibition against tendering prepacked transport containers may be considered in future rulemaking.

175.33 Requirements for notifying pilot-in-command are transferred from 14 CFR Part 103.

175.35 New section setting forth shipping paper requirements for air transportation to provide hazard information communication. 175.40 New section covering labeling maintenance and replacement requirements for aircraft operators so as to maintain hazard information communications.

175.45 Requirements for reporting hazardous materials incidents are transferred from 14 CFR Part 103.

175.75 Quantity limitation requirements are transferred from 14 CFR Part 103. Several comments objected to the proposal that the quantity limitations be changed from 50 pounds net weight to 65 pounds gross weight for hazardous materials loaded in an inaccessible cargo pit or bin and from 150 pounds to 300 pounds for nonflammable compressed gases loaded under the same conditions. The Bureau agrees that gross weight limitation would not clearly identify the amount of hazardous materials that may be contained in a package and that the net weight limitation should be used. The amendment has been changed to reflect these recommendations.

175.78 Stowage compatibility requirements are transferred from 14 CFR Part 103. One comment suggested this section be changed to reference the compatibility-of-cargo requirements for rail and highway currently contained in 49 CFR. This suggestion was not adopted because the Bureau believes that the limitations imposed which require corrosive materials not be stowed in a position that will allow contact with a package of flammable solids, oxidizers, or organic peroxides are sufficient to permit an adequate level of safety.

175.79 New section setting forth loading and storage requirements for packages that are marked for package orientation to minimize the possibility of leakage.

175.85 Cargo location requirements are transferred from 14 CFR Part 103. Three comments objected to the accessibility and safeguarding portions of this proposal. The Bureau believes these requirements to be necessary in the interest of safety. The exception to the accessibility requirement embodied in paragraph (b) of this section was adopted under Docket HM–128 (see 40 FR 58284, December 16, 1975).

175.90 Requirements with respect to damaged or leaking packages are transferred from 14 CFR Part 103.

175.305 (HM–112, § 175.205) New section setting forth requirements for transporting self-propelled vehicles to

provide for the safe transportation of those vehicles when their fuel tanks are not completely drained.

175.310 (HM–112, § 175.210; HM–128) Requirements are transferred from 14 CFR Part 103. 175.320 (HM–112, § 175.220; HM–128) Requirements are transferred from 14 CFR Part 103. 175.630 Special requirements for poisons are transferred from 14 CFR Part 103. 175.700 Special requirements on radioactive materials are transferred from 14 CFR Part 103. 175.710 Special requirements for fissile Class III radioactive materials are transferred from 14 CFR Part 103.

PART 176—CARRIAGE BY VESSEL

This part deals with the requirements for water carriers engaged in the transport of hazardous materials which were formerly in 46 CFR Part 146. The section numbers for Part 176 are followed by the section number from Title 46 CFR in parenthesis. Comments received are addressed in a manner that will follow the format of Part 176.

The following sections were deleted and not reproduced in Part 176 because the existing provisions of 49 CFR 100–199 cover their substance:

46 CFR 146.01–1 through 6, 146.01–8 through 11, 146.02–3, 146.02–8, 146.02–14(e), 146.02–18, 146.02–19, 146.02–25, 146.02–30, 146.03–3, 146.03–6, 146.04–1 through 5, 146.05, 146.06–8, 146.07–10(b) and (c), 146.07–15, 146.08–25, 146.08–31, 146.19–1 through 30, 146.19–100, 146.20–1 through 13, 146.20–21(a), (b) and (d), 146.20–100, 146.20–200, 146.20–300, 146.21–1, 146.21–65 through 100, 146.22–1 and 3, 146.22–25, 146.22–100 and 200, 146.23–1, 146.23–30, 146.23–100, 146.24–1 through 25, 146.24–100, 146.25–1 through 15, 146.25–55 and 60, 146.25–100, 200 and 300, 146.26–1, 146.26–100, 146.27–1, 146.27–25, and 146.27–100.

The requirements for military explosives (46 CFR 146.29) are being retained in Title 46 and were not subject to any changes under HM–112.

The provisions of 46 CFR 146.09–7 and 8 were deleted as the Bureau believes the packagings therein are no longer in use.

The following sections are informative in nature rather than regulatory and hence are deleted:

46 CFR 146.02–21, 146.19–80, 146.21–10, 146.24–80, 146.25–70, and 146.26–5.

The following sections were deleted as being no longer necessary with the new format of the regulations:

46 CFR 146.03–1, 146.03–5, 146.03–8 through 10, 146.03–13 through 14, 146.03–16 through 23, 146.03–25 through 31, 146.03–33, 146.03–35, 146.03–37, 146.03–39, 146.06–3, 146.06–4, 146.06–7, 146.07–1(a), 146.07–35, 146.21–15(b), 146.22–5(a), 146.22–35, 146.23–5, 146.23–35, 146.27–5, 146.27–10, and 146.28.

The provisions for the carriage of bulk, solid hazardous materials were moved to 46 CFR Part 148.

The provisions of the following sections are addressed in § 176.83:

46 CFR 146.06–9, 146.10–5, 146.19–40, 146.20–16, 146.22–15, 146.23–25, 146.24–55, 146.25–45, 146.26–20, and 146.27–15.

176.1 (46 CFR 146.02–1) No substantive change. Several comments were received which recommended clarification of the term "vessel." This was achieved in § 171.8, devoted to definitions for this subchapter.

176.3 New section setting forth requirements for acceptability of shipments.

176.5 (46 CFR 146.02–2 146.01–7 146.02–4) No substantive change. One comment recommended provisions be provided to direct interested persons to the regulations appropriate to the carriage of hazardous materials in bulk. An additional paragraph was added to § 176.5 to accommodate this reference. Another comment suggested that specific reference be made to 46 CFR 146.29 for regulations pertinent to the shipment of military explosives. A specific reference was added to § 176.5 to reference these regulations. 176.9 (46 CFR 146.06–5) No substantive change.

176.11 (46 CFR 146.02–9 146.06–6 146.02–10, 146.02–1) Provisions covering packages of combustible liquids formerly proposed in HM–112, § 176.5 are incorporated in this section. Combustible liquids in containers of 110 gallons or less are not subject to these regulations when shipped aboard passenger vessels. Safety concerns do not warrant the regulation of those quantities of combustible liquids as their only hazard is that of additional fuel to an existing fire. A comment was received which suggested a change in wording to insure clarity. This section has been changed to recognize IMCO requirements only. This change was made to greatly increase safety control while facilitating enforcement as well as compliance.

176.13 (46 CFR 146.02–5 146.02–4) Removes reference to shipper compliance as this requirement appears in Part 172.

176.15 (46 CFR 146.02–6, 146.07–30) No substantive change. 176.18 (46 CFR 146.02–6a) No substantive change. 176.22 (46 CFR 146.03–4 146.03–6 146.03–7 146.03–11 146.03–12 146.03–15 146.03–24 146.03–32 146.03–34 146.03–38 146.03–40 146.07–1) No substantive change. See § 171.8 for stowage terms—these terms utilized by IMCO have been adopted. Several comments were received which recommended changes to the definitions as proposed. The definitions have been transferred to § 171.8 as a result of comments received and certain additions, deletions or changes have also been made as a result of the comments received. 176.24 (46 CFR 146.06–1) 146.08–15(a) No substantive change.

176.27 (46 CFR 146.05–11 146.07–20 146.08–20(a) 146.08–20(c) No substantive change. The "Certificate" statement required by this section is not being repeated in this section; as one comment stated, spelling out the statement would be redundant since Part 172 addresses certification.

176.30 (46 CFR 146.06–12 146.06–15 146.06–20 146.05–14 146.06–14) No substantive change except allows optional use of IMCO classification. In response to comments received the stowage location provided hazardous materials is being added to this section. Including this information on the dangerous cargo manifest is an existing requirement but was inadvertently omitted from the notice. Another comment indicated that the label applied to the hazardous materials should be noted on the dangerous cargo manifest. This is not considered necessary since the classification of the material will identify the label required.

176.31 (46 CFR 146.06–12) No substantive change. 176.33 (46 CFR 146.06–10) No substantive change. 176.36 (46 CFR 146.02–22) No substantive change. 176.39 (46 CFR 146.02–12 146.02–13) Reference to "vapor proof" lighting devices has been changed to "explosion proof" in light of comments received. This section has also been modified as a result of comments to accommodate situations where physical inspection of cargo is not possible. Changed to specify inspection intervals in order to provide better guidance as to intent of regulations and to facilitate safety. Temperature recording requirements dropped as being unnecessary given regular interval inspections. No other substantive changes.

176.45 (46 CFR 146.02–15 146.02–20(c)) No substantive change except for wording in § 176.45(b) reflecting regulations published elsewhere in 46 CFR in regard to pollution. Requirements of § 146.02–15(c) are now contained in § 176.710. One comment suggested that this section prohibit emergency hot work repairs except when resulting from incidents involving hazardous materials. Emergency hot work is covered by § 176.54 and the authorization of such work is not dependent upon accidents or incidents involving hazardous materials. Another comment suggested that a marine chemist should be consulted following an incident, involving hazardous materials in order that proper procedures be followed. Such a requirement may not always be applicable. The requirement to notify the District Commander is sufficient as a general requirement.

176.48 (46 CFR 146.02–15, 146.02–35, 146.20–51, 146.24–75) No substantive 164.20–51, 146.24–75) No substantive 15(b), 146.20–49(a), 146.24–70) No subtantive change. A comment was received that suggested that a marine chemist be required to evaluate all damaged or leaking packages of hazardous materials. Damaged or leaking packages are not permitted for transportation unless repaired to the satisfaction of the master of the vessel. Further specifics in this section are inappropriate. This section does not preclude the vessel's master from seeking appropriate expertise.

176.52 (46 CFR 146.02–16) No substantive change. One comment received on this section requested that twenty-four hours advance notice be provided to the water carrier by the shipper, of the exact nature of the cargo. A requirement of this sort would be unenforcible. This amendment, as was proposed, requires the information on the cargo be supplied at the time of delivery, but does not pre-

clude the shipper and carrier from exchanging necessary information at an earlier time. Another comment recommended that this subpart prohibit shippers from offering hazardous materials under false or deceptive names, and prohibit the carrier from knowingly transporting such material. Part 173, shipper requirements, prohibits the shipper from offering hazardous materials under a false or deceptive name. Since Part 176 is devoted to water carrier requirements this prohibition will not be restated. The word "knowingly" is added to the prohibition on water carriers transporting such materials.

176.54 (46 CFR 146.02–20) No substantive change. Several comments were received stating that the prohibition on burning and welding were restrictive. In consideration of the comments received, this section has been modified to allow repairs involving welding and burning when authorized by the Coast Guard Captain of the Port. Emergency repairs to the vessel's main propulsion plants or auxiliaries will be authorized without prior approval. Another comment suggested that a certified marine chemist be consulted prior to the authorization of "hot work." Since the authorization to conduct "hot work" may be granted by the Coast Guard Captain of the Port, consultation with a certified marine chemist will remain at the discretion of the Captain of the Port.

176.57 (46 CFR 146.02–17, 146.08–15(b), 146.08–20(b) No substantive change. 176.58 Restrictions previously set forth for explosives in regard to requiring use of "good housekeeping" procedures now apply to all hazardous materials.

176.60 (46 CFR 146.06–11) No substantive change. 176.63 (46 CFR 146.03–34) No substantive change other than adopting IMCO terms. In response to a comment, the "on-deck" stowage situation for hazardous materials, when stowed in a deck house, is being amplified to require that the deck house be vented to the atmosphere by a permanent structural opening such as a door, hatch, companionway, manhole, etc.

176.69 Adopts general requirements for stowage from IMCO regulations. The general stowage requirements, that "under deck" stowage should be used when authorized and that hazardous materials, except those classed as ORM must be stowed in an accessible manner, prompted several comments. It was pointed out that "under deck" stowage is not always desirable for certain hazardous materials and that where "on deck" and "under deck" stowage is authorized the final decision should be left to the master of the vessel. Since the requirement for "under deck" stowage states that this stowage should be used when authorized, the utilization of "on deck" stowage is not prohibited. Several comments indicated that accessible stowage is not always possible on all types of vessels such as container vessels. The requirements to stow all hazardous materials in an accessible manner has been modified to reflect comments received and to recognize specialized vessels.

176.72 Adopts several new handling requirements for hazardous materials designed to help ensure the integrity of the packages during handling. Sets forth general requirements for proper and safe handling of hazardous materials and expands stowage requirements to apply to to all classes of hazardous materials. Several comments requested that the proposed requirement to limit deck loads of hazardous materials to 50% of the deck space be deleted. This requirement is being retained since additional "under deck" stowage is being provided hazardous materials, and since the limitation to 50% of the total deck space is an IMCO recommendation. The wording in this subpart has been modified for those portions that refer to firefighting equipment and the securing of break bulk cargo on deck, as a result of comments received. A comment suggested that only flammable hazardous materials be restricted from stowage within twenty-five feet of an operating or embarkation point of a lifeboat. It is felt that all hazardous materials present an increased hazard at the operating and embarkation points to lifeboats, especially during an emergency situation, therefore, this restriction is adopted as proposed.

176.74 (46 CFR 146.19–35(g) 146.20–19 146.27–20 146.25–40 146.24–30 146.22–5 (b)) No substantive change (176.74(c) is an IMCO requirement).

176.76 (46 CFR 146.07–1 146.07–5 146.07–25 146.07–40 146.08–1(a) 146.08–10) The regulations have been changed to provide for compliance with IMCO container loading requirements including specific requirements for securing the load within a container and consistent intermodal placarding and marking requirements. One comment suggested alternative separation requirements between "reefer" units and containers of flammable liquids and gases. The separation requirement has been modified as a result of the comments received. A comment suggested that where the lading is contained within an intermodal container or vehicle body only that portion of the lading which consists of explosives or other dangerous materials must be entirely contained within the intermodal container or vehicle body without overhang or projection. The proposal is being modified to accommodate this comment. Several comments pointed out that to require "void" spaces to be filled with dunnage when hazardous materials are loaded in containers and vehicles would require the placement of dunnage in spaces created when barrels or other circular packages are loaded within an intermodal container or vehicle body.

This was not the intent of the proposal and as suggested by the comment the requirement to use dunnage is being applied to "slack spaces" in the load. Many comments recommended that the requirement to stow dry cargoes over liquid cargoes should not be a mandatory requirement since consideration should be given to the density of the particular cargoes involved as well as the packaging. This requirement has been modified to provide for situations where judgment would dictate a different stowage situation. Comments received on the weight limitation for portable tanks suggested that the entry in this section be consistent with a similar requirement in § 173.32, and one comment suggested that the maximum gross weight be authorized at 55,000 pounds. The proposal has been modified to incorporate the comments received. Comments received on the carriage of rail cars and highway vehicles by vessels suggested that barges be added as an authorized vessel, however, the proposed definitions for trainships and trailerships would include barges and a specific mention of barges would be unnecessary. The requirement for securing packages within a transport vehicle or intermodal container has been modified to eliminate the need for vertical restraint when shifting of the load has been prevented. Several comments were received which requested the inclusion of Class A Explosives to the requirements governing the transportation of hazardous materials in highway vehicles, railroad vehicles, and intermodal containers.

Class A Explosives were specifically excluded from transportation under the requirements of this section because the existing regulations prohibit the transportation of Class A Explosives in railroad or highway vehicles and intermodal containers without prior approval from the Commandant of the U.S. Coast Guard. The Coast Guard has tasked the Chemical Transportation Industry Advisory Committee with developing regulations for the transportation of Class A Explosives by vessel in railroad or highway vehicles and intermodal containers. These regulations will be issued as a separate rulemaking. One comment requested that the requirement for securing dunnage to the floor of a vehicle or container, when the cargo consist of dense material or heavy packages, be deleted because the requirement was too vague to be enforceable. This requirement is being retained in order to provide guidance with respect to the proper bracing and securing of dense or heavy cargoes within a vehicle or container. The determination of when a cargo is of sufficient density or weight that the dunnage should be secured to the floor will be left to the judgment of the shipper and the Coast Guard Captain of the Port. The guidance provided by this requirement will insure a secure stow for heavy and dense materials. Several wording changes were suggested by comment to this subpart and have been adopted in an effort to maintain clarity.

176.77 New requirements to cover barge carrying vessels. The regulations did not adequately address this form of carriage of hazardous materials as it did not previously exist.

176.78 (46 CFR 146.09–15, 146.20–35, 146.19–70, 146.21–57, 146.22–7, 146.23–13, 146.24–27, 146.25–43, 146.26–35, 146.27–35) No substantive change. Several of the existing sections that have been incorporated in this new section have been modified as they apply to fork-lift trucks as a result of comments received. The definition for an "LP" designated unit

has been changed to agree with the definition of a "G" designated unit with the distinction being the fuel utilized. The section pertaining to the load back rest for fork-lift trucks has been reworded for clarity. The safety standard for the forks has been modified to conform closer to a performance standard. The section referring to tire guards has been reworded to eliminate uncertainty. The section referring to the steering mechanism of fork-lift trucks is not being changed. Although a comment was received to modify this section, as proposed, the section adequately addresses the intended steering mechanism requirements. The section pertaining to truck capacity has been modified in order to avoid confusion. In addition, two other sections in this subpart which refer to the requirement of this section for portable fire extinguishers used during fork-lift truck operations have been revised to better identify the size and type extinguisher and the approval required. The approval, however, is not so specific as to preclude fire extinguishers found on foreign vessels as long as the extinguisher is equivalent.

176.79 (46 CFR 146.09) No substantive change. 176.80 Segregation requirements for hazardous materials based on recommended IMCO provisions.

176.83 (46 CFR 146.20-90, 146.19-40, 146.21-30, 146.22-10, 146.22-15) Adopts IMCO stowage criteria except for explosives. The segregation chart in this section has been modified to correct certain inaccuracies which appeared in the proposal and were pointed out by several comments. Comments received on the segregation term "away from" stated that the term needed to be defined by a limiting distance in order to preclude interpretation of this segregation term. A suggestion of eight feet for "away from" separation is not being adopted. The separation required by this term is being defined as ten feet in order to provide consistency with IMCO recommendations and is being further modified when the cargoes requiring this separation are in containers or vehicles. A comment was received that supported the proposal as it relates to the non-application of segregation requirements for ORM materials. That proposal is adopted by this amendment except for specific requirements for certain materials. A comment was received which suggested that the segregation term "Separate by a complete cargo space or hold from" be qualified by a minimum distance when "on deck" stowage is used. This is not considered necessary since this amendment, as proposed, states that when "on deck" stowage is used for cargoes requiring this segregation that a corresponding logitudinal distance is required for separation. Another comment suggested that UNO compatibility groupings be used for developing segregation for explosives during transportation. This suggestion may be the subject of a future rule-making as it is outside the scope of this rulemaking.

176.88 ((46 CFR 146.08) No substantive change. 176.89 (46 CFR 146.08-40) No substantive change. 176.90 (46 CFR 146.08-45) No substantive change. 176.91 (46 CFR 146.08-45) No substantive change. A comment received on this section suggested that the term "motorboat" requires a definition if the intent of this section is to cover diesel powered craft. This was not the intent. 176.92 (46 CFR 146.08-55). No substantive change. 176.93 (46 CFR 146.08-55 146.08-35(c)) No substantive change. 176.95 (46 CFR 146.10-2 146.10-4) No substantive change. 176.96 (46 CFR 146.10-3) No substantive change. 176.98 (46 CFR 146.10-6) No substantive change. 176.99 (46 CFR 146.10-50 146.10-6) No substantive change. 176.100 (46 CFR 146.20-85 146.20-87) No substantive change except existing 300 pound or less net weight exemption has been deleted to be compatible with 33 CFR 126.17. A comment received indicated that this section would ultimately require four permits for certain movements of Class A Explosives and that the existing regulations require only two in similar circumstances. The proposed regulations are basically the same as the existing requirements and will require one permit for the transportation of Class A Explosives by the water mode except for situations where the specific movement is not authorized by the regulations, then two permits will be required.

176.105 (46 CFR 146.20-31, 146.20-35, 146.20-43, 146.09-12, 146.20-29) No substantive change. 176.110 (46 CFR 146.20-49) No substantive change. 176.115 (46 CFR 146.20-15, 146.20-19) No substantive change. 176.120 (46 CFR 146.20-29) Amended to recognize the use of modern hatch cover designs. 176.125 (46 CFR 146.20-29) No substantive change. A comment to this section stated that this proposal would be too restrictive for the loading of explosives when intermodal containers secured on deck contained only non-regulated cargo. The three foot limitation for deck cargo, over which explosives must pass, is directed to break bulk vessels and not to container vessels. The requirement is based on an existing requirement and is being retained, however, the requirement is being reworded to specifically identify the break bulk vessel in order to avoid interpretation.

Another comment suggested that the "three feet" be deleted and that the height of the hatch coaming or bulwark railing be used as the determining factors for deck loads over which explosives must pass. The requirement is being retained as proposed since the height of the deck cargo is not being restricted to three feet when the height of the hatch coaming or bulwark is higher. However, a limitation of three feet is required when the height of the hatch coaming or bulwark is less than one foot.

176.130 (46 CFR 146.20-37) Comments to this section suggest that vertical restraint should not be required when the shape of the packages, stuffing pattern and bracing prevent shifting of the load. It was not proposed to make a substantive change to this section. However, based on the comments received and satisfactory experience gained, this section has been modified to eliminate vertical restraint requirements where shifting of the load is prevented.

176.135 (46 CFR 146.09-1) No substantive change. 176.138 (46 CFR 146.09-2 146.20-33) No substantive change. Comments to this section suggested that the construction of magazines be based on IMCO requirements. The suggestion is valid and the Coast Guard is considering the incorporation of IMCO recommendations for the transportation of explosives via vessels in a future rulemaking.

176.141 (46 CFR 146.09-3) No substantive change. A comment addressing § 176.138 and this section suggested that the sheathing requirement and the decking requirement be eliminated since the requirement is very costly and may actually serve no real purpose. The requirements are being retained since they are based on safety considerations and elimination cannot be accomplished while providing an equivalent alternative. The comment cited, as example, the military ammunition ships which do not use wood sheathing or decking, however, these vessels are specially designed vessels for the transportation of military explosives. The incorporation of nonsparking metal dunnage as used on the military ammunition ships would be far costlier than the requirements presently required for commercial vessels. Changes to these sections will be a matter of future rulemaking.

176.144 (46 CFR 146.09-4) No substantive change. Comments to this section suggest that the ventilation of magazines can better be accomplished by eliminating the sheathing requirements and incorporating the recommendations of IMCO. This is an existing requirement and is being retained, however, the incorporation of IMCO recommendations for explosives may be a matter of a future rulemaking. 176.147 (46 CFR 146.09-5) No substantive change.

176.150 (46 CFR 146.09-6) No substantive change. Comments suggested clarification of the size limitation placed on portable magazines. The proposed portable magazine size specification limited the stowage of explosives in a portable magazine to 100 cubic feet plus 10%, the 10% being added as an allowance for error on the basic limitation of 100 cubic feet. In response to the comments, the capacity of a portable magazine is limited to no greater than 110 cubic feet. 176.155 (46 CFR 146.20-16) No substantive change. 176.156 (46 CFR 146.20-23) No substantive change. 176.157 (46 CFR 146.20-17) No substantive change. 176.158 (46 CFR 146.20-21) No substantive change. 176.159 (46 CFR 146.20-25) No substantive change.

176.163 (46 CFR 146.09-11, 146.20-37) No substantive change. Two comments were received which stated that grounding need not be required on conveyors constructed of aluminum or other non-sparking material when used for the handling of explosives. This requirement

is being retained since it is an accepted safety measure when working with explosives, is an easy measure to perform, and is based on existing requirements. 176.165 (46 CFR 146.20–39) No substantive change. 176.167 (46 CFR 164.20–41) No substantive change. This section has been modified as a result of comments received to provide for the use of non-sparking tools or tools covered with a non-sparking material. 176.169 (46 CFR 146.20–39) No substantive change. 176.171 (46 CFR 146.20–45) No substantive change. 176.173 (46 CFR 146.20–47) No substantive change. 176.177 (46 CFR 146.20–53 146.20–55 146.20–59 146.20–63 146.20–65 146.20–67 146.20–69 146.20–71 146.20–73 146.20–75 146.20–77 146.20–79 146.20–81 146.20–83) No substantive change except for purposes of enhancing safety, the authorization to use oil or chemical burning lamps or lanterns has been deleted. Several comments were received requesting changes to the requirements for magazine vessels, however, only minor rewording has been made for clarification. The requirements for explosives are not being amended by this rulemaking as it is inappropriate to make such substantive changes without affording interested persons an opportunity to comment.

176.200 (46 CFR 146.24–30 146.24–50) No substantive change. Adopts IMCO criteria for stowage of poison gas away from foodstuffs. 176.205 (46 CFR 146.24–35) No substantive change except for allowing "below deck" stowage of some flammable compressed gases in accordance with IMCO. The only comment to this section suggested that flammable compressed gases be limited to "on deck" when stowed on board a vessel. In consideration of the proposed incorporation of IMCO stowage criteria for these materials and the additional safety considerations required when flammable compressed gases are stowed "under deck" this section is retained as proposed. 176.210 (46 CFR 146.24–30) No substantive change. 176.220 (46 CFR 146.24–65) No substantive change. 176.225 (46 CFR 146.24–60) No substantive change. 176.305 (46 CFR 146.21–35) 146.21–40 146.21–45 146.21–25 146.21–15 146.26–25 146.21–50) No substantive change. 176.315 (46 CFR 146.21–20 146.26–20) No substantive change. Clarification and combines treatment of hazards of combustible and flammable liquids. 176.320 (46 CFR 146.21–25) No substantive change. 176.325 (46 CFR 146.21–55 146.26–15) No substantive change. 176.328 (46 CFR 146.27–30) Comment to this section suggested that when motor vehicles are carried in containers, the container cannot always be open for inspection purposes and that relief from inspection be provided containerized cargo. This comment and others relating to the problem of inspecting containers on board container vessels has been resolved in § 176.39, "Inspection of cargo."

176.329 (46 CFR 146.21–60 146.26–30) This proposed section, which made no substantive changes to existing requirements, has not been adopted. Exemptions for potable spirits, adopted under Docket HM–102 (40 FR 22263, May 22, 1975), are now provided for in § 173.118 (c) of this subchapter.

176.331 Adopted per IMCO. Requires stowage separation of packages (containing flammable liquid) bearing Poison labels from foodstuffs.

176.400 (46 CFR 146.22–15). No substantive change. Comments to this section suggested rewriting the requirements in order to preclude the stowage of oxidizers and organic peroxides together. This section is retained unchanged since the Segregation Table § 176.86(b), stipulates that these materials must be "separate from" each other. This segregation term requires stowage in separate holds.

176.405 (46 CFR 146.22–20) No substantive change. 176.410 (46 CFR 146.22–15, 146.22–30, 146.20–23, 146.22–15) No substantive change. Comments to this section suggested that the first retardant bulkhead requirement be eliminated when ammonium nitrate or nitro carbo nitrate are stowed within the hold with explosives and the recommendations of IMCO be adopted for this stowage situation. This requirement is being retained since major changes to the regulations involving the transportation of explosives will be considered under a separate rulemaking.

176.415 (46 CFR 146.22–30, 146.22–40) No substantive change. 176.419 Adopted per IMCO. Requires stowage separation of packages (containing flammable solids or oxidizers) bearing Poison labels from foodstuffs.

176.600 (46 CFR 146.25–45) Changed to adopt IMCO stowage criteria. Requirements for separation of foodstuffs and Poison A and Poison B materials. Comment to this section requested that "separate from" stowage be provided to poisons from materials known to be for food contact application as well as from foodstuffs. This requested additional requirement is not being adopted because it would create an enormous area for interpretation and would be practically unenforceable.

176.605 (46 CFR 146.25–50) No substantive change. 176.700 (46 CFR 146.19–35) No substantive change. 176.710 (46 CFR 146.19–50, 146.02–13(b)) No substantive change. In response to a comment, a cross reference has been added for reporting requirements to § 171.16. 176.715 (46 CFR 146.19–50) No substantive change. 176.800 (46 CFR 146.23–10, 146.23–15, 146.23–25) No substantive change. 176.805 (46 CFR 146.23–20) No substantive change.

176.900 (46 CFR 146.27–25) No substantive change except specifying what "adequately dunnaged off the bulkhead" means. Specific requirements for cotton have been deleted because of the change in hazard classes of cotton to a flammable solid. Several wording changes have been made to this section in response to comments received. The paragraph which provides for a wooden bulkhead, when cotton or other fibers are stowed adjacent to a boundry bulkhead subject to heat, has been modified to provide for bulkheads which are permanently insulated. The paragraph which provides for particular fixed fire smothering equipment has been modified to allow other approved fixed fire smothering systems. The paragraph requiring tarpaulins to be fitted over hatch openings, so as to provide a tight hold, has been modified to recognize hatch covers which when fitted in place provide the required tighthold.

176.901 New section (part of proposed § 176.900) setting forth requirements for stowage of cotton or fibers with resin or pitch. 176.902 New section (part of proposed § 176.900) setting forth the requirements for stowage of cotton or fibers with vegetable, animal, or resin oil. 176.903 New section (part of proposed § 176.900) setting forth requirements for stowage of cotton or fibers with coal.

176.904 New section (part of proposed § 176.900) setting forth requirements for stowage of cotton or fibers with synthetic nitrate of soda.

176.905 (46 CFR 146.27–30) Comment to this section suggested that when motor vehicles are carried in containers, the container cannot always be open for inspection purposes and that relief from inspection be provided containerized cargo. This comment and others relating to the problem of inspecting containers on board container vessels has been resolved in § 176.39, *Inspection of cargo.*

176.910 New section setting forth the requirements for the transportation of ORM–D materials.

Sections of 46 CFR dealing with the requirements for the transportation of limited quantities of hazardous materials do not appear in Part 176 because these provisions are found in Part 173.

PART 177—CARRIAGE BY PUBLIC HIGHWAY

This part deals with the requirements for highway carriers engaged in the transport of hazardous materials. Comments received are addressed in a manner that will follow the format of Part 177.

177.800 through 177.813 No substantive change.

177.815 Deletion of certain duplicative requirements regarding labeling which are set forth in Part 173.

177.816 Deletion of a duplicative marking requirement which is set forth in Part 173.

177.817 Several comments expressed opposition to the prohibition against carriers accepting for transport a hazardous material accompanied by an improperly prepared shipping paper. Application of such a prohibition, they stated, is difficult because of the complexity of the shipper paper requirements and the problem of educating the drivers so that they are aware of these requirements. They further stated that burden for compliance with shipping paper requirements should rest with the shipper. The Bureau agrees that shippers must be responsible for properly completing shipping papers, and the regulations so re-

quire. However, in order for the motor carrier industry to comply with carrier operating requirements, such as placarding, carrier personnel must be able to recognize when hazardous materials are being offered for transportation, what class of material is being offered, and in what quantities. This information must be obtained from the shipping papers at the time the shipment is tendered to the carrier in order for the carrier to initiate compliance with the carrier operating requirements. Therefore, a modified version of the proposal has been retained in this amendment.

Several comments objected to the proposed provision that hazardous materials be listed first on the carrier's shipping documents which cover both hazardous and non-hazardous materials (by reference to Subpart C of Part 172). Since carrier shipping documents are usually prepared in the same order as the shipper's original shipping paper, and the shipper must list hazardous materials first, the Bureau does not agree that this proposal will be disruptive to the motor carrier industry, or that it will impose on that industry any new burdens. Therefore, the proposed change with revised language is being adopted by this amendment.

In the notice, the Board proposed to clarify the possession requirements for shipping papers carried by a driver. Included in the proposal was a recommendation that shipping papers be placed in a pouch or other device that is mounted on the inside of the door to the left of the driver's position. The purpose of this proposal was to standardize shipping paper locations so that emergency response personnel would be better able to find such documents when the need arises. The industry's opinion was that the pouch could interfere with the driver's ability to use the various controls on the vehicle and would be an irritation to the driver's left leg as he actuated the clutch pedal. They also expressed an objection on the basis of the cost of purchasing and installing the pouches. In addition, the motor carrier industry objected to the proposal that the shipping paper be on the driver's person when he is away from the vehicle. They cited possible loss or destruction of the paper due to this additional handling, and the problem emergency response personnel would have in locating a driver should an incident occur at the vehicle. The Bureau believes the motor carrier industry's comments have some merit, especially those comments relating to the problem of locating a driver when he is away from his vehicle. While the Bureau still believes there is a definite need for standardization of shipping paper location on a motor vehicle while hazardous materials are in transit, it does not want the location requirements to be so restrictive as to not allow motor carriers any choice of location for the documents. Therefore this amendment leaves the carrier with some discretion on choice of location, while maintaining a meaningful degree standardization.

It was also proposed that hazardous materials shipping papers, when carried with other shipping papers, be arranged so that they will appear first upon examination of the papers. The motor carrier industry stated that such a requirement would be disruptive to the normal practice of arranging shipping papers in the order in which deliveries are to be made. As an alternative, the industry suggested that the Department list alternative systems, allowing carriers the choice of selecting the system most suitable to their operation. The Bureau agrees and this amendment provides accordingly.

It was also suggested that the Department should "* * * establish a *Recommended Practice urging* motor carriers to establish systems that will provide quick access to hazardous materials shipping papers." (Emphasis added.) Since the shipping papers are often the only means of specifically identifying the hazardous materials, these documents must be readily available and identifiable should incidents, requiring their immediate examination, occur during transportation. Not requiring an identification system could mislead emergency response personnel, upon rapid examination of shipping documents, into believing hazardous materials are not on a vehicle. For this reason, the Bureau does not agree that an identification system for shipping papers in the driver's possession should only be recommended.

To insure that a line of communication is established between a driver and emergency response personnel, this amendment requires that shipping papers be readily available to emergency response personnel. Such action was deemed necessary in order to enhance the safety of emergency response personnel and the general public.

177.819, 177.821 and 177.822 No substantive change.

177.823 The Board proposed two conditions where in an emergency a vehicle containing hazardous materials could be moved without the required markings and placards. Many comments suggested that the alternatives proposed were too restrictive and could prevent the immediate movement of a vehicle as necessary for handling of an emergency. The Bureau agrees and has added a third provision under which a vehicle could be moved when necessary, in an emergency, to protect life or property.

177.824 & 177.834 through 177.840 No substantive change.

177.841 In the preamble to Notice 73–9, the Board explained the proposed change to paragraph (d) in § 177.841 regarding the loading of poisons with food stuffs, and invited comments as to whether or not there should be some relaxation of the restriction and, if so, how it should be accomplished. Many comments suggested that the overpack unit approved under Special Permit No. 6869 should be adopted as a means of accomplishing some relaxation of the restriction. In addition, the American Trucking Associations, Inc. (ATA) proposed a "pallet overpak" as a means of safely loading poisons in the same vehicle with foodstuffs.

The Bureau does not believe that sufficient experience data has been obtained at this time for use of the Special Permit No. 6869 overpack to justify its adoption under § 177.841. The Bureau will continue to monitor experience data obtained from holders of the permit as well as experience gained from the segregation requirements recognized by the United Nations' Committee of Experts on the Transport of Dangerous Goods. As additional experience data is obtained, the Bureau will consider reopening rule making on the subject. Also, the Bureau will consider permitting use of the "pallet overpak" suggested by ATA if submitted under the prescribed exemption procedures established by the Department.

177.842, 177.843, 177.848, 177.853 through 177.861 & 177.870 No substantive change.

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1. In Part 171, the Part heading and the Table of Sections are revised to read as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

Sec.

171.1 Purpose and scope.
171.2 General transportation requirements.
171.3 Changes in the regulations, shippers by rail, highway, and water, and carriers by rail and highway.
171.4 Changes in specifications for tank cars.
171.5 Procedure covering tank car construction.
171.7 Matter incorporated by reference.
171.8 Definitions and abbreviations.
171.9 Rules of construction.
171.10 Flammable or combustible liquids in bulk on board vessels.
171.11 Transportation by carriers by water.
171.12 Import and export shipments.
171.13 Emergency regulations.
171.14 Specification markings.
171.15 Immediate notice of certain hazardous materials incidents.
171.16 Detailed hazardous materials incident reports.

AUTHORITY: 18 U.S.C. 834, 46 U.S.C. 170(7), 49 U.S.C. 1472(h)(1), 49 CFR 1.53(f)–(h).

2. §§ 171.1 and 171.2 are revised to read as follows:

§ 171.1 Purpose and scope.

This subchapter prescribes the requirements of the Department of Transportation governing the transportation of hazardous materials in commerce.

§ 171.2 General transportation requirements.

(a) Except as provided in § 171.12, no person may offer or accept a hazardous material for transportation in commerce within the United States unless that material is properly classed, described, packaged, marked, labeled, and in the condition for shipment as required by this subchapter.

(b) Except as provided in § 171.12, no person may transport a hazardous material in commerce within the United States unless that material is handled and transported in accordance with this subchapter.

3. In § 171.7 paragraphs (c) (23), (24), and (25); (d) (17), (18), and (19), and paragraph (e) are added to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(c) * * *

(23) Inter-governmental Maritime Consultative Organization, 101–104 Piçadilly, London, WIV OAE, England.

(24) International Air Transport Association, P.O. Box 315, 1215 Geneva 15 Switzerland.

(25) Uniform Classification Committee, 222 South Riverside Plaza, Chicago, Ill. 60606.

(d) * * *

(17) "IATA" Restricted Articles Regulations, 18th edition."

(18) "International Maritime Dangerous Goods Code," (IMCO code) Volumes I, II, and III.

(19) "Uniform Freight Classification 11."

(e) Matters referenced by footnote are included as part of the regulations of this subchapter.

4. § 171.8 is revised to read as follows:

§ 171.8 Definitions and abbreviations.

In this subchapter,

"Approved" means approval issued or recognized by the Department unless otherwise specifically indicated in this subchapter.

"Away from" See § 176.83.

"Barge" means a non-selfpropelled vessel that does not carry any persons while under way.

"Bottle" means a container having a neck of relatively smaller cross section than the body and an opening capable of holding a closure for retention of the contents.

"Break-bulk" means packages of hazardous materials that are handled individually, palletized, or unitized for purposes of transportation as opposed to bulk and containerized freight.

"Bureau of Explosives" means the Bureau of Explosives (BOE) of the Association of American Railroads.

"C" means Celsius or Centigrade.

"Captain of the Port" means the Officer of the Coast Guard, under the command of a District Commander, so designated by the Commandant for the purpose of giving immediate direction to Coast Guard law enforcement activities within his assigned area or, with respect to remaining areas in his District not assigned to officers designated by the Commandant, the District Commander.

"Carfloat" means a vessel that operates on a short run on an irregular basis and serves one or more points in a port area as an extension of a rail line or highway over water, and does not operate in ocean, coastwise, or ferry service.

"Cargo-only aircraft" means an aircraft that is used to transport cargo and is not engaged in carrying passengers.

"Cargo tank" means any tank permanently attached to or forming a part of any motor vehicle or any bulk liquid or compressed gas packaging not permanently attached to any motor vehicle which by reason of its size, construction, or attachment to a motor vehicle, is loaded or unloaded without being removed from the motor vehicle.

"Cargo vessel" means: (1) Any vessel other than a passenger vessel or a barge; and

(2) Any ferry being operated under authority of a change of character certificate issued by a Coast Guard Officer-in-Charge, Marine Inspection.

"Carrier" means a person engaged in the transportation of passengers or property by: (1) Land or water, as a common, contract, or private carrier, or

(2) Civil aircraft.

"CC" means closed-cup.

"Character of vessel" means the type of service in which the vessel is engaged at the time of carriage of a hazardous material.

"Civil aircraft" means aircraft other than public aircraft.

"Class A explosives" See § 173.53.

"Class B explosives" See § 173.88.

"Class C explosives" See § 173.100.

"COFC" means container-on-flat-car.

"Combustible liquid" See § 173.115.

"Compressed gas" See § 173.300.

"Consumer commodity" means a material that is packaged and distributed for sale through retail sales agencies or instrumentalities for consumption by individuals for purposes of personal care or household use. This term also includes drugs and medicines.

"Containership" means a cargo vessel designed and constructed to transport, within specifically designed cells, portable tanks and freight containers which are lifted on and off with their contents intact.

"Corrosive material" See § 173.240.

"Crewmember" means a person assigned to perform duty in an aircraft during flight time.

"Cylinder" means a pressure vessel designed for pressures higher than 40 psia and having a circular cross section. It does not include a portable tank, multi-unit tank car tank, cargo tank, or tank car.

"District Commander" means the District Commander of the Coast Guard, or his authorized representative, who has jurisdiction in the particular geographical area.

"DOD" means the U.S. Department of Defense.

"Engine" means a locomotive propelled by any form of energy and used by a railroad.

"Etiologic agent" See § 173.386.

"Ferry vessel" means a vessel which is limited in its use to the carriage of deck passengers or vehicles or both, operates on a short run on a frequent schedule between two points over the most direct water route, other than in ocean or coastwise service, and is offered as a public service of a type normally attributed to a bridge or tunnel.

"Flammable gas" See § 173.300(b).

"Flammable liquid" See 173.115(a)(1).

"Flammable solid" See § 173.150.

"Flash point" means the minimum temperature at which a substance gives off flammable vapors which in contact with spark or flame will ignite. For liquids, see § 173.115 and for solids, see § 173.150.

"Freight container" means a reusable container having a volume of 64 cubic feet or more, designed and constructed to permit being lifted with its contents intact and intended primarily for containment of packages (in unit form) during transportation.

"Fuel tank" means a tank other than a cargo tank, used to transport flammable or combustible liquid, or compressed gas for the purpose of supplying fuel for propulsion of the transport vehicle to which it is attached, or for the operation of other equipment on the transport vehicle.

"Full load" applies only to radioactive materials. See § 173.389 of this subchapter for its definition.

"Gross weight" means the weight of a packaging plus the weight of its contents.

"Hazardous material" means a substance or material which has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated.

"Hermetically sealed" means closed by fusion, gasketing, crimping, or equivalent means so that no gas or vapor can enter or escape.

"IATA" means International Air Transport Association.

"IMCO" means International Maritime Consultative Organization.

"Intermodal container" means a freight container designed and constructed to permit it to be used interchangeably in two or more modes of transport.

"Irritating material" See § 173.381.

"Limited quantity" means the maximum amount of a hazardous material; as specified in those sections applicable to the particular hazard class, for which there are specific exceptions from the requirements of this subchapter. See §§ 173.118, 173.118a, 173.153, 173.244, 173.306, 173.345 and 173.364.

"Magnetic materials" See § 173.1020.

"Magazine vessel" means a vessel used for the receiving, storing, or dispensing of explosives.

"Marking" means applying the descriptive name, instructions, cautions, weight, or specification marks or combination thereof required by this subchapter to be placed upon outside containers of hazardous materials.

"Mixture" means a material composed of more than one chemical compound or element.

"Mode" means of the following transportation methods; rail, highway, air, or water.

"Motor vehicle" includes a vehicle, machine, tractor, trailer, or semitrailer, or any combination thereof, propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property. It does not include a vehicle, locomotive, or car operated exclusively on a rail or rails, or a

trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service.

"Name of contents" means the proper shipping name as specified in § 172.101.

"Navigable waters" means the navigable waters of the United States, its territories, and possessions, but does not include the navigable waters of the Panama Canal Zone.

"Net weight" means a measure of weight referring only to the contents of a package, and does not include the weight of any packaging material.

"N.O.S." means not otherwise specified.

"NRC (non-reusable container)" means a container whose reuse is restricted in accordance with the provisions of § 173.28.

"Occupied caboose" means a rail car used to transport non-passenger personnel.

"Officer in Charge, Marine Inspection" means a person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who under the supervision and direction of the Coast Guard District Commander is in charge of a designated inspection zone for the performance of duties with respect to the enforcement and administration of Title 52, Revised Statutes, acts amendatory thereof or supplemental thereto, rules and regulations thereunder, and the inspection required thereby.

"Operator" means a person who controls the use of an aircraft, vessel, or vehicle.

"Organic peroxide" See § 173.151.

"ORM" means Other Regulated Materials.

"Outside container" means the outermost enclosure used in transporting a hazardous material other than a freight container.

"Overpack" means an enclosure not intended for reuse that is used by a single consignor to consolidate two or more packages for convenience in handling.

"Oxidizer" or "Oxidizing material" See § 173.151.

"Package" or "Outside Package" means a packaging plus its contents.

"Packaging" means the assembly of one or more containers and any other components necessary to assure compliance with the minimum packaging requirements of this subchapter and includes containers (other than freight containers or overpacks), portable tanks, cargo tanks, tank cars, and multi-unit tank car tanks.

"Passenger" (With respect to vessels and for the purposes of Part 176 only) means a person being carried on a vessel other than—

(1) The owner or his representative,

(2) The operator;

(3) A bona fide member of the crew engaged in the business of the vessel who has contributed no consideration for his carriage and who is paid for his services; or

(4) A guest who has not contributed any consideration directly or indirectly for his carriage.

"Passenger-carrying aircraft" means an aircraft that carries any person other than a crewmember, company employee, an authorized representative of the United States, or a person accompanying the shipment.

"Passenger vessel" means—(1) A vessel subject to any of the requirements of the International Convention for the Safety of Life at Sea, 1960, which carries more than 12 passengers;

(2) A cargo vessel documented under the laws of the United States and not subject to the Convention, which carries more than 16 passengers;

(3) A cargo vessel of any foreign nation that extends reciprocal privileges and is not subject to the Convention and which carries more than 16 passengers; and

(4) A vessel engaged in a ferry operation and which carries passengers.

"Person" means an individual, firm, co-partnership, corporation, company, association, or joint-stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

"Placarded car" means a car which is placarded in accordance with the requirements of Part 172 of this subchapter.

"Poison A" See § 173.326.

"Poison B" See § 173.343.

"Portable tank" means any packaging (except a cylinder having a 1000-pound or less water capacity) over 110 U.S. gallons capacity and designed primarily to be loaded into or on or temporarily attached to a transport vehicle or ship, and equipped with skids, mounting, or accessories to facilitate handling of the tank by mechanical means. It does not include any cargo tank, tank car tank, or tank of the DOT–106A or 110A type.

"Private track" or "Private siding" means track located outside of a carrier's right-of-way, yard, or terminals where the carrier does not own the rails, ties, roadbed, or right-of-way and includes track or portion of track which is devoted to the purpose of its user either by lease or written agreement, in which case the lease or written agreement is considered equivalent to ownership.

"Proper shipping name" means the name of the hazardous material shown in Roman print (not italics) in § 172.101 of this subchapter.

"P.s.i.a. or psia" means pounds per square inch absolute.

"P.s.i.g. or psig" means pounds per square inch gauge.

"Public aircraft" means an aircraft used only in the service of a government or political subdivision. It does not include a government-owned aircraft engaged in carrying passengers or property for commercial purposes.

"Public vessel" means a vessel used in the service of a government or a political subdivision. It does not include a government-owned vessel engaged in carrying passengers or property for commercial purposes.

"Pyrophoric liquid" See § 173.115.

"Pyrophoric solid" See § 173.150.

"Radioactive materials" See § 173.389.

"Railroad" means a person engaged in transportation by rail.

"Rail freight car" means a car designed to carry freight or non-passenger personnel by rail, and includes a box car, gondola car, hopper car, tank car, and occupied caboose.

"Separated by a complete hold or compartment from" See § 176.83.

"Separated from" See § 176.83.

"Separated longitudinally by a complete hold or compartment from" See § 176.83.

"Sheathing" means a covering consisting of a smooth layer of wood placed over metal and secured to prevent any movement.

"Shipping paper" means a shipping order, bill of lading, manifest or other shipping document serving a similar purpose and containing the information required by §§ 172.202 and 172.203.

"STC (single-trip container)" means a container that may be used for only a single shipment of hazardous materials except as provided in § 173.28.

"Solution" means any homogeneous liquid mixture of two or more chemical compounds or elements that will not undergo any segregation under conditions normal to transportation.

"Spontaneously combustible material (solid)" means a solid substance (including sludges and pastes) which may undergo spontaneous heating or self-ignition under conditions normally incident to transportation or which may upon contact with the atmosphere undergo an increase in temperature and ignite.

"Stowage" means the act of placing hazardous materials on board a vessel.

"Strong outside container" means the outermost enclosure which provides protection against the unintentional release of its contents under conditions normally incident to transportation.

"Technical name" means a recognized chemical name currently used in scientific and technical handbooks, journals, and texts.

"TOFC" means trailer-on-flat-car.

"Trailership" means a vessel other than a carfloat, specifically equipped to handle highway vehicles, and fitted with installed securing devices to tie down each vehicle.

"Train" means one or more engines coupled with one or more rail cars, except during switching operations or where the operation is that of classifying and assembling rail cars within a railroad yard for the purpose of making or breaking up trains.

"Trainship" means a vessel other than a rail car ferry or carfloat, specifically equipped to transport railroad vehicles, and fitted with installed securing devices to tie down each vehicle.

"Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

"UFC" means Uniform Freight Classification.

"Vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

"Viscous liquid" means a liquid material which has a measured viscosity in excess of 2500 centistokes at 25° C (77° F°.) when determined in accordance with the procedures specified in ASTM Method D 445–72 "Kinematic Viscosity of Transparent and Opaque Liquids (and the Calculation of Dynamic Viscosity)" or ASTM Method D 1200–70 "Viscosity of Paints, Varnishes, and Lacquers by Ford Viscosity Corp."

"Volatility" refers to the relative rate of evaporation of materials to assume the vapor state.

"Water reactive material (solid)" means any solid substance (including sludges and pastes) which, by interaction with water, is likely to become spontaneously flammable or to give off flammable or toxic gases in dangerous quantities.

"Water resistant" means having a degree of resistance to permeability by and damage caused by water in liquid form.

"W.T." means watertight.

5. § 171.9 is revised to read as follows:

§ 171.9 Rules of construction.

(a) In this subchapter, unless the contexts requires otherwise: (1) Words imparting the singular include the plural;

(2) Words imparting the plural include the singular; and;

(3) Words imparting the masculine gender include the feminine;

(b) In this subchapter, the word: (1) "Shall" is used in an imperative sense;

(2) "Must" is used in an imperative sense;

(3) "Should" is used in a recommendatory sense;

(4) "May" is used in a permissive sense to state authority or permission to do the act described, and the words "no person may * * *" or "a person may not * * *" means that no person is required, authorized, or permitted to the act described; and

(5) "Includes" is used as a word of inclusion not limitation.

6. In § 171.11 paragraph (a) is amended by changing the word "chapter" to read "subchapter" and paragraph (c) is deleted. As revised § 171.11 reads as follows:

§ 171.11 Transportation by carriers by water and by rail.

(a) When the transportation of a shipment involves movement by carrier by water, the applicable provisions of Parts 100–189 of this subchapter must be observed by the shipper.

(b) When the transportation of a shipment involves movement by a carrier by rail, the applicable provisions of Parts 100–189 of this subchapter must be observed by the shipper.

7. § 171.12 is revised to read as follows:

§ 171.12 Import and export shipments.

(a) Except in the case of a shipment from Canada conforming to § 173.8, each person importing a hazardous material into the United States shall provide the shipper and the forwarding agent at the place of entry into the United States timely and complete information as to the requirements of this subchapter that will apply to the shipment of the material within the United States. The shipper, directly or through the forwarding agent at the place of entry, shall provide the initial carrier in the United States the certificate of compliance required by § 172.204. The carrier may not accept the material for transportation unless the required certification is provided.

(b) The requirements of § 171.2 with respect to classification and labeling notwithstanding, a hazardous material which is classed and labeled in accordance with the IMCO Code and being imported into or exported from the United States or passing through the United States in the course of being shipped between places outside the United States may be offered and accepted for transportation and transported within the United States if it is otherwise offered, accepted, and transported in accordance with this subchapter.

(c) The requirements of § 171.2 with respect to specification identification markings on packages notwithstanding, a package of hazardous materials (other than a compressed gas cylinder or a package of more than 110 gallons capacity) being imported into or exported from the United States or passing through the United States in the course of being shipped between places outside the United States may be offered and accepted for transportation and transported within the United States if the package specification identification markings required by Part 178 are clearly and legibly displayed on decals or tags securely affixed to the package, and the package is otherwise offered, accepted, and transported in accordance with this subchapter.

(d) Section 171.2 notwithstanding, a hazardous material being imported into or exported from the United States or passing through the United States in the course of being shipped between places outside the United States may be offered and accepted for transportation and transported by motor vehicle or vessel within a single port area (including contiguous harbors) if the requirements of Subparts C, E, and F of Part 172 of this subchapter pertaining to shipping papers, labeling and placarding, respectively, are met.

8. Part 172 is revised to read as follows:

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

Subpart A—General

Sec.
172.1 Purpose and scope.
172.3 Applicability.

Subpart B—Hazardous Materials Table, Their Description, Proper Shipping Name, Class, Label, Packaging, and Other Requirements

Sec.
172.100 Use of the table.
172.101 Hazardous materials table.

Subpart C—Shipping Papers

172.200 General shipping paper requirements.
172.201 General entries.
172.202 Description of hazardous material on shipping papers.
172.203 Additional description requirements.
172.204 Shipper's certification.

Subpart D—Marking

172.300 General marking requirements.
172.302 Export shipments by water.
172.304 Marking specifications.
172.306 Consignee's name and address.
172.308 Authorized abbreviations.
172.310 Radioactive materials.
172.312 Liquid hazardous materials.
172.316 Outside packagings containing a material classed as ORM.
172.326 Portable tanks.
172.328 Cargo tanks.
172.330 Tank cars.

Subpart E—Labeling

172.400 General labeling requirements.
172.401 Prohibited labeling.
172.402 Additional labeling requirements.
172.403 Radioactive material.
172.404 Labels for mixed and consolidated packaging.
172.405 Authorized label modifications.
172.406 Placement of labels.
172.407 Label specifications.
172.411 EXPLOSIVE A, EXPLOSIVE B, AND EXPLOSIVE C labels.
172.415 NON-FLAMMABLE GAS label.
172.416 POISON GAS label.
172.417 FLAMMABLE GAS label.
172.419 FLAMMABLE LIQUID label.
172.420 FLAMMABLE SOLID label.
172.422 SPONTANEOUSLY COMBUSTIBLE label.
172.423 DANGEROUS WHEN WET label.
172.426 OXIDIZER label.
172.427 ORGANIC PEROXIDE label.
172.430 POISON label.
172.432 IRRITANT label.
172.436 RADIOACTIVE WHITE-I label.
172.438 RADIOACTIVE YELLOW-II label.
172.440 RADIOACTIVE YELLOW-III label.
172.442 CORROSIVE label.
172.444 ETIOLOGIC AGENT label.
172.446 MAGNETIZED MATERIAL label.
172.448 CARGO AIRCRAFT ONLY label.
172.450 EMPTY label.

Subpart F—Placarding

172.500 Applicability of placarding requirements.
172.502 Prohibited placarding.
172.504 General placarding requirements.
172.506 Providing and affixing placards: Highway.
172.508 Providing and affixing placards: Rail.
172.510 Special placarding provisions: Rail.
172.512 Freight container.
172.514 Cargo tanks and portable tanks.
172.516 Visibility and display of placards.
172.519 General specifications for placards.
172.521 DANGEROUS placard.
172.522 EXPLOSIVES A placard.
172.524 EXPLOSIVES B placard.
172.525 Standard requirements for the EMPTY placards.
172.527 Background requirements for certain placards on rail cars.
172.528 NON-FLAMMABLE GAS placard.
172.530 OXYGEN placard.

Sec.
172.532 FLAMMABLE GAS placard.
172.536 CHLORINE placard.
172.540 POISON GAS placard.
172.542 FLAMMABLE placard and modification.
172.544 COMBUSTIBLE placard and modification.
172.546 FLAMMABLE SOLID placard.
172.548 FLAMMABLE SOLID placard.
172.550 OXIDIZER placard.
172.552 ORGANIC PEROXIDE placard.
172.554 POISON placard.
172.556 RADIOACTIVE placard.
172.558 CORROSIVE placard.

APPENDIX A—Specifications for colors.
APPENDIX B—Dimensional specifications for placards.
APPENDIX C—Dimensional specifications for placard holder.

AUTHORITY: 18 U.S.C. 834, 46 U.S.C. 170(7), 49 U.S.C. 1472(h)(1), 49 CFR 1.53(f)-(h).

Subpart A—General

§ 172.1 Purpose and scope.

This Part lists and classifies those materials which the Department of Transportation has designated as hazardous materials for purposes of transportation and prescribes the requirements for shipping papers, package marking, labeling, and transport vehicle placarding applicable to the shipment and transportation of those hazardous materials.

§ 172.3 Applicability.

(a) This Part applies to—(1) Each person who offers a hazardous material for transportation, and

(2) Each carrier by air, highway, rail, or water who transports a hazardous material.

Subpart B—Table of Hazardous Materials, Their Description, Proper Shipping Name, Class, Label, Packaging, and Other Requirements

§ 172.100 Purpose and use of the table.

(a) The table set forth in § 172.101 constitutes a designation of the materials listed therein as hazardous materials for purposes of the transportation of those materials in commerce. In addition, it classifies and specifies requirements and references other requirements set forth elsewhere in this subchapter pertaining to the labeling, packaging and transportation of those materials.

(b) Column 1 contains three symbols: *, A, and W. (1) *: An asterisk before a proper shipping name means that the material described in column 2 may or may not be regulated under the class shown depending on whether or not the commodity meets the definition of the hazard class listed for that entry. If the commodity does not meet the definition of the class stated, the shipper shall determine whether or not the material meets the definition of any other hazard class, and shall prepare the material for shipment in compliance with the requirements of that class. When a proper shipping name is preceded by an asterisk, this name should be used only for materials meeting the definition of the hazard class(es) listed for that name.

(2) A: Except as provided in § 173.501, the symbol "A" before the shipping name means that the material described in column 2 is subject to the requirements of this subchapter only for transportation by aircraft.

(3) W: Except as provided in § 173.501, the symbol "W" before the shipping name means that the material described in column 2 is subject to the requirements of this subchapter only for transportation by vessel.

(c) Column 2 lists the proper shipping name of those materials which are designated as hazardous materials. Proper shipping names are limited to those shown in Roman type (not italics). In the selection of a proper shipping name to describe a particular material, if the correct technical name of that material is not shown, or is not appropriate, selection must be made from the general descriptions or n.o.s. entries corresponding to the specific hazard class of the material being shipped. The name that more appropriately describes the commodity must be used, i.e., an alcohol must be shipped as an alcohol n.o.s. rather than a flammable liquid n.o.s. unless the technical name of the alcohol is listed (methyl alcohol). Some mixtures may be more aptly described by their application such as: "Compound, cleaning" or "Compound, rust removing," rather than "Corrosive liquid n.o.s." For materials that meet the definition of more than one hazard class, the hazard class must be determined by using the precedence given in § 173.2 of this subchapter. If it is believed that an adequate description of a material is not given in § 172.101, the Office of Hazardous Materials Operations should be contacted for clarification.

(1) Shipping names may be used in the singular or plural in either capital or lower case letters.

(2) The words in italics are not part of the proper shipping name but may be used in addition to the proper shipping name. The word "or" in italics indicates that any one term in the sequence may be used as the proper shipping name as appropriate. Only one name should be used.

(3) The abbreviation "n.o.i." which means "not otherwise indexed" or "n.o.i.b.n." which means "not otherwise indexed by name" may be used interchangeably with "n.o.s."

(4) When qualifying words are used as part of the proper shipping name, their sequence on package markings and shipping paper descriptions is optional.

(d) Column 3 contains a designation of the hazard class corresponding to each proper shipping name or the word "Forbidden" if the hazardous materials is one that may not be offered or accepted for transportation.

(e) Column 4 specifies the labels required to be applied to each outside package. In addition, any hazardous material not classed as a poison that meets the definition of a Poison B as specified in § 173.343 must have the POISON label applied to the outside package in addition to the label corresponding to the hazard class of the material. Any flammable solid that is water reactive must have the DANGEROUS WHEN WET label applied to the outside package in addition to the FLAMMABLE SOLID label.

(f) Column 5 references the exceptions authorized in the shipment of limited quantities of a hazardous material.

(g) Column 6 references the applicable packaging sections of Part 173.

(h) Column 7 indicates the maximum quantity authorized in one package for air transportation.

(1) Column 7(a) specifies the maximum quantity permitted in one package for passenger-carrying aircraft. For air transportation, any material forbidden on passenger-carrying aircraft but permitted on cargo aircraft, or which exceeds the maximum quantity authorized on passenger-carrying aircraft, must be shipped by cargo-only aircraft and bear the CARGO AIRCRAFT ONLY label as described in § 172.448.

(2) Column 7(b) lists the maximum quantity for one outside package on cargo aircraft. Packaging must bear the CARGO AIRCRAFT ONLY label when the quantity of hazardous material exceeds that authorized on passenger-carrying aircraft, or is forbidden on passenger-carrying aircraft.

(i) Column 8 specifies each of the authorized locations on board cargo vessels and passenger vessels and certain additional requirements for shipments of each listed hazardous material. Section 176.63 of this subchapter sets forth the physical requirements for each of the authorized locations listed in Column 8. (For bulk shipments by water see 46 CFR Parts 30 to 40, 48, 64, 70, 98, 148, 151, and 154.)

(1) "1" means the material may be stowed "on deck" subject to the requirements of § 176.63(b) of this subchapter. When both "on deck" and "under deck" are authorized, "under deck" should be used if it is available.

(2) "2" means the material may be stowed "under deck" in a compartment or hold subject to the requirements of § 176.63(c). When both "on deck" and "under deck" are authorized, "under deck" should be used if it is available.

(3) "3" means the material may be stowed "under deck away from heat" in a ventilated compartment or hold subject to the requirements of § 176.63(d) of this subchapter.

(4) "4" means the material is authorized to be transported in only the limited quantities specified in the CFR section listed in Column 5 and subject to the stowage requirements specified for a cargo vessel for the same material.

(5) "5" means the material is forbidden and may not be offered or accepted for transportation.

(6) "6" means the material is authorized to be transported in a magazine subject to the requirements of §§ 176.135 through 176.144 of this subchapter.

§172.101 Hazardous Materials Table

(1) */W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
	Accumulator, pressurized (*pneumatic or hydraulic*), *containing nonflammable gas*	Nonflammable gas	Nonflammable gas	173.306				1,2	1,2	
	Acetal	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	4	
	Acetaldehyde (*ethyl aldehyde*)	Flammable liquid	Flammable liquid	None	173.119	Forbidden	10 gallons	1,3	5	
A	Acetaldehyde ammonia	ORM-A	None	173.505	173.510					
*	Acetic acid (*aqueous solution*)	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	Stow separate from nitric acid or oxidizing materials
	Acetic acid, glacial	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	Stow separate from nitric acid or oxidizing materials. Segregation same as for flammable liquids
	Acetic anhydride	Corrosive material	Corrosive	173.244	173.245	1 quart	1 gallon	1,2	1,2	
	Acetone	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	4	
	Acetone cyanohydrin	Poison B	Poison	None	173.358	Forbidden	55 gallons	1	5	Shade from radiant heat. Stow away from corrosive materials
	Acetone oil	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Acetonitrile	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1	4	Shade from radiant heat
	Acetyl benzoyl peroxide, solid	Forbidden								
	Acetyl benzoyl peroxide solution, *not over 40% peroxide*	Organic peroxide	Organic peroxide	None	173.222	Forbidden	1 quart	1,2	1	
	Acetyl bromide	Corrosive material	Corrosive	173.244	173.247	1 quart	1 gallon	1	1	Keep dry. Glass carboys not permitted on passenger vessels
	Acetyl chloride	Flammable liquid	Flammable liquid	173.244	173.247	1 quart	1 gallon	1	1	Stow away from alcohols. Keep cool and dry. Separate longitudinally by an intervening complete compartment or hold from explosives
	Acetylene	Flammable gas	Flammable gas	None	173.303	Forbidden	300 pounds	1	1	Shade from radiant heat
A	Acetylene tetrabromide	ORM-A	None	173.505	173.510	10 gallons	55 gallons			
	Acetyl iodide	Corrosive material	Corrosive	173.244	173.247	1 quart	1 gallon	1	1	Keep dry. Glass carboys not permitted on passenger vessels
	Acetyl peroxide solution, *not over 25% peroxide*	Organic peroxide	Organic peroxide	173.153	173.222	Forbidden	1 quart	1,2	1	
	Acid butyl phosphate	Corrosive material	Corrosive	173.244	173.245	1 quart	5 gallons	1,2	1,2	Glass carboys in hampers not permitted under deck
	Acid carboy empty. *See* Carboy, empty									
*	Acid, liquid, n.o.s.	Corrosive material	Corrosive	173.244	173.245	1 quart	5 pints	1	4	Keep cool
*	Acid, sludge	Corrosive material	Corrosive	None	173.248	Forbidden	1 quart	1,2	1	
	Acrolein, inhibited	Flammable liquid	Flammable liquid and Poison	None	173.122	Forbidden	1 quart	1,2	5	Keep cool. Stow away from living quarters
	Acrylic acid	Corrosive material	Corrosive	173.244	173.245	1 quart	5 pints	1	1	
	Acrylonitrile	Flammable liquid	Flammable liquid and Poison	None	173.119	Forbidden	1 quart	1,2	5	Keep cool
	Actuating cartridge, explosive (*fire extinguisher, or valve*)	Class C explosive	Explosive C	173.114		50 pounds	150 pounds	1,2	1,2	Keep cool and dry
*	Adhesive, n.o.s. *See* Cement, liquid, n.o.s.									
	Aerosol product, each aerosol container exceeding 50 cubic inches capacity. See Compressed gas, n.o.s.									
*	Aerosol, *each aerosol container not exceeding 50 cubic inches capacity*	Flammable gas	Flammable gas	173.306	173.302 173.304 173.305	50 pounds	300 pounds			
*	Aerosol, *each aerosol container not exceeding 50 cubic inches capacity*	Nonflammable gas	Nonflammable gas	173.306	173.302 173.304 173.305	150 pounds	300 pounds			
*	Air, compressed	Nonflammable gas	Nonflammable gas	173.306	173.302	150 pounds	300 pounds	1,2	1,2	
	Aircraft rocket engine (*Commercial*)	Flammable solid	Flammable solid	None	173.238	Forbidden	550 pounds	1,3	5	
	Aircraft rocket engine igniter (*Commercial*)	Flammable solid	Flammable solid	None	173.238	Forbidden	25 pounds	1,3	5	
	Airplane flare. See Fireworks, special									
*	Alcohol, n.o.s.	Flammable liquid	Flammable liquid	173.118	173.125	1 quart	10 gallons	1,2	1	
*	Alcohol, n.o.s.	Combustible liquid	None	173.118a				1,2	1,2	
	Aldrin	Poison B	Poison	173.364	173.376	50 pounds	200 pounds	1,2	1,2	
A	Aldrin, cast solid	ORM-A	None	173.505	173.510					

§172.101 Hazardous Materials Table (cont'd)

(1) */W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
	Aldrin mixture, dry (*with more than 65% aldrin*)	Poison B	Poison	173.364	173.376	50 pounds	200 pounds	1,2	1,2	
A	Aldrin mixture, dry, with 65% or less aldrin	ORM-A	None	173.505	173.510					
	Aldrin mixture, liquid (*with more than 60% aldrin*)	Poison B	Poison	173.345	173.361	1 quart	55 gallons	1,2	1,2	If flash point less than 141 DEG F., segregation same as for flammable liquids
A	Aldrin mixture, liquid, with 60% or less aldrin	ORM-A	None	173.505	173.510					
	Alkaline corrosive battery fluid	Corrosive material	Corrosive	173.244	173.249 173.257	1 quart	5 gallons	1,2	1,2	
	Alkaline corrosive battery fluid with empty storage battery	Corrosive material	Corrosive	None	173.258	Forbidden	5 pints	1,2	1,2	
*	Alkaline corrosive liquid, n.o.s.	Corrosive material	Corrosive	173.244	173.249	1 quart	5 gallons	1,2	1,2	
	Alkaline liquid, n.o.s.	Corrosive material	Corrosive	173.244	173.249	1 quart	5 gallons	1,2	1,2	
*	Alkanesulfonic acid	Corrosive material	Corrosive	173.244	173.245	5 pints	1 gallon	1,2	1	
	Alkyl aluminum halides. See Pyrophoric liquid, n.o.s.									
A	Allethrin	ORM-A	None	173.505	173.510					
	Allyl alcohol	Flammable liquid	Flammable liquid and Poison	173.118	173.119	1 quart	10 gallons	1,2	1	
	Allyl bromide	Flammable liquid	Flammable liquid	173.118	173.119	Forbidden	10 gallons	1,2	1	
	Allyl chloride	Flammable liquid	Flammable liquid	None	173.119	Forbidden	10 gallons	1,3	5	
	Allyl chlorocarbonate	Flammable liquid	Flammable liquid	None	173.288	Forbidden	5 pints	1	5	Keep dry. Separate longitudinally by an intervening complete hold or compartment from explosives. Segregation same as for corrosive materials
	Allyl chloroformate. *See* Allyl chlorocarbonate									
	Allyl trichlorosilane	Corrosive material	Corrosive	None	173.280	Forbidden	10 gallons	1	1	Keep dry
	Aluminum alkyls. *See* Pyrophoric liquid, n.o.s.									
	Aluminum bromide, anhydrous	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	Keep dry
	Aluminum dross, wet *or* hot. *See* Sec. 173.173									
	Aluminum hydride	Flammable solid	Flammable solid and Dangerous when wet	None	173.206	Forbidden	25 pounds	1,2	5	Segregation same as for flammable solid labeled Dangerous When Wet
*	Aluminum, liquid *or* paint. *See* Paint, enamel, lacquer stain, shellac, varnish, etc.									
*	Aluminum, metallic, powder	Flammable solid	Flammable solid	173.232	173.232	25 pounds	100 pounds	1,2	1,2	Keep dry. Segregation same as for flammable solids labeled dangerous when wet
	Aluminum nitrate	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	1,2	1,2	
*	Aluminum phosphate solution	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
	Aluminum phosphide	Flammable solid	Flammable solid and Dangerous when wet	None	173.154	Forbidden	25 pounds	1,2	1,2	Stow away from acids and oxidizing materials
	Amatol. See High explosive									
	2-(2-Aminoethoxy) ethanol	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
	n-Aminoethylpiperazine	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
	Aminopropyldiethanolamine	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
	n-Aminopropylmorpholine	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
	bis (Aminopropyl) piperazine	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
	Ammonia, anhydrous	Nonflammable gas	Nonflammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	4	Stow in well ventilated space
	Ammonia solution (*containing more than 44% ammonia*)	Nonflammable gas	Nonflammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	4	Stow in well ventilated space
	Ammonia solution (containing 44% or less ammonia in water). See Ammonium hydroxide									

§172.101 Hazardous Materials Table (cont'd)

(1) */ W/ A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
	Ammonium arsenate, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	Stow away from alkaline corrosives
	Ammonium bifluoride. *See* Ammonium hydrogen fluoride									
	Ammonium chlorate	Forbidden								
	Ammonium dichromate (*ammonium bichromate*)	Oxidizer	Oxidizer	173.153	173.154 173.235	25 pounds	100 pounds	1,2	1,2	
A	Ammonium fluoride	ORM-B	None	173.505	173.510 173.800	25 pounds	100 pounds			
A	Ammonium hydrogen fluoride, solid	ORM-B	None	173.505	173.510	25 pounds	100 pounds			
*	Ammonium hydrogen fluoride solution	Corrosive material	Corrosive	173.244	173.245	1 quart	5 gallons	1,2	1,2	Keep dry
A	Ammonium hydrogen sulfate	ORM-B	None	173.505	173.510 173.800	25 pounds	100 pounds			
A	Ammonium hydrosulfide solution	ORM-A	None	173.505	173.510 173.605	10 gallons	55 gallons			
*	Ammonium hydroxide (*containing not more than 44% ammonia*)	Corrosive material	Corrosive	173.244	173.245	2 gallons	2 gallons	1	4	
	Ammonium nitrate (no organic coating)	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	1,2	1,2	
	Ammonium nitrate (organic coating)	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	1,2	1,2	
	Ammonium nitrate-carbonate mixture	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	1,2	1,2	
	Ammonium nitrate fertilizer, *containing no more than 0.2% carbon*	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	1,2	1,2	
	Ammonium nitrate-fuel oil mixture. See Nitro carbonitrate or *Explosive, Class A or B*									
*	Ammonium nitrate mixed fertilizer	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	1,2	1,2	
*	Ammonium nitrate-phosphate	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	1,2	1,2	
*	Ammonium perchlorate	Oxidizer	Oxidizer	173.153	173.154 173.239a	25 pounds	100 pounds	1,2	4	Stow away from powdered metals
*	Ammonium perchlorate. *See* High explosives									
	Ammonium permanganate	Oxidizer	Oxidizer	173.153	173.154	Forbidden	Forbidden	1,2	1,2	Separate from ammonium compounds and hydrogen peroxide. This material may be forbidden in water transportation by certain countries
	Ammonium picrate. See High explosive									
	Ammonium picrate, wet (*with 10% or more water*)	Flammable solid	Flammable solid	173.192		1 pound	1 pound	1	4	Stow away from heavy metals and their compounds
A	Ammonium polysulfide solution	ORM-A	None	173.505	173.510 173.605	10 gallons	55 gallons			
W	Ammonium sulfate nitrate	ORM-C	None	173.505	173.910			1,2	1,2	Must not be accepted for transportation while hot. Separate by an intervening hold or compartment from Class A explosives. Separate from other explosives, corrosive materials, flammable solids, liquids, or gases, oxidizing materials, organic peroxides, or organic materials
*	Ammonium sulfide solution	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1,2	
	Ammunition, chemical (containing a Poison A liquid or gas). See Chemical ammunition (containing a Poison A material)									
	Ammunition, chemical (containing a Poison B material). See Chemical ammunition (containing a Poison B material)									
	Ammunition, chemical (containing an irritating liquid or solid). See Chemical ammunition (containing an irritating material)									
	Ammunition, chemical, explosive, with Poison A material	Class A explosive	Explosive A and Poison gas	None	173.59	Forbidden	Forbidden	6	5	No other cargo may be stowed in the same hold with these items
	Ammunition, chemical, explosive, with Poison B material	Class A explosive	Explosive A and Poison	None	173.59	Forbidden	Forbidden	6	5	No other cargo may be stowed in the same hold with these items
	Ammunition, chemical, explosive, with irritant	Class A explosive	Explosive A and Irritant	None	173.59	Forbidden	Forbidden	6	5	No other cargo may be stowed in the same hold with these items
	Ammunition for cannon with empty projectile	Class B explosive	Explosive B	None	173.89	Forbidden	Forbidden	1,2	5	
	Ammunition for cannon with explosive projectile	Class A explosive	Explosive A	None	173.54	Forbidden	Forbidden	6	5	
	Ammunition for cannon with gas projectile	Class A explosive	Explosive A	None	173.54	Forbidden	Forbidden	6	5	

§172.101 Hazardous Materials Table (cont'd)

(1) */W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
	Ammunition for cannon with illuminating projectile	Class A explosive	Explosive A	None	173.54	Forbidden	Forbidden	6	5	
	Ammunition for cannon with incendiary projectile	Class A explosive	Explosive A	None	173.54	Forbidden	Forbidden	6	5	
	Ammunition for cannon with inert loaded projectile	Class B explosive	Explosive B	None	173.89	Forbidden	Forbidden	1,2	5	
	Ammunition for cannon with smoke projectile	Class A explosive	Explosive A	None	173.54	Forbidden	Forbidden	6	5	
	Ammunition for cannon with solid projectile	Class B explosive	Explosive B	None	173.89	Forbidden	Forbidden	1,2	5	
	Ammunition for cannon without projectile	Class B explosive	Explosive B	None	173.89	Forbidden	Forbidden	1,2	5	
	Ammunition, non-explosive			173.55						
	Ammunition for small-arms with explosive projectile	Class A explosive	Explosive A	None	173.58	Forbidden	Forbidden	6	5	
	Ammunition for small-arms with incendiary projectile	Class A explosive	Explosive A	None	173.58	Forbidden	Forbidden	6	5	
	Ammunition, rocket. See Rocket ammunition									
	Ammunition, small-arms. *See* Small-arms ammunition									
	Amyl acetate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1,2	
	Amyl acid phosphate	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
	Amylamine	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Amyl chloride	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Amylene, *normal*	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	1,3	
	Amyl formate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Amyl mercaptan	Flammable liquid	Flammable liquid	None	173.141	Forbidden	10 gallons	1,2	1	
	Amyl nitrite	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	4	
	Amyl trichlorosilane	Corrosive material	Corrosive	None	173.280	Forbidden	10 gallons	1		Keep dry
	Anhydrous ammonia. *See* Ammonia, anhydrous									
	Anhydrous hydrazine. *See* Hydrazine, anhydrous									
	Anhydrous hydrofluoric acid. *See* Hydrogen fluoride									
	Aniline oil drum, empty			173.347				1,2	1	Do not accept unless returnable package notice is on drum and the instructions thereon have been carried out
	Aniline oil, liquid	Poison B	Poison	None	173.347	Forbidden	55 gallons	1,2	1,2	Stow away from oxidizing materials and acids
	Anisoyl chloride	Corrosive material	Corrosive	173.244	173.279	1 quart	1 quart	1	1	Keep dry
*	Antifreeze compound, liquid	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Antifreeze compound, liquid	Combustible liquid	None	173.118a				1,2	1,2	
*	Antifreeze preparation, liquid	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Antifreeze preparation, liquid	Combustible liquid	None	173.118a				1,2	1,2	
	Antimonous chloride. *See* Antimony trichloride									
A	Antimony lactate, solid	ORM-A	None	173.505	173.510					
	Antimony pentachloride	Corrosive material	Corrosive	None	173.247	1 quart	1 quart	1	1	Keep dry. Glass carboys not permitted on passenger vessels
*	Antimony pentachloride solution	Corrosive material	Corrosive	173.244	173.245	1 quart	5 pints	1	1	Keep dry. Glass carboys not permitted on passenger vessels
	Antimony pentafluoride	Corrosive material	Corrosive	None	173.246	Forbidden	25 pounds	1	5	Keep dry
A	Antimony potassium tartrate solid	ORM-A	None	173.505	173.510					
A	Antimony sulfide, solid	ORM-A	None	173.505	173.510					
	Antimony trichloride, solid	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	Keep dry
*	Antimony trichloride solution	Corrosive material	Corrosive	173.244	173.245	1 quart	5 pints	1	1	Keep dry
*	Aqua ammonia solution (*containing 44% or less ammonia*). *See* Ammonium hydroxide									

§172.101 Hazardous Materials Table (cont'd)

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(1) */W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
*	Argon	Nonflammable gas	Nonflammable gas	173.306	173.302 173.314	150 pounds	300 pounds	1,3	1,3	
AW	Argon, liquid nonpressurized	ORM-C	None	173.505	173.510	Forbidden		1,2	1,2	
	Argon, liquid pressurized	Nonflammable gas	Nonflammable gas	None	173.304	Forbidden	300 pounds	1,3	1,3	
	Arsenic acid, solid	Poison B	Poison	173.364	173.366	50 pounds	200 pounds	1,2	1,2	
*	Arsenic acid solution	Poison B	Poison	173.345	173.348	1 quart	55 gallons	1,2	1,2	
*	Arsenical compound n.o.s., liquid, *or* arsenical mixture, n.o.s., liquid	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
*	Arsenical compound n.o.s., solid, *or* arsenical mixture, n.o.s., solid	Poison B	Poison	173.364	173.367	50 pounds	200 pounds	1,2	1,2	Keep dry
	Arsenical dip, liquid (*sheep dip*)	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
	Arsenical dust	Poison B	Poison	173.364	173.368	50 pounds	200 pounds	1,2	1,2	
	Arsenical flue dust	Poison B	Poison	173.364	173.368	50 pounds	200 pounds	1,2	1,2	
	Arsenic bromide, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Arsenic chloride (*arsenious*) liquid. *See* Arsenic trichloride									
	Arsenic iodide, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Arsenic pentoxide, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Arsenic, solid	Poison B	Poison	173.364	173.366	50 pounds	200 pounds	1,2	1,2	
	Arsenic sulfide, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	Keep dry
	Arsenic trichloride, liquid	Poison B	Poison	173.345	173.358	1 quart	55 gallons	1,2	1,2	
	Arsenic trioxide, solid	Poison B	Poison	173.364	173.366 173.368	50 pounds	200 pounds	1,2		
	Arsenic, white, solid. *See* Arsenic trioxide, solid									
	Arsenious acid, solid. *See* Arsenic trioxide, solid									
*	Arsenious and mercuric iodide solution	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
	Arsine	Poison A	Poison gas and Flammable gas	None	173.328	Forbidden	Forbidden	1	5	
W	Asphalt, *at or above its flashpoint*	ORM-C	None					1	5	When applicable, no fire or residue thereof may be present in the furnace heating the substance while the vehicle is on board a cargo vessel
*	Asphalt, cut back	Flammable liquid	Flammable liquid	173.118	173.131	1 quart	10 gallons	1,2	1	
*	Asphalt, cut back	Combustible liquid	None	173.118a				1,2	1,2	
	Automobile, motorcycle, tractor, or other self-propelled vehicle			173.120	173.306			1,2	1,2	
	Automobile, motorcycle, tractor, or other self-propelled vehicle, engine, or other mechanical apparatus, with charged electric storage battery, wet			173.120	173.250 173.306			1,2	1,2	
	1-Aziridinyl phosphine oxide (tris). *See* Tris-(1-aziridinyl) phosphine oxide									
	Bags, burlap used (*Also see burlap bags, etc.*)			173.28	173.930 173.931					
	Bags, sodium nitrate, empty and unwashed	Flammable solid	Flammable solid	None	173.155	Forbidden	25 pounds	1,2	1,2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides
*	Barium azide, wet, *50% or more water*	Flammable solid	Flammable solid	None	173.239	Forbidden	1 pound	1,2	1,2	Stow away from heavy metals
	Barium chlorate	Oxidizer	Oxidizer	173.153	173.163	25 pounds	100 pounds	1,2	1,2	Separate from ammonium compounds. Stow away from powdered metals
*	Barium chlorate, wet	Oxidizer	Oxidizer	173.153	173.163	25 pounds	200 pounds	1,2	1,2	Separate from ammonium compounds. Stow away from powdered metals
	Barium cyanide, solid	Poison B	Poison	173.370	173.370	25 pounds	200 pounds	1,2	1,2	Stow away from acids
	Barium nitrate	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	1,2	1,2	
A	Barium oxide	ORM-B		173.505	173.510 173.800	25 pounds	100 pounds			
	Barium perchlorate	Oxidizer	Oxidizer	173.153	173.154	25 pounds	100 pounds	1,2	1,2	Stow away from powdered metals
	Barium permanganate	Oxidizer	Oxidizer	173.153	173.154	25 pounds	100 pounds	1,2	1,2	Separate from ammonium compounds and hydrogen peroxide
	Barium peroxide (*binoxide, dioxide*)	Oxidizer	Oxidizer	173.153	173.156	25 pounds	100 pounds	1,2	1,2	Keep dry

(1)	(2)	(3)	(4)	(5)	(6)	(7) Maximum quantity in one package		(8) Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not exempt)	Exceptions	Packaging requirements	(a) Passenger carrying aircraft	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Barrel, empty. *See* Drum, empty									
	Battery charger with electrolyte (acid or alkaline battery fluid)	Corrosive material	Corrosive	None	173.259	Forbidden	5 pints	1,2	1,2	
	Battery, dry. Not subject to Parts 170-189 of this subchapter									
	Battery, electric storage, wet	Corrosive material	Corrosive	173.260		Forbidden	No limit	1,2	1,2	
	Battery, electric storage, wet, with automobile, auto parts, engine (*or other specifically named mechanical apparatus*)	Corrosive material	Corrosive	173.250	173.260			1,2	1,2	Keep dry
	Battery, electric storage, wet with containers of corrosive battery fluid	Corrosive material	Corrosive	None	173.258	Forbidden	2 gallons	1,2	1,2	
	Battery fluid. See Electrolyte (acid) *or* Alkaline battery fluid									
W	Battery parts (*plates, grids, etc., unwashed, exhausted*)	ORM-C	None	173.505	173.915			1,2	4	
	Benzaldehyde	Combustible liquid	None	173.118a				1,2	1,2	
	Benzene (*benzol*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Benzene phosphorus dichloride	Corrosive material	Corrosive	None	173.250a	Forbidden	5 pints	1	5	
	Benzene phosphorus thiodichloride	Corrosive material	Corrosive	None	173.250a	Forbidden	5 pints	1	5	
*	Benzine	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Benzoyl chloride	Corrosive material	Corrosive	173.244	173.247	1 quart	1 quart	1	1	Keep dry. Glass carboys not permitted on passenger vessels
	Benzoyl peroxide	Organic peroxide	Organic peroxide	None	173.157 173.158	Forbidden	25 pounds	1,2	1	
	Benzyl bromide (*bromotoluene, alpha*)	Corrosive material	Corrosive	None	173.281	Forbidden	5 pints	1	5	Keep dry
	Benzyl chloride	Corrosive material	Corrosive	173.244	173.295	Forbidden	1 quart	1	4	Keep dry
	Benzyl chloroformate (*or Benzyl chlorocarbonate*)	Corrosive material	Corrosive	None	173.288	Forbidden	5 pints	1	5	Keep dry
*	Beryllium compound, n.o.s.	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Black powder	Class A explosive	Explosive A	None	173.60	Forbidden	Forbidden	6	5	
	Black powder igniter with empty cartridge bag	Class C explosive	Explosive C	None	173.106	50 pounds	150 pounds	1,3	1,3	
	Blasting caps—(*1,000 or less*) (*Show actual number*)	Class C explosive	Explosive C	None	173.103	Forbidden	Forbidden	1,2	5	Portable magazine or metal locker. Do not stow blasting caps with any high explosive. Do not handle blasting caps at the same time high explosives are being loaded
	Blasting caps—(*more than 1,000*) (*Show actual number*)	Class A explosive	Explosive A	None	173.66	Forbidden	Forbidden	6	5	Do not stow blasting caps with any high explosive. Do not handle blasting caps at the same time high explosives are being loaded
	Blasting caps—electric (*1,000 or less*) (*Show actual number*)	Class C explosive	Explosive C	None	173.103	Forbidden	Forbidden	1,2	5	Portable magazine or metal locker. Do not stow blasting caps with any high explosive. Do not handle blasting caps at the same time high explosives are being loaded
	Blasting caps—electric (*more than 1,000*) (*Show actual number*)	Class A explosive	Explosive A	None	173.66	Forbidden	Forbidden	6	5	Magazine. Do not stow blasting caps with any high explosives. Do not handle blasting caps at the same time high explosives are being loaded
	Blasting caps with metal clad mild detonating fuse—(*1,000 or less*) (*Show actual number*)	Class C explosive	Explosive C	None	173.103	Forbidden	Forbidden	1,2	5	Portable magazine or metal locker. Do not stow blasting caps with any high explosive. Do not handle blasting caps at the same time high explosives are being loaded
	Blasting caps with metal clad mild detonating fuse—(*more than 1,000*) (*Show actual number*)	Class A explosive	Explosive A	None	173.66 173.67	Forbidden	Forbidden	6	5	Do not stow blasting caps with any high explosive. Do not handle blasting caps at the same time high explosives are being loaded
	Blasting caps with safety fuse—(*1,000 or less*) (*Show actual number*)	Class C explosive	Explosive C	None	173.103	Forbidden	Forbidden	1,2	5	Portable magazine or metal locker. Do not stow blasting caps with any high explosive. Do not handle blasting caps at the same time high explosives are being loaded
	Blasting caps with safety fuse—(*more than 1,000*) (*Show actual number*)	Class A explosive	Explosive A	None	173.66 173.67	Forbidden	Forbidden	6	5	Do not stow blasting caps with any high explosive. Do not handle blasting caps at the same time high explosives are being loaded
	Blasting gelatin. See High explosive									
	Blasting powder. See Black powder									

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5)	(6)	(7) Maximum quantity in one package		(8) Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not exempt)	Exceptions	Packaging requirements	(a) Passenger carrying aircraft	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
W	Bleaching powder, *containing 39% or less available chlorine*	ORM-C	None	173.505	173.920			1,2	1,2	Keep dry. Stow separate from flammable liquids and acids. (Stow away from oils, grease, and similar organic materials)
	Bleaching powder, *over 39% available chlorine*	Oxidizer	Oxidizer	173.153	173.217	50 pounds	100 pounds	1,2	1,2	Keep cool and dry
*	Boiler compound, liquid	Corrosive material	Corrosive	173.244	173.249	1 quart	10 gallons	1,2	1,2	
	Bomb, explosive. See Explosive bomb									
	Bomb, explosive with gas, smoke, or incendiary material. See Explosive bomb									
	Bomb, fireworks. See Fireworks, special									
	Bomb, gas, smoke, or incendiary, non-explosive. See Chemical ammunition									
	Bomb, incendiary, or smoke without bursting charge. See Fireworks, special									
	Bomb, practice, with electric primer or electric squib (non-explosive)			173.55						
	Bomb, sand-loaded or empty (non-explosive)			173.55						
A	Bone oil	ORM-A	None	173.505	173.510					
	Booster, explosive	Class A explosive	Explosive A	None	173.69	Forbidden	Forbidden	6	5	
*	Bordeaux arsenite, liquid	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
*	Bordeaux arsenite, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Boron tribromide	Corrosive material		None	173.251	Forbidden	1 quart	1	5	
	Boron trichloride	Corrosive material	Corrosive	None	173.251	Forbidden	1 quart	1,2	5	Stow in well ventilated space. Shade from radiant heat. Segregation same as for nonflammable gases
	Boron trifluoride	Nonflammable gas	Nonflammable gas and Poison	None	173.302	Forbidden	Forbidden	1	5	Stow away from living quarters and foodstuffs
	Boron trifluoride-acetic acid complex	Corrosive material	Corrosive	173.244	173.247	1 quart	1 gallon	1,2	1,2	
	Bottles, empty, *having previously contained a corrosive liquid and not cleaned*			173.29						
W*	Box toe board (*nitrocellulose base*)	ORM-C		173.505	173.925			1,3	1,3	Provide cool stowage in a compartment having a temperature not exceeding 1300DEG0 F., well away from any sources of heat, and in position to protect or move, even to jettison in event of fire. Separate from explosives, flammable liquids or gases, oxidizing materials, organic peroxides, or corrosive liquids.
*	Box toe gum	Combustible liquid	None	173.118a				1,2	1,2	
*	Box toe gum	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Bromine	Corrosive material	Corrosive	None	173.252	Forbidden	1 quart	1	5	Keep cool
	Bromine pentafluoride	Oxidizer	Oxidizer	None	173.246	Forbidden	100 pounds	1	5	Shade from radiant heat. Segregation same as for corrosives
	Bromine trifluoride	Oxidizer	Oxidizer and Poison	None	173.246	Forbidden	100 pounds	1	5	Shade from radiant heat. Segregation same as for corrosives
	Bromoacetic acid, solid	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	Keep dry
*	Bromoacetic acid solution	Corrosive material	Corrosive	173.244	173.245	1 quart	1 quart	1,2	1,2	Glass carboys in hampers not permitted under deck
	Bromoacetone, liquid	Poison A	Poison gas	None	173.329	Forbidden	Forbidden	1	5	Segregation same as for flammable liquids
	Bromobenzene	Combustible liquid	None	173.118a				1,2	1,2	
	Bromotoluene, alpha. *See* Benzyl bromide									
	Brucine, solid (dimethoxy strychnine)	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
W	Burlap bags, cleaned (*vacuum cleaned, wheel cleaned, or otherwise mechanically brushed*). *See* Burlap cloth									
W	Burlap bags, new. *See* Burlap cloth									
AW	Burlap bags, used and unwashed, *or* not cleaned	ORM-C	None	173.930				1	1	Keep cool
W	Burlap cloth (*hessian*)	ORM-C	None	173.931				1,2	1,2	Keep dry. Stow away from organic liquids
	Burnt cotton, not repicked	Flammable solid	Flammable solid	None	173.159	Forbidden	Forbidden	1	5	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides

8 §172.101 Hazardous Materials Table (cont'd)

(1) */W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
	Burnt fiber	Flammable solid	Flammable solid	None	173.169	Forbidden	Forbidden	1,2	1,2	Separate from flammable gases or liquids, oxidizing materials or organic peroxides
	Burster, explosive	Class A explosive	Explosive A	None	173.69	Forbidden	Forbidden	6	5	
	Butadiene, inhibited	Flammable gas	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	1	Stow away from living quarters
	Butane *or* Liquefied petroleum gas. *See* Liquefied petroleum gas									
	Butyl acetate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	n-Butyl acid phosphate. *See* Acid butyl phosphate									
*	Butyl alcohol. *See* Alcohol, n.o.s.									
	Butylamine	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Butyl bromide, *normal*	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Butyl chloride	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Butyl ether	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1,2	
	Butyl formate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	n-Butyl isocyanate	Flammable liquid	Flammable liquid and Poison	173.118	173.119	1 quart	10 gallons	1,2	1	
	Butyl mercaptan	Flammable liquid	Flammable liquid	None	173.141	Forbidden	10 gallons	1,3	5	
	Butyl phosphoric acid. *See* n-Butyl acid phosphate									
	Butyl trichlorosilane	Corrosive material	Corrosive	None	173.280	Forbidden	10 gallons	1	1	Keep dry
	Butyraldehyde	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Butyric acid	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
	Calcium arsenate, solid	Poison B	Poison	173.364	173.367 173.368	50 pounds	200 pounds	1,2	1,2	
	Calcium arsenite, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
*	Calcium bisulfite solution. *See* *Calcium hydrogen sulfite solution									
	Calcium carbide	Flammable solid	Flammable solid	None	173.178	Forbidden	25 pounds	1,2	1,2	Keep dry. Stow away from copper, its alloys, and salts
	Calcium chlorate	Oxidizer	Oxidizer	173.153	173.163	25 pounds	100 pounds	1,2	1,2	Separate from ammonium compounds. Stow away from powdered metals and cyanide
	Calcium chlorite	Oxidizer	Oxidizer	None	173.160	Forbidden	100 pounds	1,2	1,2	Separate from ammonium compounds powdered materials, and cyanides
AW	Calcium cyanamide, not hydrated, containing more than 0.1% calcium carbide	ORM-C	None	None	173.945	25 pounds	200 pounds	1,2	1,2	Segregation same as for flammable solids labeled Dangerous When Wet
*	Calcium cyanide, solid *or* Calcium cyanide mixture, solid	Poison B	Poison	173.370		25 pounds	200 pounds	1,2	1,2	Stow away from corrosive liquids. Keep dry
*	Calcium hydrogen sulfite solution	Corrosive material	Corrosive	173.244	173.245	1 quart	5 gallons	1,2	1,2	
	Calcium hypochlorite mixture, dry, (*containing more than 39% available chlorine*)	Oxidizer	Oxidizer	173.153	173.217	50 pounds	100 pounds	1,2	1,2	Keep cool and dry
	Calcium, metal	Flammable solid	Flammable solid and Dangerous when wet	173.153	173.154	25 pounds	100 pounds	1,2	4	Keep cool and dry. Segregation same as for flammable solids labeled Dangerous When Wet
	Calcium, metal, crystalline	Flammable solid	Flammable solid and Dangerous when wet	None	173.231	Forbidden	25 pounds	1,2	5	Keep cool and dry. Segregation same as for flammable solids labeled Dangerous When Wet
*	Calcium nitrate (*See Sec. 173.182 Note*)	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	1,2	1,2	
AW	Calcium oxide	ORM-B	None	173.505	173.850	25 pounds	100 pounds	1,2	1,2	Keep dry. Stow away from explosives, acids, combustible materials, and ammonium salts
	Calcium permanganate	Oxidizer	Oxidizer	173.153	173.154	25 pounds	100 pounds	1,2	1,2	Separate from ammonium compounds and hydrogen peroxide
	Calcium peroxide	Oxidizer	Oxidizer	173.153	173.156	25 pounds	100 pounds	1,2	1,2	Keep dry
	Calcium phosphide	Flammable solid	Flammable solid and Dangerous when wet	None	173.161	Forbidden	25 pounds	1	5	Keep cool and dry. Segregation same as for flammable solids labeled Dangerous When Wet

§172.101 Hazardous Materials Table (cont'd)

(1) */W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
	Calcium resinate	Flammable solid	Flammable solid	None	173.166	Forbidden	125 pounds	1	5	
	Calcium resinate, fused	Flammable solid	Flammable solid	None	173.166	Forbidden	125 pounds	1	5	
AW	Camphene	ORM-A	None	173.505	173.948			1,3	1,3	Stow away from foodstuffs and living quarters
	Camphor oil	Combustible liquid	None	173.118a				1,2	1,2	
	Cannon primers	Class C explosive	Explosive C	None	173.107	50 pounds	150 pounds	1,3	5	
	Caprylyl peroxide solution	Organic peroxide	Organic peroxide	173.153	173.221	1 quart	1 quart	1,2	4	Keep cool. Stow separate from combustible materials, explosives, or acids
	Caps, blasting. See Blasting caps									
	Caps, toy. See Toy caps									
A	Carbaryl	ORM-A	None	173.505	173.510					
	Carbolic acid, liquid *or* Phenol, liquid (*liquid tar acid containing over 50% benzophenol*)	Poison B	Poison	173.345	173.349	1 quart	55 gallons	1,2	1,2	
	Carbolic acid, *or* Phenol	Poison B	Poison	173.364	173.369	50 pounds	250 pounds	1,2	1,2	
	Carbon bisulfide, *or* Carbon disulfide	Flammable liquid	Flammable liquid	None	173.121	Forbidden	Forbidden	1	5	Keep cool. Not permitted on any vessel transporting explosives
*	Carbon dioxide, liquefied	Nonflammable gas	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
*	Carbon dioxide-nitrous oxide mixture	Nonflammable gas	Nonflammable gas	173.306	173.304	150 pounds	300 pounds	1,2	1,2	
*	Carbon dioxide-oxygen mixture	Nonflammable gas	Nonflammable gas	173.306	173.304	150 pounds	300 pounds	1,2	1,2	
AW	Carbon dioxide, solid, *or* Dry ice, *or* Carbonice	ORM-A	None	None	173.615			1	1	Stow away from open ventilators. Stow away from cyanides or cyanide mixtures, liquid or dry
	Carbon monoxide	Flammable gas	Flammable gas	173.306	173.302	Forbidden	150 pounds	1	4	
*	Carbon remover, liquid	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
AW	Carbon tetrachloride	ORM-A	None	173.505	173.620	1 quart	55 gallons	1,2	1,2	Stow away from living quarters
	Carbonyl chloride. See Phosgene									
	Carboys, empty (*previously used for hazardous materials*)			173.29				1,2	1,2	
	Cartridge bags, empty, with black powder igniter	Class C explosive	Explosive C	None	173.106	50 pounds	150 pounds	1,3	1,3	
	Cartridge cases, empty, primed	Class C explosive	Explosive C	None	173.107	50 pounds	150 pounds	1,3	1,3	
	Cartridge, practice ammunition	Class C explosive	Explosive C	None	173.101a	50 pounds	150 pounds	1,2	1,2	
	Case oil. See Gasoline *or* Naphtha									
	Casinghead gasoline. See Gasoline									
W	Castor beans	ORM-C	None	173.505	173.625			1,2	1,2	Stow away from living quarters and foodstuffs. Bulk shipments permitted in tight vans or containers only on cargo vessels (Castor beans only)
W	Castor pomace. *See* Castor beans									
	Caustic potash, dry, solid, flake, bead, *or* granular. *See* Potassium hydroxide, dry, etc.									
*	Caustic potash, liquid *or* solution. *See* Potassium hydroxide solution									
	Caustic soda, dry, solid, flake, bead, *or* granular. *See* Sodium hydroxide, dry, etc.									
*	Caustic soda, liquid *or* solution. *See* Sodium hydroxide solution									
W	*Cellosolve. See* Ethylene glycol monoethyl ether									
W	*Cellosolve acetate. See* Ethylene glycol monoethyl ether acetate									
*	Cement, adhesive, n.o.s. *See* Cement, liquid, n.o.s.									
*	Cement, container, linoleum, tile, *or* wallboard, liquid	Flammable liquid	Flammable liquid	173.118	173.132	1 quart	15 gallons	1,2	1	
*	Cement, leather	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Cement, liquid, n.o.s.	Combustible liquid	None	173.118a				1,2	1,2	
*	Cement, liquid, n.o.s.	Flammable liquid	Flammable liquid	173.118	173.132	1 quart	10 gallons	1,2	1	
*	Cement, pyroxylin	Flammable liquid	Flammable liquid	173.118	173.132	1 quart	15 gallons	1,2	1	

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5)	(6)	(7) Maximum quantity in one package		(8) Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not exempt)	Exceptions	Packaging requirements	(a) Passenger carrying aircraft	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
*	Cement, roofing, liquid	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Cement, rubber	Flammable liquid	Flammable liquid	173.118	173.132	1 quart	15 gallons	1,2	1	
	Cesium metal	Flammable solid	Flammable solid and dangerous when wet	None	173.206	Forbidden	25 pounds	1,2	5	Segregation same as for flammable solids labeled Dangerous When Wet
	Charcoal, activated	Flammable solid	Flammable solid	173.162	173.162	25 pounds	200 pounds	1,3	1,3	
	Charcoal briquettes	Flammable solid	Flammable solid	173.162	173.162	50 pounds	50 pounds	1,2	1,2	
	Charcoal screenings, made from "pinon" wood	Flammable solid	Flammable solid	173.162	173.162	25 pounds	200 pounds	1,2	1,2	
	Charcoal screenings, wet	Forbidden								
	Charcoal, shell	Flammable solid	Flammable solid	173.162	173.162	25 pounds	200 pounds	1,2	1,2	
	Charcoal, wet	Forbidden								
	Charcoal, wood, ground, crushed, granulated, *or* pulverized	Flammable solid	Flammable solid	173.162	173.162	25 pounds	200 pounds	1,2	1,2	
	Charcoal, wood, lump	Flammable solid	Flammable solid	173.162	173.162	50 pounds	50 pounds	1,2	1,2	
	Charcoal wood screenings, other than "pinon" wood screenings	Flammable solid	Flammable solid	None	173.162	Forbidden	Forbidden	1	1	
	Charged oil well jet perforating gun (*total explosive contents in guns 20 pounds or more per motor vehicle*)	Class A explosive	Explosive A	None	173.53 173.80	Forbidden	Forbidden			Forbidden
	Charged oil well jet perforating gun (*total explosive contents in guns not exceeding 20 pounds per motor vehicle*)	Class C explosive	Explosive C	None	173.53 173.110	Forbidden	Forbidden			Forbidden
	Chemical ammunition explosive. See Ammunition, chemical, explosive									
	Chemical ammunition, nonexplosvie (*containing a Poison B material*)	Poison B	Poison	173.345	173.350	Forbidden	55 gallons			*See* correct shipping name of applicable Poison B material for stowage, special handling, and special segregation requirements
	Chemical ammunition, nonexplosive (*containing an irritating material*)	Irritating material	Irritant	None	173.83	Forbidden	20 pounds			*See* correct shipping name of applicable Irritant material for stowage, special handling, and special segregation requirements
	Chemical ammunition, nonexplosive (*containing a poison A material*)	Poison A	Poison gas	None	173.330	Forbidden	Forbidden			*See* correct shipping name of applicable Poison A material for stowage, special handling, and special segregation requirements
*	Chemical kit	Corrosive material	Corrosive	173.286		1 quart	1 quart	1,3	1,3	
*	Chlorate and borate mixture (*containing more than 28% chlorate*)	Oxidizer	Oxidizer	173.153	173.229	25 pounds	100 pounds	1,2	4	Stow away from ammonium compounds and away from powdered metals
*	Chlorate and magnesium chloride mixture (*containing more than 28% chlorate*)	Oxidizer	Oxidizer	173.153	173.229	25 pounds	100 pounds	1,2	4	Stow away from ammonium compounds, and away from powdered metals
	Chlorate explosive, dry. See High explosive									
	Chlorate, n.o.s.	Oxidizer	Oxidizer	173.153	173.163	25 pounds	100 pounds	1,2	4	Stow away from ammonium compounds and away from powdered metals
*	Chlorate, n.o.s., wet	Oxidizer	Oxidizer	173.153	173.163	25 pounds	200 pounds	1,2	4	Stow away from ammonium compounds and away from powdered metals
	Chlorate of potash. *See* Potassium chlorate									
	Chlorate of soda. *See* Sodium chlorate									
	Chlorate powder. See High explosive									
	Chlordane, liquid	Combustible liquid	None	173.118a				1,2	1,2	
	Chloric acid. (*see* chlorine dioxide hydrate)									
	Chloride of phosphorus. *See* Phosphorus trichloride									
	Chloride of sulfur. *See* Sulfur chloride									
W	Chlorinated lime (*chloride of lime.*) *See* Bleaching powder									
	Chlorine	Nonflammable gas	Nonflammable gas and Poison	None	173.304 173.314 173.315	Forbidden	Forbidden	1,2	5	Stow in a well-ventilated space. Stow away from organic materials
	Chlorine dioxide hydrate, frozen	Oxidizer	Oxidizer and Poison	None	173.237	Forbidden	Forbidden			Forbidden
	Chlorine trifluoride	Oxidizer	Oxidizer and Poison	None	173.246	Forbidden	100 pounds	1,3	5	Stow in well ventilated area away from organic material
	Chloroacetic acid, solid	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	Keep dry
*	Chloroacetic acid solution. *See* Monochloroacetic acid solution									

§172.101 Hazardous Materials Table (cont'd)

(1) */ W/ A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
	Chloroacetophenone, gas, liquid, *or* solid (CN)	Irritating material	Irritant	None	173.382	Forbidden	75 pounds	1	5	
	Chloroacetyl chloride	Corrosive material	Corrosive	None	173.253	Forbidden	1 quart	1	5	Keep dry
	Chlorobenzene. *See* Chlorobenzol									
	Chlorobenzol	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1,2	
	p-Chlorobenzoyl peroxide	Organic peroxide	Organic peroxide	None	173.157 173.158	Forbidden	25 pounds	1	1	
	Chlorodinitrobenzene. See Dinitrochlorobenzene									
	Chlorodinitrobenzol. See Dinitrochlorobenzol, solid									
AW	Chloroform	ORM-A	None	173.505	173.630	10 gallons	55 gallons	1,2	1,2	Stow away from living quarters and foodstuffs
	4-Chloro-o-toluidine hydrochloride	Poison B	Poison	None	173.362	Forbidden	1 quart	1,2	1,2	
	Chlorophenyltrichlorosilane	Corrosive material	Corrosive	None	173.280	Forbidden	10 gallons	1	1	Keep dry
	Chloropicrin, absorbed	Poison B	Poison	None	173.357	Forbidden	Forbidden	1	5	Keep cool
	Chloropicrin and methyl chloride mixture	Poison A	Flammable gas and Poison gas	None	173.329	Forbidden	Forbidden	1	5	Keep cool
	Chloropicrin and nonflammable, nonliquefied compressed gas mixture	Poison A	Nonflammable gas and Poison gas	None	173.329	Forbidden	Forbidden 1		5	Keep cool
	Chloropicrin, liquid	Poison B	Poison	None	173.357	Forbidden	Forbidden	1	5	Keep cool
	Chloropicrin mixture (*containing no compressed gas or poison A liquid*)	Poison B	Poison	None	173.357	Forbidden	Forbidden	1	5	Keep cool
A	Chloroplatinic acid, solid	ORM-B	None	173.505	173.510 173.800	25 pounds	100 pounds			
	2-Chloropropene	Flammable liquid	Flammable liquid	None	173.119	Forbidden	10 gallons	1,2	5	
	Chlorosulfonic acid	Corrosive material	Corrosive	173.244	173.254	1 quart	1 quart	1	1	Keep dry. Glass carboys not permitted on passenger vessels
	Chlorosulfonic acid-sulfur trioxide mixture	Corrosive material	Corrosive	173.244	173.254	1 quart	1 quart	1	1	Keep dry. Glass carboys not permitted on passenger vessels
	Chromic acid mixture, dry	Oxidizer	Oxidizer	173.153	173.164	25 pounds	100 pounds	1,2	1,2	Stow away from foodstuffs
	Chromic acid, solid	Oxidizer	Oxidizer	173.153	173.164	25 pounds	100 pounds	1,2	1,2	Stow away from foodstuffs. Stow separate from flammable liquids and solids
*	Chromic acid solution	Corrosive material	Corrosive	173.244	173.287	1 quart	1 gallon	1	1	
	Chromic anhydride. *See* Chromic acid, solid									
	Chromic fluoride, solid	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	
*	Chromic fluoride solution	Corrosive material	Corrosive	173.244	173.245	1 quart	1 gallon	1,2	1,2	
	Chromic trioxide. *See* Chromic acid, solid									
	Chromium oxychloride *or* Chromyl chloride	Corrosive material	Corrosive	None	173.247	Forbidden	1 gallon	1	1	Keep dry. Glass carboys not permitted on passenger vessels
	Cigar and cigarette lighter fluid. See Lighter fluid									
*	Cigarette lighter (*or other similar ignition device*)	Flammable gas	Flammable gas	173.21	173.308	21 ounces	25 pounds	1	1	
*	Cigarette lighter (*or other similar ignition device*)	Flammable liquid	Flammable liquid	173.21	173.118	Forbidden	Forbidden	1	1	
	Cigarette load	Class C explosive	Explosive C	None	173.111	50 pounds	150 pounds	1,2	1,2	
	Clothing, used. See Rags, scrap									
	Cloud gas cylinder. See Chemical ammunition									
	Coal briquettes, hot	Forbidden								
	Coal facings. *See* Coal ground bituminous, *etc.*									
	Coal gas. See Hydrocarbon gas, nonliquefied									
	Coal, ground bituminous, sea coal; coal facings; *etc.*	Flammable solid	Flammable solid	173.165		Forbidden	Forbidden	1	1	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides
	Coal oil (*export shipment only*). *See* Kerosene									
*	Coal tar distillate	Combustible liquid	None	173.118a				1,2	1,2	

§172.101 Hazardous Materials Table (cont'd)

(1) */W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
*	Coal tar distillate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Coal tar dye, liquid (*not otherwise specifically named in Sec. 172.101*)	Corrosive material	Corrosive	173.244	173.245 173.249a	1 quart	10 gallons	1,2	1,2	
*	Coal tar light oil	Combustible liquid	None	173.118a				1,2	1,2	
*	Coal tar light oil	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Coal tar naphtha	Combustible liquid	None	173.118a				1,2	1,2	
*	Coal tar naphtha	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Coal tar oil	Combustible liquid	None	173.118a				1,2	1,2	
*	Coal tar oil	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1,2	
*	Coating solution	Flammable liquid	Flammable liquid	173.118	173.132	1 quart	15 gallons	1,2	1	
	Cobalt resinate, precipitated	Flammable solid	Flammable solid	None	173.166	Forbidden	125 pounds	1,2	1,2	
	Cocculus, solid (*fishberry*)	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
W*	Coconut meal pellets *containing at least 6% and not more than 13% moisture and not more than 10% residual fat content*	ORM-C	None	173.505	173.955			1,2	4	Keep dry
	Coir. *See* Fibers									
	Coke, hot	Forbidden								
	Collodion	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Collodion cotton, wet. See Nitrocellulose, wet									
	Cologne spirits (*alcohol*)	Flammable liquid	Flammable liquid	173.118	173.125	1 quart	10 gallons	1,2	1	
	Columbian spirits (*wood alcohol*)	Flammable liquid	Flammable liquid	173.118	173.125	1 quart	10 gallons	1,2	1	
	Combination fuze	Class C explosive	Explosive C	None	173.105	50 pounds	150 pounds	1,3	1,3	
	Combination primer	Class C explosive	Explosive C	None	173.107	50 pounds	150 pounds	1,3	5	
	Combustible liquid, n.o.s.	Combustible liquid	None	173.118a				1,2	1,2	
	Commercial shaped charge. See High explosive									
	Common fireworks. *See* Fireworks, common									
*	Compound, cleaning, liquid	Combustible liquid	None	173.118a				1,2	1,2	
*	Compound, cleaning, liquid	Corrosive material	Corrosive	173.244	173.245	1 quart	1 quart	1,2	1,2	
*	Compound, cleaning, liquid	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Compound, cleaning, liquid (containing hydrochloric (muriatic) acid)	Corrosive material	Corrosive	173.244	173.263	1 quart	1 gallon	1	1	
*	Compound, cleaning, liquid (containing hydrofluoric acid)	Corrosive material	Corrosive	173.244	173.256	1 quart	1 gallon	1	4	
*	Compound, cleaning liquid (*containing phosphoric acid, acetic acid, sodium or potassium hydroxide*)	Corrosive material	Corrosive	173.244	173.245 173.249a	1 quart	1 quart	1,2	1,2	
*	Compound, enamel	Flammable liquid	Flammable liquid	173.118	173.128	1 quart	55 gallons	1,2	1	
*	Compound, lacquer, paint, *or* varnish removing, liquid	Corrosive material	Corrosive	173.244	173.245	1 quart	1 gallon	1,2	1,2	
*	Compound, lacquer, paint, *or* varnish, removing, reducing, *or* thinning, liquid	Combustible liquid	None	173.118a				1,2	1,2	
*	Compound, lacquer, paint, *or* varnish, removing, reducing, *or* thinning, liquid	Flammable liquid	Flammable liquid	173.118	173.128	1 quart	55 gallons	1,2	1	
*	Compound, polishing, liquid	Flammable liquid	Flammable liquid	173.118	173.129	1 quart	55 gallons	1,2	1	
*	Compound, rust preventing *or* Compound, rust removing	Corrosive material	Corrosive	173.244	173.245	1 quart	1 gallon	1,2	1,2	
*	Compound, tree *or* weed killing, liquid	Combustible liquid	None	173.118a				1,2	1,2	
*	Compound, tree *or* weed killing, liquid	Corrosive material	Corrosive	173.244	173.245	1 quart	1 quart	1,2	1,2	
*	Compound, tree *or* weed killing, liquid	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Compound, tree *or* weed killing, liquid	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
*	Compound, tree *or* weed killing, solid	Oxidizer	Oxidizer	173.153	173.154 173.229	25 pounds	100 pounds	1,2	1,2	

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5)	(6)	(7)		(8)		
						Maximum quantity in one package		Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not exempt)	Exceptions	Packaging requirements	(a) Passenger carrying aircraft	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
*	Compound, vulcanizing, liquid	Corrosive material	Corrosive	173.244	173.245	1 quart	1 quart	1,2	1,2	
*	Compound, vulcanizing, liquid	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Compound, water treatment, liquid. *See* Water treatment, liquid									
	Compressed gas, flammable, n.o.s.	Flammable gas	Flammable gas	173.306	173.302 173.304 173.305	Forbidden	300 pounds	1	4	
	Compressed gas, nonflammable, n.o.s.	Nonflammable gas	Nonflammable gas	173.306	173.302 173.304 173.305	150 pounds	300 pounds	1,2	1,2	
	Consumer commodity	ORM-D	None	None	173.510 173.1200	65 pounds gross	65 pounds gross	1,2	5	
	Container, reused or empty (previously used for hazardous materials)			173.28	173.29					*See* Bottles, empty; carboys, empty; cylinders, empty; drums, empty
	Copper acetoarsenite, solid (*emerald green, imperial green, King's green, moss green, meadow green, mitis green, parrot green, Vienna green*)	Poison B	Poison	173.364	173.367	50 pounds	200 pounds	1,2	1,2	
	Copper arsenite, solid (*Scheeles green, cupric green, copper orthoarsenite, Swedish green*)	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
A	Copper chloride	ORM-B	None	173.505	173.510 173.800	25 pounds	100 pounds			
	Copper cyanide	Poison B	Poison	173.370		25 pounds		1,2	1,2	Stow away from acids
W	Copra	ORM-C	None	173.505	173.960			1,2	1,2	Segregation same as for flammable solids. Separate from flammable gases or liquids, oxidizing materials, or organic peroxides
	Copra pellets. *See* Coconut meal pellets									
	Cordeau detonant fuse	Class C explosive	Explosive C	None	173.104	50 pounds	300 pounds	1,2	1,2	
	Corrosive battery fluid. *See* Electrolyte (acid), *or* Alkaline Corrosive battery fluid									
	Corrosive liquid, n.o.s.	Corrosive material	Corrosive	173.244	173.245 173.245a	1 quart	1 quart	1	4	
	Corrosive solid, n.o.s.	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1	4	
*	Cosmetics, n.o.s.	Combustible liquid	None	173.118a				1,2	1,2	
*	Cosmetics, n.o.s.	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Cosmetics, n.o.s.	Flammable solid	Flammable solid	173.153	173.154	25 pounds	100 pounds	1,2	1,2	
*	Cosmetics, n.o.s.	Oxidizer	Oxidizer	173.153	173.154	25 pounds	100 pounds	1,2	1,2	
*	Cosmetics, n.o.s., liquid	Corrosive material	Corrosive	173.244	173.245	1 quart	1 quart	1,2	1,2	
*	Cosmetics, n.o.s., solid	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	Keep dry
W	Cotton	ORM-C	None	173.505	173.965			1,2	1,2	Segregation same as for flammable solids
W	Cotton batting	ORM-C	None	173.505	173.970			1,2	1,2	Keep dry. Stow away from vegetable or animal oils
W	Cotton batting dross. *See* Cotton batting									
	Cotton, burnt. *See* Burnt cotton									
W	Cotton seed hull fiber *or* shavings, pulp, *or* cut linters. *See* Cotton batting									
	Cotton sweepings. *See* Cotton waste									
W	Cotton wadding. *See* Cotton batting									
W	Cotton waste	ORM-C	None	173.505	173.975			1,2	1,2	Keep dry. Stow away from vegetable or animal oils
	Cotton waste, oily (*with more than 5% of animal or vegetable oil*)	Flammable solid	Flammable solid	None	173.167	Forbidden	Forbidden	1,2	1,2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides
	Creosote, coal tar	Combustible liquid	None	173.118a				1,2	1,2	
	Creosote oil. *See* Creosote, coal tar									
	Crotonaldehyde	Flammable liquid	Flammable liquid and Poison	713.118	173.119	1 quart	1 gallon	1,2	1	
	Crotonic acid	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
	Crotonylene	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	4	
	Crude nitrogen fertilizer solution (more than 25.3 p.s.i.g.)	Nonflammable gas	Nonflammable gas	173.306	173.304 173.314	Forbidden	300 pounds	1,3	1,3	

(1)	(2)	(3)	(4)	(5)	(6)	(7)		(8)		
						Maximum quantity in one package		Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not exempt)	Exceptions	Packaging requirements	(a) Passenger carrying aircraft	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
*	Crude oil, petroleum	Combustible liquid	None	173.118a				1,2	1,2	
*	Crude oil, petroleum	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Cumene hydroperoxide	Organic peroxide	Organic peroxide	173.153	173.224	1 quart	1 quart	1,2	4	
	Cupric cyanide. See Copper cyanide									
*	Cupriethylene-diamine solution	Corrosive material	Corrosive	173.244	173.249	1 quart	1 gallon	1,2	1,2	
*	Cyanide *or* cyanide mixture, dry	Poison B	Poison	173.364	173.370	25 pounds	200 pounds	1,2	1,2	Keep dry. Stow away from acids
	Cyanogen bromide	Poison B	Poison	None	173.379	Forbidden	25 pounds	1	5	Shade from radiant heat. Segregation same as for corrosive materials
	Cyanogen chloride *containing less than 0.9% water*	Poison A	Nonflammable gas and Poison	None	173.328	Forbidden	Forbidden	1	5	Shade from radiant heat
	Cyanogen gas	Poison A	Flammable gas and Poison	None	173.328	Forbidden	Forbidden	1	5	
	Cyclohexane	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	4	
	Cyclohexanone peroxide, *50 to 85% peroxide*	Organic peroxide	Organic peroxide	173.157	173.158	Forbidden	25 pounds	1	1	
	Cyclohexanone peroxide, *not over 50% peroxide*	Organic peroxide	Organic peroxide	173.153	173.154	2 pounds	25 pounds	1,2	1,2	
	Cyclohexanone peroxide and bis (1-hydroxy cyclohexyl) peroxide mixture. *See appropriate cyclohexanone peroxide entry immediately preceding*									
	Cyclohexenyl trichlorosilane	Corrosive material	Corrosive	None	173.280	Forbidden	10 gallons	1	1	Keep dry
	Cyclohexyl trichlorosilane	Corrosive material	Corrosive	None	173.280	Forbidden	10 gallons	1	1	Keep dry
	Cyclopentane	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	4	
	Cyclopentane, methyl	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	4	
	Cyclopropane	Flammable gas	Flammable gas	173.306	173.304	Forbidden	300 pounds	1,2	1	
	Cyclotrimethylenetrinitramine, desensitized. See High explosive									
	Cyclotrimethylenetrinitramine, wet with not less than 10% water. See High explosive									
W	Cylinder, empty (*including "ton tanks"*) *previously having contained any hazardous material*			173.29				1,2	1,2	
	2,4-D. *See* 2,4-Dichlorophenoxyacetic acid									
A	DDT *or* Dichlorodiphenyltrichloroethane	ORM-A	None	173.505	173.510					
	Dead oil. See Creosote, coal tar									
	Decaborane	Flammable solid	Flammable solid and Poison	None	173.236	Forbidden	25 pounds	1,2	1,2	
	Decahydronaphthalene	Combustible liquid	None	173.118a				1,2	1,2	
	Decalin. See Decahydronaphthalene									
	Delay electric igniter	Class C explosive	Explosive C	None	173.106	50 pounds	150 pounds	1,3	1,3	
	Denatured alcohol. *See* Alcohol, n.o.s.									
	Depth bomb. See Explosive bomb									
	Detonating fuze, Class A explosive, *with or without radioactive components*	Class A explosive	Explosive A	None	173.69	Forbidden	Forbidden	6	5	
	Detonating fuze, Class C explosive	Class C explosive	Explosive C	None	173.113	50 pounds	150 pounds	1,3	1,3	
	Detonating primer	Class A explosive	Explosive A	None	173.68	Forbidden	Forbidden	6	5	
*	Diacetone alcohol	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Diacetyl	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
A	Diazinon	ORM-A	None	173.505	173.510					
	Diazodinitrophenol. *See* Initiating explosive									
A	Dibromodifluoromethane	ORM-A	None	173.505	173.510 173.605	10 gallons	55 gallons			
W	1,2-Dibromoethane. *See* Ethylene dibromide									

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5)	(6)	(7) Maximum quantity in one package		(8) Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not exempt)	Exceptions	Packaging requirements	(a) Passenger carrying aircraft	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Dichloroacetic acid	Corrosive material	Corrosive	173.244	173.245	1 quart	1 quart	1,2	1,2	Glass carboy in hampers not permitted under deck
	Dichloroacetyl chloride	Corrosive material	Corrosive	173.244	173.247	1 quart	1 gallon	1	4	Keep dry
A	Dichlorobenzene, ortho, liquid	ORM-A	None	173.505	173.510					
A	Dichlorobenzene, para, solid	ORM-A	None	173.505	173.510					
	Dichlorobutene	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1,2	
A	Dichlorodifluoroethylene	ORM-A	None	173.505	173.510 173.605	10 gallons	55 gallons			
	Dichlorodifluoromethane	Nonflammable gas	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane and difluoroethane mixture (*constant boiling mixture*)	Nonflammable gas	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane-dichlorotetrafluoroethane mixture	Nonflammable gas	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane-monochlorodifluoromethane mixture	Nonflammable gas	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
*	Dichlorodifluoromethane-trichloromonofluoromethane mixture	Nonflammable gas	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane-trichloromonofluoromethane-monochloro difluoromethane mixture	Nonflammable gas	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane-trichlorotrifluoroethane mixture	Nonflammable gas	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodiphenyltrichloroethane. *See* DDT									
	Dichloroethylene	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Dichloroisopropyl ether	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
A	Dichloromethane *or* methylene chloride	ORM-A	None	173.505	173.510 173.605	10 gallons	55 gallons			
*	Dichloropentane	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1,2	
A	2,4-Dichlorophenoxyacetic acid	ORM-A	None	173.505	173.510					
	Dichlorophenyltrichlorosilane	Corrosive material	Corrosive	None	173.280	Forbidden	10 gallons	1	1	Keep dry
	Dichloropropene and propylene dichloride mixture	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
	Dicumyl peroxide *50% solution*	Organic peroxide	Organic peroxide	173.153	173.224	1 quart	1 quart	1,2	4	
	Dicumyl peroxide, dry	Organic peroxide	Organic peroxide	173.153	173.154	2 pounds	25 pounds	1,2	1,2	
A	Dieldrin	ORM-A	None	173.505	173.510					
	Diethylamine	Flammable liquid	Flammable liquid	173.118	173.119	Forbidden	5 pints	1,3	4	
	Diethyl cellosolve. *See* Ethylene glycol diethyl ether									
	Diethyl dichlorosilane	Flammable liquid	Flammable liquid	None	173.135	Forbidden	10 gallons	1	1	Keep dry. Segregation same as for corrosives
	Diethylene glycol dinitrate	Forbidden		173.51						
	Di-(2-ethylhexyl) phosphoric acid	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
	Diethyl ketone	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	1,1-Difluoro 1-chloroethane. *See* Difluoromonochlorethane									
	Difluoroethane	Flammable gas	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	1	
	Difluoromonochloroethane (*1,1-difluoro 1-chloroethane*)	Flammable gas	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	1	
	Difluorophosphoric acid, anhydrous	Corrosive material	Corrosive	None	173.275	Forbidden	1 gallon	1,2	1,2	
	Dihydropyran	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	4	
	Diisobutyl ketone	Combustible liquid	None	173.118a				1,2	1,2	
	Diisooctyl acid phosphate	Corrosive material	Corrosive	173.244	173.296	1 quart	1 quart	1,2	1,2	Glass carboys in hampers not permitted under deck
	Diisopropylamine	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	

(1) */W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
	Diisopropylbenzene hydroperoxide solution, *not over 60% peroxide*	Organic peroxide	Organic peroxide	173.153	173.224	1 quart	1 quart	1,2	4	
	Diisopropylethanolamine	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
	Diisopropylether	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	4	
	Dimethylamine, anhydrous	Flammable gas	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	4	
*	Dimethylamine, aqueous solution	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	2,3-Dimethylbutane	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	4	
	Dimethyl carbonate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	1,4-Dimethylcyclohexane	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Dimethyldichlorosilane	Flammable liquid	Flammable liquid	None	173.135	Forbidden	5 pints	1,2	1	
	Dimethyl ether	Flammable gas	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	1	
	Dimethylhydrazine, unsymmetrical (*UDMH*)	Flammable liquid	Flammable liquid and Poison	None	173.145	Forbidden	5 pints	1,2	1	Keep dry. Separate from corrosive and oxidizing materials, and organic peroxides
	Dimethyl sulfate	Corrosive material	Corrosive and Poison	None	173.255	Forbidden	1 quart	1	5	Keep cool
	Dimethyl sulfide	Flammable liquid	Flammable liquid	None	173.119	Forbidden	10 gallons	1,2	5	
	Dinitrobenzene, solid, *or* dinitrobenzol, solid	Poison B	Poison	173.364	173.371	50 pounds	200 pounds	1,2	1,2	
*	Dinitrobenzene solution	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
	Dinitrochlorobenzol, solid *or* Dinitro chlorobenzene	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
A	Dinitrocyclohexylphenol	ORM-A	None	173.505	173.510					
*	Dinitrophenol solution	Poison B	Poison	173.345	173.362a	1 quart	65 pounds	1,2	1,2	Stow away from heavy metals and their compounds. If flash point is 141 DEG F or less segregation same as for flammable liquids
	Dioxane	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Dioxolane	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Diphenylaminechloroarsine (*DM*)	Irritating material	Irritant	None	173.382	Forbidden	75 pounds	1	5	
	Diphenyl dichlorosilane	Corrosive material	Corrosive	None	173.280	Forbidden	10 gallons	1	1	Keep dry
	Diphenyl methyl bromide, solid	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1	4	
*	Diphenyl methyl bromide solution	Corrosive material	Corrosive	173.244	173.247	1 quart	1 gallon	1,2	1,2	
	Diphosgene. See Phosgene									
*	Disinfectant, liquid	Combustible liquid	None	173.118a				1,2	1,2	
*	Disinfectant, liquid	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1	4	
*	Disinfectant, liquid	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,2	1	
*	Disinfectant, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1	
	Dispersant gas			173.314	173.315					
*	Distillate (*petroleum or coal tar*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Divinyl ether	Flammable liquid	Flammable liquid	None	173.119	Forbidden	10 gallons	1,3	5	
	Dodecyl trichlorosilane	Corrosive material	Corrosive	None	173.280	Forbidden	10 gallons	1	1	Keep dry
*	Dressing, leather	Combustible liquid	None	173.118a				1,2	1,2	
*	Dressing, leather	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Drier. See Paint drier, liquid									
	Drill cartridge			173.55						
*	Drugs, n.o.s.	Combustible liquid	None	173.118a				1,2	1,2	
*	Drugs, n.o.s.	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Drugs, n.o.s.	Flammable solid	Flammable solid	173.153	173.154	25 pounds	100 pounds	1,2	1,2	
*	Drugs, n.o.s.	Oxidizer	Oxidizer	173.153	173.154	25 pounds	100 pounds	1,2	1,2	

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5)	(6)	(7) Maximum quantity in one package		(8) Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not exempt)	Exceptions	Packaging requirements	(a) Passenger carrying aircraft	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
*	Drugs, n.o.s., liquid	Corrosive material	Corrosive	173.244	173.245	1 quart	1 quart	1,2	1,2	
*	Drugs, n.o.s., liquid	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,3	1	
*	Drugs, n.o.s., solid	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	Keep dry
*	Drugs, n.o.s., solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,3	1,3	
W	Drum, empty (*previously having contained hazardous materials*)				173.29					
	Dry ice. *See* Carbon dioxide, solid									
	Dusts, by-product, poisonous. *See* Arsenical dust									
*	Dye intermediate, liquid	Corrosive material	Corrosive	173.244	173.245 173.249a	1 quart	10 gallons	1,2	1,2	Stow away from foodstuffs and living quarters
	Dynamite. *See* High explosive									
	Electric blasting caps. *See* Blasting caps, electric									
	Electric squib	Class C explosive	Explosive C	None	173.106	50 pounds	150 pounds	1,3	1,3	
	Electric storage battery, wet. *See* Battery, electric storage, wet									
	Electrolyte (*acid*), battery fluid (*not over 47% acid*)	Corrosive material	Corrosive	173.244	173.257	1 quart	5 gallons	1,2	1,2	Glass carboys in hampers not permitted under deck
	Electrolyte (*acid*), *or* alkaline (*corrosive*) battery fluid packed with battery charger, radio current supply device, *or* electronic equipment and actuating device	Corrosive material	Corrosive	None	173.259	Forbidden	5 pints	1,2	1,2	
	Electrolyte (*acid*), *or* alkaline (*corrosive*) battery fluid packed with dry-storage battery	Corrosive material	Corrosive	None	173.258	Forbidden	5 pints	1,2	1,2	
	Empty cartridge bag with black powder igniter	Class C explosive	Explosive C	None	173.106	50 pounds	150 pounds	1,3	1,3	
	Empty cartridge case, primed	Class C explosive	Explosive C	None	173.107	50 pounds	150 pounds	1,3	1,3	
*	Enamel. *See* *Paint, enamel, lacquer, etc.									
	Engine, internal combustion			173.120				1,2	1,2	Not permitted in unventilated containers
	Engine starting fluid	Flammable gas	Flammable gas	None	173.304	Forbidden	60 pounds	1,2	5	
	Epichlorohydrin	Flammable liquid	Flammable liquid and Poison	None	173.119	Forbidden	10 gallons	1,2	5	
*	Eradicator, paint *or* grease, liquid	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Etching acid, liquid, n.o.s.	Corrosive material	Corrosive	None	173.299	Forbidden	10 pounds	1	5	
	Ethane	Flammable gas	Flammable gas	173.306	173.304	Forbidden	300 pounds	1,2	4	
	Ether (*ethyl*)	Flammable liquid	Flammable liquid	None	173.119	Forbidden	10 gallons	1,3	5	
	Ether, Ethyl. *See* Ether									
	Ethyl acetate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Ethyl acrylate, inhibited	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Ethyl alcohol. *See* Alcohol, n.o.s.									
	Ethyl aldehyde. *See* Acetaldehyde									
	Ethyl benzene	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Ethyl borate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	Keep dry
	Ethyl butyl acetate	Combustible liquid	None	173.118a				1,2	1,2	
	Ethyl butyl ether	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Ethyl butyraldehyde	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Ethyl butyrate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1,2	
	Ethyl chloride	Flammable liquid	Flammable liquid	None	173.123	Forbidden	173.123	1,2	1	Segregation same as for flammable gases
	Ethyl chloroacetate	Combustible liquid	None	173.118a				1,2	1,2	
	Ethyl chloroformate (*chlorocarbonate*)	Flammable liquid	Flammable liquid and Poison	None	173.288	Forbidden	5 pints	1,2	1	
	Ethyl chlorothioformate	Corrosive material	Corrosive	173.244	173.245 173.245a	1 quart	1 quart	1,2	1	

§172.101 Hazardous Materials Table (cont'd)

(1) */W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
	Ethyl crotonate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Ethyl dichlorosilane	Flammable liquid	Flammable liquid	None	173.135	Forbidden	5 pints	1,2	1	
	Ethylene	Flammable gas	Flammable gas	173.306	173.304	Forbidden	300 pounds	1,2	4	
	Ethylene chlorohydrin	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,2	1	Segregation same as for flammable liquids
	Ethylene diamine	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1,2	Stow away from oxidizing materials
AW	Ethylene dibromide (1,2-dibromethane)	ORM-A	None	173.505	173.620	1 quart	55 gallons	1,2	1,2	Stow away from living quarters
	Ethylene dichloride	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Ethylene glycol diethyl ether (*diethyl "Cellosolve"*)	Combustible liquid	None	173.118a				1,2	1,2	
	Ethylene glycol monoethyl ether (*"Cellosolve"*)	Combustible liquid	None	173.118a				1,2	1,2	
	Ethylene glycol monoethyl ether acetate (*"Cellosolve acetate"*)	Combustible liquid	None	173.118a				1,2	1,2	
	Ethylene glycol monomethyl ether (*methyl "Cellosolve"*)	Combustible liquid	None	173.118a				1,2	1,2	
	Ethylene glycol monomethyl ether acetate (*methyl "Cellosolve acetate"*)	Combustible liquid	None	173.118a				1,2	1,2	
	Ethylene imine, inhibited	Flammable liquid	Flammable liquid and Poison	None	173.139	Forbidden	5 pints	1,2	1	
	Ethylene oxide	Flammable liquid	Flammable liquid	None	173.124	Forbidden	173.124	1,2	1	Segregation same as for flammable gases
	Ethyl ether. See Ether									
	Ethyl formate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	4	
	Ethylhexaldehyde	Combustible liquid	None	173.118a				1,2	1,2	
	Ethyl lactate	Combustible liquid	None	173.118a				1,2	1,2	
	Ethyl mercaptan	Flammable liquid	Flammable liquid	None	173.141	Forbidden	10 gallons	1,2	1	
	Ethyl methyl ether	Flammable liquid	Flammable liquid	None	173.119	Forbidden	10 gallons	1,3	1	Segregation same as for flammable gases
	Ethyl methyl ketone	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Ethyl nitrate (*nitric ether*)	Flammable liquid	Flammable liquid	173.118	173.119	Forbidden	Forbidden	1,2	1	
	Ethyl nitrite (*nitrous ether*)	Flammable liquid	Flammable liquid	None	173.119	Forbidden	Forbidden	1,3	5	
	Ethyl phenyl dichlorosilane	Corrosive material	Corrosive	None	173.280	Forbidden	10 gallons	1	5	
	Ethyl phosphonothioic dichloride, anhydrous	Corrosive material	Corrosive	173.244	173.245 173.245a	1 quart	1 quart	1	4	
	Ethyl phosphonous dichloride, anhydrous	Corrosive material	Corrosive	173.244	173.245 173.245a	1 quart	1 quart	1	4	
	Ethyl phosphorodichloridate	Corrosive material	Corrosive	173.244	173.245 173.245a	1 quart	1 quart	1	4	
	Ethyl propionate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Ethyl silicate (*tetra ethyl ortho silicate*)	Combustible liquid	None	173.118a				1,2	1,2	
	Ethyl trichlorosilane	Flammable liquid	Flammable liquid	None	173.135	Forbidden	5 pints	1,2	1	
	Etiologic agent, n.o.s.	Etiologic agent	Etiologic agent	173.386	173.387	173.386	4 liters			Not permitted except under specific conditions approved by the Department
W	Excelsior (shredded wood) *when dry, clear, and free from oil*	ORM-C	None	173.505	173.980			1,3	1,3	Stow away from organic, corrosive, or oxidizing materials
W	Exothermic ferrochrome	ORM-C	None	173.505	173.985			1	1	
W	Exothermic ferromanganese. *See* Exothermic ferrochrome									
W	Exothermic silicon chrome. *See* Exothermic ferrochrome									
	Explosive auto alarm	Class C explosive	Explosive C	None	173.111	50 pounds	150 pounds	1,2	1,2	
	Explosive bomb	Class A explosive	Explosive A	None	173.56	Forbidden	Forbidden	1,2	5	Magazine stowage authorized. No other cargo may be stowed in the same hold with these items
	Explosive cable cutter	Class C explosive	Explosive C	None	173.102	50 pounds	150 pounds	1,3	1,3	
	Explosive mine	Class A explosive	Explosive A	None	173.56	Forbidden	Forbidden	1,2	5	Magazine stowage authorized. No other cargo may be stowed in the same hold with this material
	Explosive power device, Class B	Class B explosive	Explosive B	None	173.94	Forbidden	150 pounds	1,2	5	

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5)	(6)	(7) Maximum quantity in one package		(8) Water shipments		
						(a)	(b)	(a)	(b)	(c)
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not exempt)	Exceptions	Packaging requirements	Passenger carrying aircraft	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
	Explosive power device, Class C	Class C explosive	Explosive C	None	173.102	50 pounds	150 pounds	1,3	1,3	
	Explosive projectile	Class A explosive	Explosive A	None	173.56	Forbidden	Forbidden	1,2	5	Magazine stowage authorized. No other cargo may be stowed in the same hold with this material
	Explosive release device	Class C explosive	Explosive C	None	173.102	50 pounds	150 pounds	1,3	1,3	
	Explosive rivet	Class C explosive	Explosive C	None	173.100	50 pounds	150 pounds	1,2	1,2	
	Explosive, sample for laboratory examination			173.86		Forbidden	173.86			
	Explosives, Class A			173.53						
	Explosives, Class B			173.88						
	Explosives, Class C			173.100						
	Explosive torpedo	Class A explosive	Explosive A	None	173.56	Forbidden	Forbidden	1,2	5	Magazine stowage authorized. No other cargo may be stowed in the same hold with this material
*	Extract, liquid, flavoring	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Fabric with animal or vegetable oil. See Fibers or fabric containing not more than 5% animal or vegetable fat									
AW	Feed, wet, mixed	ORM-C	None	173.505	173.990	Forbidden	Forbidden	3	3	Stow in cool, dry, well ventilated compartment. Do not stow bags over ten tiers high without flooring off. Do not overstow
W	Felt, waste. *See* Cotton waste									
	Felt, waste, wet. *See* Waste wool, wet									
	Ferric arsenate, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Ferric arsenite, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
A	Ferric chloride, solid, *anhydrous*	ORM-B	None	173.505	173.510	25 pounds	100 pounds			
*	Ferric chloride solution	Corrosive material	Corrosive	173.244	173.245 173.245a	1 quart	10 quarts	1,2	1,2	
W	Ferrophosphorus	ORM-A	None	173.505	173.635			1,2	1,2	Keep dry. Stow away from living quarters
AW	Ferrosilicon, *containing 30% or more but not more than 70% silicon*	ORM-A	None	173.505	173.510 173.645	Forbidden	25 pounds	1,2	1,2	Keep dry. Stow away from living quarters. Segregation same as for flammable solids labeled Dangerous When Wet
	Ferrous arsenate (*iron arsenate*), solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Fertilizer ammoniating solution *containing free ammonia (more than 25.3 p.s.i.g.)*	Nonflammable gas	Nonflammable gas	173.306	173.304 173.314	Forbidden	300 pounds	1,2	4	
	Fertilizer, tankage. *See* Garbage, tankage									
W	Fibers (*jute, hemp, flax, sisal, coir, kapok, and similar vegetable fibers*)	ORM-C	None	173.505	173.965			1,2	1,2	Stow away from animal or vegetable oils. Segregation same as for flammable solids
	Fibers, burnt	Flammable solid	Flammable soid	None	173.169	Forbidden	Forbidden	1,2	1,2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides
	Fibers *or* fabric, containing not more than 5% animal *or* vegetable oil	Flammable solid	Flammable solid	None	173.170	Forbidden	Forbidden	1,2	1,2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides
	Film (nitrocellulose)	Flammable solid	Flammable solid	None	173.177 173.178 173.180	50 pounds	200 pounds	1,3	1,3	Stow away from other flammable cargo or substances
	Film, photographic, (including scrap film), safety, nonflammable, or slow burning. Not subject to requirements of this subchapter									
	Firecracker. See Fireworks, common *or* special									
	Firecracker salute. See Fireworks, common *or* special									
*	Fire extinguisher	Nonflammable gas	Nonflammable gas	173.306		150 pounds	300 pounds	1,2	1,2	
	Fire extinguisher charge containing not more than 50 grains of propellant explosive per unit. Not subject to requirements of this subchapter									
	Fire extinguisher charge containing sulfuric acid	Corrosive material	Corrosive	173.261		1 quart	1 gallon	1,2	1,2	
	Fireworks, common	Class C explosive	Explosive C	None	173.100 173.108	50 pounds	200 pounds	1,3	1,3	Passenger vessels in metal lockers only
	Fireworks, exhibition display piece. See Fireworks, special									
	Fireworks, special	Class B explosive	Explosive B	None	173.88 173.91	Forbidden	200 pounds	3	3	Passenger vessels in metal lockers only. Toy torpedoes must not be packed with other special fireworks

§172.101 Hazardous Materials Table (cont'd)

(1) */W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
W	Fish meal *or* fish scrap containing 6% to 12% water	ORM-C	None	173.505	173.995			1,2	1,2	Segregation same as for flammable solids. Separate from flammable gases or liquids, oxidizing materials, or organic peroxides. *Use double strip stowage* for cargo 6-12 percent moisture containing not more than 12 percent fat. *Use single strip stowage* for cargo 6-12 percent moisture containing 12-15 percent fat
	Fish meal *or* fish scrap containing less than 6% or more than 12% water	Flammable solid	Flammable solid	None	173.171	Forbidden	Forbidden	1,2	1,2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides
	Fissile radioactive material. *See* Radioactive material, fissile									
*	Flame retardant compound liquid	Corrosive material	Corrosive	173.244	173.291	1 quart	10 gallons	1,2	1,2	
	Flammable liquid, n.o.s.	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Flammable solid, n.o.s.	Flammable solid	Flammable solid	173.153	173.154	25 pounds	25 pounds	1,2	1,2	
	Flare. *See* Fireworks, common									
	Flare, airplane. *See* Fireworks, special									
	Flash cartridge. *See* Fireworks, special *or* Low explosives									
	Flash cracker. *See* Fireworks, common *or* special									
	Flash powder. *See* Fireworks, special *or* Low explosives									
	Flax. *See* Fibers									
	Flexible linear shaped charge, metal clad	Class C explosive	Explosive C	None	173.104	50 pounds	300 pounds	1,3	1,3	
	Flowers of sulfur. *See* Sulfur									
	Flue dust, poisonous	Poison B	Poison	173.364	173.368	50 pounds	200 pounds	1,2	1,2	
	Fluoboric acid	Corrosive material	Corrosive	173.244	173.283	1 quart	1 gallon	1,2	1,2	
	Fluoric acid. *See* Hydrofluoric acid									
	Fluorine	Nonflammable gas	Poison and Oxidizer	None	173.302	Forbidden	Forbidden	1	5	Stow in well ventilated space away from organic materials
	Fluorophosphoric acid, anhydrous. *See* Monofluorophosphoric acid, anhydrous									
	Fluorosilicic acid. *See* Hydrofluosilicic acid									
	Fluorosulfonic acid	Corrosive material	Corrosive	None	173.274	Forbidden	1 gallon	1	5	Keep dry
AW	Formaldehyde, as formalin solution (*in containers of 110 gallons or less*)	ORM-A	None	173.505	173.510			1,2	4	
	Formaldehyde, as formalin solution (*in containers over 110 gallons*)	Combustible liquid	None	173.118a				1,2	1,2	
	Formalin. *See* Formaldehyde solution									
	Formic acid	Corrosive material	Corrosive	173.244	173.245 173.289	1 quart	5 gallons	1,2	1,2	Glass carboys in hampers not permitted under deck
*	Formic acid solution	Corrosive material	Corrosive	173.244	173.245 173.289	1 quart	5 gallons	1,2	1,2	
*	Fuel, aviation, turbine engine	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Fuel oil	Combustible liquid	None	173.118a				1,2	1,2	
	Fuel oil, Diesel. *See* Fuel oil									
	Fuel oil, No. 1, 2, 4 *or* 5	Combustible liquid	None	173.118a				1,2	1,2	
	Fulminate of mercury, dry	Forbidden								
	Fulminate of mercury, wet. *See* Initiating explosive									
	Fumaryl chloride	Corrosive material	Corrosive	173.244	173.245	1 quart	1 quart	1	1	Glass carboys not permitted
*	*Fumigant*				173.152					
*	Furfural	Combustible liquid	None	173.118a				1,2	1	
	Fusee (*railway or highway*)	Flammable solid	Flammable solid	None	173.154a	50 pounds	200 pounds	1,3	1,3	
	Fuse igniter	Class C explosive	Explosive C	None	173.106	50 pounds	150 pounds	1,3	1,3	
	Fuse, instantaneous	Class C explosive	Explosive C	173.100		50 pounds	150 pounds	1,2	1,2	
	Fuse lighter	Class C explosive	Explosive C	None	173.106	50 pounds	150 pounds	1,3	1,3	
	Fusel oil	Combustible liquid	None	173.118a				1,2	1,2	

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5)	(6)	(7)		(8)		
						Maximum quantity in one package		Water shipments		
*/ W/ A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not exempt)	Exceptions	Packaging requirements	(a) Passenger carrying aircraft	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Fuse, mild detonating, metal clad	Class C explosive	Explosive C	None	173.104	50 pounds	300 pounds	1,2	1,2	
	Fuse, safety	Class C explosive	Explosive C	173.100		50 pounds	300 pounds	1,2	1,2	
	Fuze, combination	Class C explosive	Explosive C	None	173.105	50 pounds	150 pounds	1,3	1,3	
	Fuze, detonating	Class A explosive	Explosive A	None	173.69	Forbidden	Forbidden	6	5	
	Fuze, detonating, Class C explosive	Class C explosive	Explosive C	None	173.113	50 pounds	150 pounds	1,3	1,3	
	Fuze, detonating, radioactive	Class A explosive	Explosive A	None	173.69	Forbidden	Forbidden	6	5	
	Fuze, percussion	Class C explosive	Explosive C	None	173.105	50 pounds	150 pounds	1,3	1,3	
	Fuze, time	Class C explosive	Explosive C	None	173.105	50 pounds	150 pounds	1,3	1,3	
	Fuze, tracer	Class C explosive	Explosive C	None	173.105	50 pounds	150 pounds	1,3	1,3	
W	Garbage tankage *containing 8% or more water*	ORM-C	None	173.505	173.1000			1,2	1,2	
	Garbage tankage, *containing less than 8% water*	Flammable solid	Flammable solid	None	173.209	Forbidden	Forbidden	1	1	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides
	Gas cylinder, empty. *See* Cylinder, empty									
*	Gas drips, hydrocarbon	Combustible liquid	None	173.118a				1,2	1,2	
*	Gas drips, hydrocarbon	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Gas identification set	Poison A	Poison gas	None	173.331	Forbidden	Forbidden	1	5	
*	Gas identification set	Irritating material	Irritant	None	173.331	Forbidden	Forbidden	1	5	
	Gas mine. See Explosive mine									
	Gas oil. *See* Fuel oil									
	Gasoline (*including casing-head and natural*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	4	
	Gelatine Dynamite. See High explosive									
	Germane	Poison A	Poison gas and Flammable gas	None	173.328	Forbidden	Forbidden	1	5	
	Grenade, empty, primed	Class C explosive	Explosive C	None	173.107	50 pounds	150 pounds	1,3	1,3	
	Grenade, hand *or* rifle, explosive (*with or without gas, smoke, or incendiary material*)	Class A explosive	Explosive A	None	173.56	Forbidden	Forbidden	1,2	5	No other cargo may be stowed in the same hold with these items
	Grenade, tear gas	Irritating material	Irritant	None	173.385	Forbidden	75 pounds	1,2	1	
	Grenade without bursting charge: With incendiary material (Special fireworks)	Class B explosive	Explosive B	173.91		Forbidden	Forbidden	3	3	Passenger vessels in metal lockers only
	Grenade without bursting charge: With smoke charge (Smoke grenade)	Class C explosive	Explosive C	173.108		50 pounds	150 pounds	1,3	1,3	
	Grenade without bursting charge: With Poison A gas charge	Poison A	Poison gas	173.330		Forbidden	Forbidden			*See* correct shipping name of applicable Poison A material for stowage, special handling, and special segregation requirements
	Grenade without bursting charge: With Poison B charge	Poison B	Poison	173.350		Forbidden	Forbidden			*See* correct shipping name of applicable Poison B material for stowage, special handling, and special segregation requirements
	Guanidine nitrate	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	1,2	1,2	Separate from nitro-compounds, chlorates, and acids
	Guanyl nitrosamino guanylidene hydrazine. See Initiating explosive									
	Guanyl nitrosamino guanyl tetrazene. See Initiating explosive									
	Guided missile, without warhead. See Rocket motor, Class A explosive *or* Rocket motor, class B explosive									
	Guided missile with warhead. See Rocket ammunition with explosive, illuminating, gas, incendiary, *or* smoke projectile									
	Guncotton. See High explosive									
	Hafnium metal, dry (*See Note 3, Sec. 173.214*)	Flammable solid	Flammable solid	None	173.214	Forbidden	75 pounds	1	5	
	Hafnium metal, wet	Flammable solid	Flammable solid	None	173.214	Forbidden	150 pounds	1,2	5	
	Hair, wet	Flammable solid	Flammable solid	None	173.172	Forbidden	Forbidden	1,2	5	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides

22 §172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5)	(6)	(7) Maximum quantity in one package		(8) Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not exempt)	Exceptions	Packaging requirements	(a) Passenger carrying aircraft	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Hand signal device	Class C explosive	Explosive C	None	173.108	50 pounds	200 pounds	1,2	1,2	
W	Hay	ORM-C	None	173.505	173.1005			1,2	1,2	Segregation same as for flammable solids. Stow away from animal or vegetable oils
W	Hay or straw (*loose, wet, or damp*)									Forbidden for water shipment
	Heater for refrigerator car, liquid fuel type (*containing fuel*)	Flammable liquid	Flammable liquid	173.146		Forbidden	Forbidden	1,2	1	
*	Helium	Nonflammable gas	Nonflammable gas	173.306	173.302 173.314	150 pounds	300 pounds	1,2	1,2	
*	Helium-oxygen mixture	Nonflammable gas	Nonflammable gas	173.306	173.302	150 pounds	300 pounds	1,2	1,2	
	Heptane	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
W	*Hessian. See* Burlap cloth									
W	Hexachloroethane	ORM-A	None	173.505	173.650			1,2	1,2	
	Hexadecyltrichlorosilane	Corrosive material	Corrosive	None	173.280	Forbidden	10 gallons	1	1	Keep dry
	Hexadiene	Flammable liquid	Flammable liquid	None	173.119	Forbidden	10 gallons	1,2	5	
	Hexaethyl tetraphosphate and compressed gas mixture	Poison A	Poison gas	None	173.334	Forbidden	Forbidden	1	5	Shade from radiant heat
	Hexaethyl tetraphosphate, liquid	Poison B	Poison	173.345	173.358	Forbidden	1 quart	1	4	
	Hexaethyl tetraphosphate mixture, dry (*containing more than 2% hexaethyl tetraphosphate*)	Poison B	Poison	None	173.377	Forbidden	200 pounds	1,2	5	
*	Hexaethyl tetraphosphate mixture, dry (containing not more than 2% hexaethyl tetraphosphate)	Poison B	Poison	173.377	173.377	50 pounds	200 pounds	1,2	4	
	Hexaethyl tetraphosphate mixture, liquid (*containing more than 25% hexaethyl tetraphosphate*)	Poison B	Poison	None	173.359	Forbidden	1 quart	1,2	5	
*	Hexaethyl tetraphosphate mixture, liquid (containing not more than 25% hexaethyl tetraphosphate)	Poison B	Poison	173.359	173.359	1 quart	1 quart	1,2	4	
	Hexafluorophosphoric acid	Corrosive material	Corrosive and Poison	None	173.275	Forbidden	1 gallon	1,2	1,2	
	Hexafluoropropylene	Nonflammable gas	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1	4	
*	Hexaldehyde	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1,2	
	Hexamethylene diamine, solid	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	
*	Hexamethylene diamine solution	Corrosive material	Corrosive	173.244	173.292	1 quart	10 gallons	1,2	1,2	
	Hexamethylene imine	Corrosive material	Corrosive and Poison	173.244	173.245	1 quart	10 gallons	1,2	1,2	
	Hexane	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	4	
	Hexanoic acid	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
	Hexyltrichlorosilane	Corrosive material	Corrosive	None	173.280	Forbidden	10 gallons	1	1	Keep dry
	High explosive	Class A explosive	Explosive A	None	173.61 to 173.87	Forbidden	Forbidden	6	5	
	High explosive, liquid	Class A explosive	Explosive A	None	173.62	Forbidden	Forbidden	6	5	
*	Hydraulic accumulator. *See* Accumulator, pressurized									
	Hydrazine, anhydrous	Flammable liquid	Flammable liquid and Poison	None	173.276	Forbidden	5 pints	1	5	Segregation same as for corrosives
*	Hydrazine aqueous solution (*containing less than 64% hydrazine*)	Corrosive material	Corrosive	None	173.276	Forbidden	5 pints	1	5	
	Hydrazine solution (*containing 64% or more hydrazine*)	Flammable liquid	Flammable liquid and Poison	None	173.276	Forbidden	5 pints	1	5	Segregation same as for corrosives
*	Hydriodic acid	Corrosive material	Corrosive	173.244	173.245	1 quart	1 gallon	1	1	Glass carboys not permitted on passenger vessel
	Hydrobromic acid, anhydrous. *See* Hydrogen bromide									
	Hydrobromic acid, *more than 49% strength*	Corrosive material	Corrosive	None	173.262	Forbidden	Forbidden	1	1	Glass carboys not permitted on passenger vessel
*	Hydrobromic acid not more than 49% strength	Corrosive material	Corrosive	173.244	173.262	1 quart	1 gallon	1	1	Glass carboys not permitted on passenger vessel
	Hydrocarbon gas, liquefied	Flammable gas	Flammable gas	173.306	173.304 173.314	Forbidden	300 pounds	1,2	1	
*	Hydrocarbon gas, nonliquefied	Flammable gas	Flammable gas	173.306	173.302	Forbidden	300 pounds	1,2	1	

§172.101 Hazardous Materials Table (cont'd)

(1) */W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
*	Hydrochloric (*muriatic*) acid	Corrosive material	Corrosive	173.244	173.263	Forbidden	1 gallon	1	1	Glass carboys not permitted on passenger vessel
	Hydrochloric acid, anhydrous. *See* Hydrogen chloride									
*	Hydrochloric acid mixture	Corrosive material	Corrosive	173.244	173.263	Forbidden	1 gallon	1	1	Glass carboys not permitted on passenger vessel
*	Hydrochloric acid solution, inhibited	Corrosive material	Corrosive	173.244	173.263	Forbidden	1 gallon	1	1	Glass carboys not permitted on passenger vessel
	Hydrocyanic acid, liquefied	Poison A	Flammable gas and Poison gas	None	173.332	Forbidden	Forbidden	1	5	
	Hydrocyanic acid (*prussic*), solution (*5% or more hydrocyanic acid*)	Poison A	Flammable gas and Poison gas	None	173.332	Forbidden	Forbidden	1	5	Shade from radiant heat. Aqueous solutions containing more than 20 percent hydrogen cyanide are not permitted in transportation by water
	Hydrocyanic acid (*prussic*), unstabilized	Forbidden								
	Hydrocyanic acid solution, less than 5% hydrocyanic acid	Poison B	Poison	None	173.351	Forbidden	25 pounds	1	5	Shade from radiant heat
	Hydrofluoric acid, anhydrous. *See* Hydrogen fluoride									
*	Hydrofluoric acid solution	Corrosive material	Corrosive	173.244	173.264	Forbidden	1 gallon	1	4	
*	Hydrofluoric and sulfuric acids, mixture	Corrosive material	Corrosive	None	173.290	Forbidden	1 gallon	1	5	
	Hydrofluoroboric acid. *See* Fluoboric acid									
	Hydrofluorosilicic acid	Corrosive material	Corrosive	None	173.265	1 quart	1 gallon	1,2	1,2	
	Hydrogen	Flammable gas	Flammable gas	173.306	173.302 173.314	Forbidden	300 pounds	1,2	4	
	Hydrogen bromide	Nonflammable gas	Nonflammable gas	173.306	173.304	Forbidden	300 pounds	1	4	
	Hydrogen chloride	Nonflammable gas	Nonflammable gas	173.306	173.304	Forbidden	300 pounds	1	4	
	Hydrogen, cryogenic liquid	Flammable gas	Flammable gas	None	173.316	Forbidden	Forbidden			Forbidden
	Hydrogen fluoride	Corrosive material	Corrosive	None	173.264	Forbidden	110 pounds	1	5	Segregation same as for nonflammable gases
	Hydrogen iodide solution. *See* Hydriodic acid									
	Hydrogen peroxide solution (8% to 40% peroxide)	Oxidizer	Oxidizer	173.244	173.266	1 quart	1 gallon	1,2	1	Shade from radiant heat. Separate from permanganates. Keep away from powdered metals
	Hydrogen peroxide solution (40% to 52% peroxide)	Oxidizer	Oxidizer	173.244	173.266	Forbidden	Forbidden	1	4	Shade from radiant heat. Separate from permanganates. Keep away from powdered metals
	Hydrogen peroxide solution (over 52% peroxide)	Oxidizer	Oxidizer	None	173.266	Forbidden	Forbidden	1	5	Shade from radiant heat. Separate from permanganates. Keep away from powdered metals. Concentrations greater than 60% hydrogen peroxide not permitted on any vessel except under conditions approved by the Department
	Hydrogen selenide	Flammable gas	Flammable gas and Poison	None	173.328	Forbidden	Forbidden	1	5	
	Hydrogen sulfate. *See* Sulfuric acid									
	Hydrogen sulfide	Flammable gas	Flammable gas and Poison	None	173.304 173.314	Forbidden	300 pounds	1	5	
	Hydrosilicofluoric acid. *See* Hydrofluorosilicic acid									
	Hypochlorite solution *containing more than 7% available chlorine by weight*	Corrosive material	Corrosive	173.244	173.277	1 quart	4 gallons	1,2	1	Glass carboys in hampers not permitted under deck
A*	Hypochlorite solution containing not more than 7% available chlorine *by weight*	ORM-B	None	173.505	173.510					
	Igniter	Class C explosive	Explosive C	None	173.106	50 pounds	150 pounds	1,3	1,3	
	Igniter cord	Class C explosive	Explosive C	None	173.100	50 pounds	150 pounds	1,3	1,3	
	Igniter fuse, metal clad	Class C explosive	Explosive C	None	173.106	50 pounds	150 pounds	1,3	1,3	
*	Igniter, jet thrust (jato)	Class A explosive	Explosive A	None	173.79	Forbidden	Forbidden	6	5	
*	Igniter, jet-thrust (jato)	Class B explosive	Explosive B	None	173.92	Forbidden	550 pounds	1,3	5	
*	Igniter, rocket motor	Class A explosive	Explosive A	None	173.79	Forbidden	Forbidden	6	5	
*	Igniter, rocket motor	Class B explosive	Explosive B	None	173.92	Forbidden	550 pounds	1,3	5	
	Illuminating projectile. *See* Fireworks, special									

(1) */W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
	Iminobispropylamine	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
	Initiating explosive *Diazodinitrophenol*	Class A explosive	Explosive A	None	173.70	Forbidden	Forbidden	6	5	
	Initiating explosive *Fulminate of mercury*	Class A explosive	Explosive A	None	173.71	Forbidden	Forbidden	6	5	
	Initiating explosive *Guanyl nitrosamino guanylidene hydrazine*	Class A explosive	Explosive A	None	173.72	Forbidden	Forbidden	6	5	
	Initiating explosive *Lead azide, dextrinated type only*	Class A explosive	Explosive A	None	173.73	Forbidden	Forbidden	6	5	
	Initiating explosive *Lead mononitroresorcinate*	Class A explosive	Explosive A	None	173.70	Forbidden	Forbidden	6	5	
	Initiating explosive Lead styphnate (*lead trinitroresorcinate*)	Class A explosive	Explosive A	None	173.74	Forbidden	Forbidden	6	5	
	Initiating explosive *Nitro mannite*	Class A explosive	Explosive A	None	173.75	Forbidden	Forbidden	6	5	
	Initiating explosive *Nitrosoguanidine*	Class A explosive	Explosive A	None	173.76	Forbidden	Forbidden	6	5	
	Initiating explosive *Pentaerythrite tetranitrate*	Class A explosive	Explosive A	None	173.77	Forbidden	Forbidden	6	5	
	Initiating explosive Tetrazene (*guanyl nitrosamine guanyl tetrazene*)	Class A explosive	Explosive A	None	173.78	Forbidden	Forbidden	6	5	
*	Ink	Combustible liquid	None	173.118a				1,2	1,2	
*	Ink	Flammable liquid	Flammable liquid	173.118	173.144	1 quart	10 gallons	1,2	1	
*	Insecticide, dry, n.o.s.	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Insecticide, liquefied gas (*containing no Poison A or B material*)	Nonflammable gas	Nonflammable gas	173.306	173.304	150 pounds	300 pounds	1,3	1,3	
	Insecticide, liquefied gas, containing Poison A material *or* Poison B material	Poison A	Poison gas	None	173.329 173.334	Forbidden	Forbidden	1	5	Shade from radiant heat
*	Insecticide, liquid	Combustible liquid	None	173.118a				1,2	1,2	
*	Insecticide, liquid	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Insecticide, liquid, n.o.s.	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
W	Insulation tape (*varnished cloth type*). *See* Oiled textiles									
	Iodine monochloride	Corrosive material	Corrosive and Poison	None	173.293	Forbidden	1 quart	1	5	Keep dry
	Iodine pentafluoride	Oxidizer	Oxidizer and Poison	None	173.246	Forbidden	100 pounds	1	1	Keep dry
	Iron chloride, solid. *See* Ferric chloride, solid									
	Iron mass *or* sponge, *not properly oxidized*	Flammable solid	Flammable solid	None	173.174	Forbidden	Forbidden	1,2	5	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides
	Iron mass *or* sponge spent	Flammable solid	Flammable solid	None	173.174	Forbidden	Forbidden	1,2	5	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides
A	Iron oxide, spent	ORM-C	None			Forbidden	Forbidden			
	Iron sesquichloride, solid. *See* Ferric chloride									
	Irritating agent, n.o.s.	Irritating material	Irritant	173.382		Forbidden	75 pounds	1	1	Stow away from living quarters
	Isobutane *or* Liquefied petroleum gas. *See* Liquefied petroleum gas									
	Isobutyl acetate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Isobutylamine	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Isobutylene or Liquefied petroleum gas. *See* Liquefied petroleum gas									
	Isobutyric acid	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
	Isobutyric anhydride	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
	Isooctane	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Isooctene	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	4	
	Isopentane	Flammable liquid	Flammable liquid	173.118	173.119	Forbidden	10 gallons	1,3	4	
	Isopentanoic acid	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
	Isoprene	Flammable liquid	Flammable liquid	173.118	173.119	Forbidden	10 gallons	1,3	4	
*	Isopropanol. *See* Alcohol, n.o.s.									

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5)	(6)	(7) Maximum quantity in one package		(8) Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not exempt)	Exceptions	Packaging requirements	(a) Passenger carrying aircraft	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Isopropyl acetate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Isopropyl acid phosphate solid	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	
	Isopropylamine	Flammable liquid	Flammable liquid	None	173.119	Forbidden	10 gallons	1,3	5	
	Isopropyl mercaptan	Flammable liquid	Flammable liquid	None	173.141	Forbidden	10 gallons	1,3	5	
	Isopropyl nitrate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Isopropyl percarbonate, stabilized	Organic peroxide	Organic peroxide	None	173.282	Forbidden	Forbidden	1,2	1	
	Isopropyl phosphoric acid, solid. *See* Isopropyl acid phosphate, solid									
	Jet thrust igniter. *See* Igniter, jet thrust									
*	Jet thrust unit (*jato*)	Class A explosive	Explosive A	None	173.79	Forbidden	Forbidden	6	5	
*	Jet thrust unit (*jato*)	Class B explosive	Explosive B	None	173.92	Forbidden	550 pounds	1,3	5	
W	*Jute*. *See* Fibers									
W	*Kapok*. *See* Fibers									
	Kerosene	Combustible liquid	None	173.118a				1,2	1,2	
*	Lacquer. *See* *Paint, enamel, lacquer, stain, etc.									
*	Lacquer base, liquid. *See* *Paint, enamel, lacquer, stain, etc.									
*	Lacquer base, *or* lacquer chips, dry	Flammable solid	Flammable solid	173.153	173.175	25 pounds	100 pounds	1	1	
*	Lacquer base *or* lacquer chips, plastic (*wet with alcohol or solvent*)	Flammable liquid	Flammable liquid	173.118	173.127	1 quart	25 pounds	1,2	1	
*	Lacquer removing, reducing, *or* thinning compound. *See* Compound, lacquer, paint, *or* varnish, *etc.*, removing, reducing *or* thinning liquid									
	Lauroyl peroxide	Organic peroxide	Organic peroxide	173.153	173.157 173.158	2 pounds	25 pounds	1,2	1	
	Lead arsenate, solid	Poison B	Poison	173.364	173.367	50 pounds	200 pounds	1,2	1,2	
	Lead arsenite, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Lead azide. *See* Initiating explosive									
A	Lead chloride	ORM-B	None	173.505	173.510 173.800	25 pounds	100 pounds			
	Lead cyanide	Poison B	Poison	173.370		25 pounds	No limit	1,2	1,2	Stow away from acids
W	Lead dross	ORM-C	None	173.505	173.1010			1,2	1,2	Segregation same as for corrosive materials
	Lead mononitroresorcinate. *See* Initiating explosive									
	Lead nitrate	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	1,2	1,2	Stow away from foodstuffs
	Lead peroxide	Oxidizer	Oxidizer	173.153	173.154	25 pounds	100 pounds	1,2	1,2	Stow away from foodstuffs
W	Lead scrap. *See* Lead dross									
	Lead styphnate (*lead trinitroresorcinate*). *See* Initiating explosive									
	Lead sulfate, solid (*containing more than 3% free acid*)	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	
*	Leather bleach *or* dressing	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Leather bleach *or* dressing	Combustible liquid	None	173.118a				1,2	1,2	
	Lighter fluid	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Lime-nitrogen. *See* Calcium cyanamide, not hydrated, etc.									
	Lime, unslaked. *See* Calcium oxide									
A	Lindane	ORM-A	None	173.505	173.510					
	Liquefied hydrocarbon gas. *See* Hydrocarbon gas, liquefied									
*	Liquefied nonflammable gas (*charged with nitrogen, carbon dioxide, or air*)	Nonflammable gas	Nonflammable gas	173.306	173.304	30 pounds	30 pounds	1,2	1,2	
	Liquefied petroleum gas	Flammable gas	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	1	
	Liquid other than one classed as flammable, corrosive, poison or irritant, charged with nitrogen, carbon dioxide, or air. *See* Compressed gas n.o.s.									

§172.101 Hazardous Materials Table (cont'd)

(1) */W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
	Lithium acetylide-ethylene diamine complex	Flammable solid	Flammable solid and Dangerous when wet	None	173.206	Forbidden	25 pounds	1,2	5	Segregation same as for flammable solid labeled Dangerous When Wet
	Lithium aluminum hydride	Flammable solid	Flammable solid and Dangerous when wet	None	173.206	Forbidden	25 pounds	1,2	5	Segregation same as for flammable solid labeled Dangerous When Wet
	Lithium aluminum hydride, ethereal	Flammable liquid	Flammable liquid	None	173.137	Forbidden	1 quart	1	5	Segregation same as for flammable solids labeled Dangerous When Wet
	Lithium amide, powdered	Flammable solid	Flammable solid	173.153	173.168	25 pounds	100 pounds	1,2	4	Segregation same as for flammable solids labeled Dangerous When Wet
	Lithium borohydride	Flammable solid	Flammable solid and Dangerous when wet	None	173.206	Forbidden	25 pounds	1,2	5	Segregation same as for flammable solids labeled Dangerous When Wet
	Lithium ferro silicon	Flammable solid	Flammable solid and Dangerous when wet	None	173.206	Forbidden	25 pounds	1,2	5	Segregation same as for flammable solids labeled Dangerous When Wet
	Lithium hydride	Flammable solid	Flammable solid and Dangerous when wet	None	173.206	Forbidden	25 pounds	1,2	5	Segregation same as for flammable solids labeled Dangerous When Wet
	Lithium hydride in fused solid form	Flammable solid	Flammable solid and Dangerous when wet	None	173.206	Forbidden	100 pounds	1,2	5	Segregation same as for flammable solids labeled Dangerous When Wet
	Lithium hypochlorite compound, dry (*containing more than 39% available chlorine*)	Oxidizer	Oxidizer	173.153	173.217	50 pounds	100 pounds	1,2	1,2	
	Lithium metal	Flammable solid	Flammable solid and Dangerous when wet	None	173.206	Forbidden	25 pounds	1,2	5	Segregation same as for flammable solids labeled Dangerous When Wet
	Lithium metal, in cartridges	Flammable solid	Flammable solid and Dangerous when wet	173.206		1 pound	25 pounds	1,2	4	Segregation same as for flammable solids labeled Dangerous When Wet
	Lithium nitride	Flammable solid	Flammable solid and Dangerous when wet	None	173.206	Forbidden	25 pounds	1,2	5	Segretation same as for flammable solids labeled Dangerous When Wet
	Lithium peroxide	Oxidizer	Oxidizer	173.153	173.154	25 pounds	100 pounds	1,2	1,2	Keep dry
	Lithium silicon	Flammable solid	Flammable solid and Dangerous when wet	None	173.206	Forbidden	25 pounds	1,2	1,2	Segregation same as for flammable solids labeled Dangerous When Wet
	London purple, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Low blasting explosive. See Low explosive									
	Low explosive	Explosive A	Explosive A	None	173.60	Forbidden	Forbidden	6	5	
	Lye. See Sodium hydroxide, solid									
	Magnesium aluminum phosphide	Flammable solid	Flammable solid and Dangerous when wet	None	173.206	Forbidden	25 pounds	1,2	1,2	Segregation same as for flammable solids labeled Dangerous When Wet
	Magnesium arsenate, solid	Poison B	Poison	173.364	173.367	50 pounds	200 pounds	1,2	1,2	
	Magnesium dross, wet or hot	Forbidden		173.173						
*	Magnesium, metal (*powdered, pellets, turnings, or ribbons*)	Flammable solid	Flammable solid and Dangerous when wet	173.153	173.220	25 pounds	100 pounds	1,2	1,2	Segregation same as for flammable solids labeled Dangerous When Wet
	Magnesium nitrate	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	1,2	1,2	
	Magnesium perchlorate	Oxidizer	Oxidizer	173.153	173.154	25 pounds	100 pounds	1,3	1,3	Stow away from powdered metals
	Magnesium peroxide, solid	Oxidizer	Oxidizer	173.153	173.154	25 pounds	100 pounds	1,2	1,2	Keep dry
*	Magnesium scrap (*borings, clippings, shavings, sheet, turnings, or scalpings*)	Flammable solid	Flammable solid and Dangerous when wet	173.153	173.220	Forbidden	Forbidden	1,2	1,2	Segregation same as for flammable solids labeled Dangerous When Wet
A	Magnetized material	ORM-C	Magnetized material	None	173.1020					
A	Malathion	ORM-A	None	173.505	173.510					
A	Manganese dioxide	ORM-B	None	173.505	173.510					
	Matches, block. See Matches, strike anywhere									

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5)	(6)	(7) Maximum quantity in one package		(8) Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not exempt)	Exceptions	Packaging requirements	(a) Passenger carrying aircraft	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Matches, safety, *book, card, or strike-on-box*	Flammable solid	Flammable solid	173.176		50 pounds	50 pounds	1,2	1	
	Matches, strike anywhere	Flammable solid	Flammable solid	None	173.176	Forbidden	Forbidden	1,2	1	
	Matting acid. *See* Sulfuric acid									
*	Medicines, n.o.s.	Combustible liquid	None	173.118a				1,2	1,2	
*	Medicines, n.o.s.	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Medicines, n.o.s.	Flammable solid	Flammable solid	173.153	173.154	25 pounds	100 pounds	1,2	1,2	
*	Medicines, n.o.s.	Oxidizer	Oxidizer	173.153	173.154	25 pounds	100 pounds	1,2	1,2	
*	Medicines, n.o.s., liquid	Corrosive material	Corrosive	173.244	173.245	1 quart	1 quart	1,2	1,2	
*	Medicines, n.o.s., liquid	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,3	1	
*	Medicines, n.o.s., solid	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	Keep dry
*	Medicines, n.o.s., solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,3	1,3	
	Memtetrahydro phthalic anhydride	Corrosive material	Corrosive	None	173.298	Forbidden	1 quart	1,2	1	
*	Mercaptan mixture, aliphatic (*in containers over 110 gallons*)	Combustible liquid	None	173.118a		Forbidden	10 gallons	1,2	1,2	
AW	Mercaptan mixture, aliphatic (*in containers of 110 gallons or less*) *see 173.141(b)*	ORM-A	None	173.505	173.510	Forbidden	10 gallons	1,3	5	Stow in well ventilated space away from living quarters
*	Mercaptan mixture, aliphatic	Flammable liquid	Flammable liquid	None	173.141	Forbidden	10 gallons	1,3	5	
	Mercuric acetate	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Mercuric-ammonium chloride, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Mercuric benzoate, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Mercuric bromide, solid	Poison B	Poison	173.364	173.365	Forbidden	25 pounds	1,2	1,2	
	Mercuric chloride, solid	Poison B	Poison	173.364	173.372	Forbidden	25 pounds	1,2	1,2	
	Mercuric cyanide, solid	Poison B	Poison	173.370		25 pounds	200 pounds	1,2	1,2	Stow away from acids
	Mercuric iodide, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
*	Mercuric iodide solution	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
	Mercuric oleate, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Mercuric oxide, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Mercuric oxycyanide, solid	Poison B	Poison	173.364	173.365	25 pounds	200 pounds	1,2	1,2	Stow away from acids
	Mercuric-potassium cyanide, solid	Poison B	Poison	173.364	173.365 173.370	25 pounds	200 pounds	1,2	1,2	Stow away from acids
	Mercuric-potassium iodide, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Mercuric salicylate solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Mercuric subsulfate, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Mercuric sulfate, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Mercuric sulfo cyanate, solid or mercuric thiocyanate, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Mercurol, or mercury nucleate, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Mercurous acetate, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Mercurous bromide, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Mercurous gluconate, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Mercurous iodide, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Mercurous nitrate, solid	Oxidizer	Oxidizer	173.153	173.154	50 pounds	100 pounds	1,2	1,2	
	Mercurous oxide, black, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Mercurous sulfate, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
*	Mercury compound, n.o.s., solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	

§172.101 Hazardous Materials Table (cont'd)

(1) */W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
	Mercury fulminate. See Initiating explosive									
A	Mercury, metallic	ORM-B	None	None	173.860	173.860	173.860			
	Mesityl oxide	Flammable liquid	Flammable liquid	None	173.119	1 quart	10 gallons	1,2	1,2	
W	Metal borings, shavings, turnings, *or* cuttings	ORM-C	None	173.505	173.1025			1,2	1,2	Keep dry. Not permitted if temperature of material is at or above 1300DEG0 F
	Methane	Flammable gas	Flammable gas	173.306	173.302	Forbidden	300 pounds	1,2	4	
	Methanol. *See* Methyl alcohol									
	Methyl acetate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Methyl acetone	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Methylacetylene-propadiene, stabilized	Flammable gas	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	1	
	Methyl acrylate, inhibited	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Methylal	Flammable liquid	Flammable liquid	None	173.119	Forbidden	10 gallons	1,3	5	
	Methyl alcohol	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Methylamine, anhydrous *or* Monomethylamine	Flammable gas	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1	4	
	Methyl amyl acetate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1,2	
	Methyl amyl ketone	Combustible liquid	None	173.118a				1,2	1,2	
	Methyl bromide and ethylene dibromide mixture, liquid	Poison B	Poison	None	173.353	Forbidden	55 gallons	1	1	
	Methyl bromide and more than 2% chloropicrin mixture, liquid	Poison B	Poison	None	173.353	Forbidden	Forbidden	1	5	Shade from radiant heat
	Methyl bromide and nonflammable, nonliquefied compressed gas mixture, liquid (*Pressure not exceeding 40 psia at 70 DEG F*)	Poison B	Poison	None	173.353	Forbidden	300 pounds	1	5	Stow away from living quarters
	Methyl bromide, liquid (*bromomethane*) (*including up to 2% chloropicrin*)	Poison B	Poison	None	173.353	Forbidden	55 gallons	1	5	Stow away from living quarters. Segregation same as for nonflammable gas
	Methyl butene	Flammable liquid	Flammable liquid	None	173.119	Forbidden	10 gallons	1,2	5	
	Methyl butyrate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Methyl cellosolve. See Ethylene glycol monomethyl ether									
	Methyl cellosolve acetate. See Ethylene glycol monomethyl ether acetate									
	Methyl chloride	Flammable gas	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	4	
*	Methyl chloride-methylene chloride mixture	Flammable gas	Flammable gas	173.306	173.304 173.314	Forbidden	300 pounds	1,2	4	
	Methyl chlorocarbonate. *See* Methyl chloroformate									
A	Methyl chloroform	ORM-A	None	173.505	173.510 173.605	10 gallons	55 gallons			
	Methyl chloroformate	Flammable liquid	Flammable liquid and Poison	None	173.288	Forbidden	5 pints	1,2	1	
	Methylchloromethyl ether, anhydrous	Flammable liquid	Flammable liquid and Poison	None	173.143	Forbidden	Forbidden	1	5	Shade from radiant heat
	Methylcyclohexane	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Methylcyclopentane	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	4	
	Methyl dichloroacetate	Corrosive material	Corrosive	173.244	173.245	1 quart	1 quart	1,2	1,2	
	Methyldichloroarsine	Poison A	Poison gas	None	173.328	Forbidden	Forbidden	1	5	Shade from radiant heat
	Methyl dichlorosilane	Flammable liquid	Flammable liquid	None	173.136	Forbidden	5 pints	1,2	1	
	Methylene chloride. *See* Dichloromethane									
	Methyl ethyl ether. *See* Ethyl methyl ether									
	Methyl ethyl ketone	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	

§172.101 Hazardous Materials Table (cont'd)

(1) */W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
	Methyl ethyl pyridine	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
	Methyl formate	Flammable liquid	Flammable liquid	173.118	173.119	Forbidden	10 gallons	1,3	4	
	Methylfuran	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	4	
	Methylhydrazine	Flammable liquid	Flammable liquid and Poison	None	173.145	Forbidden	5 pints	1,2	1	Stow separate from oxidizing materials and corrosives
	Methyl isopropenyl ketone, inhibited	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Methyl magnesium bromide in ethyl ether *not over 40% concentration*	Flammable liquid	Flammable liquid	None	173.149	Forbidden	Forbidden	1	1	Segregation same as for flammable solids. Separate from flammable gases or liquids, oxidizing materials or organic peroxides
	Methyl mercaptan	Flammable gas	Flammable gas	173.306	173.304 173.314 173.315 Forbidden 300 pounds 1,2 1 Methyl methacrylate monomer, inhibited Flammable liquid 34 Flammable liquid Flammable liquid 173.118 173.119	1 quart	10 gallons	1,2	1	
	Methyl methacrylate monomer, uninhibited (*high-purity, if acceptable under Sec. 173.21 of this subchapter*)	Flammable liquid	Flammable liquid	173.118	173.119	Forbidden	Forbidden	1,2	1	
	Methyl norbornene dicarboxylic anhydride. *See* Memtetrahydro phthalic anhydride									
	Methyl parathion, liquid	Poison B	Poison	None	173.358	Forbidden	1 quart	1,3	1,3	
*	Methyl parathion mixture, dry	Poison B	Poison	173.377		50 pounds	200 pounds	1,2	1,2	
*	Methyl parathion mixture, liquid, (containing 25% or less methyl parathion)	Poison B	Poison	None	173.359	1/2 pint	1 quart	1,2	1,2	
	Methyl parathion mixture, liquid, (*containing over 25% methyl parathion*)	Poison B	Poison	None	173.359	Forbidden	1 quart	1,2*	1,2	
	Methylpentadiene	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Methyl pentane	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Methyl phosphonothioic dichloride, anhydrous	Corrosive material	Corrosive	173.244	173.245 173.245a	1 quart	1 quart	1	4	
	Methyl phosphonous dichloride	Corrosive material	Corrosive	173.244	173.245 173.245a	1 quart	1 quart	1	4	
	Methyl propionate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Methyl propyl ketone	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Methyl sulfate. *See* Dimethyl sulfate									
	Methyl sulfide. *See* Dimethyl sulfide									
	Methyltrichlorosilane	Flammable liquid	Flammable liquid	None	173.135	Forbidden	10 gallons	1,2	1	
	Methyl vinyl ketone, inhibited	Flammable liquid	Flammable liquid	173.147	173.147	4 ounces	10 gallons	1,2	1	
	Mild detonating fuse, metal clad. See Fuse, mild detonating, metal clad									
	Mine, empty			173.55						
	Mine, explosive, with gas material. See Explosive mine									
	Mine rescue equipment containing carbon dioxide	Nonflammable gas	Nonflammable gas	173.306		150 pounds	300 pounds	1,2	1,2	
*	Mining reagent, liquid (*containing 20% or more cresylic acid*)	Corrosive material	Corrosive	173.244	173.245 173.249a	1 quart	10 gallons	1,2	1,2	
A	Mipafox	ORM-A	None	173.505	173.510					
	Mixed acid. *See* Nitrating (*mixed*) acid									
A	Molybdenum pentachloride	ORM-B	None	173.505	173.510 173.800	25 pounds	100 pounds			
	Monobromotrifluoromethane	Nonflammable gas	Nonflammable gas	173.306	173.304 173.314	150 pounds	300 pounds	1,2	1,2	

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*	Monochloroacetic acid solution	Corrosive material	Corrosive	173.244	173.294	1 quart	1 quart	1,2	1,2	Glass carboys in hampers not permitted under deck
	Monochlorodifluoromethane	Nonflammable gas	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Monochloroethylene. *See* Vinyl chloride									
	Monochloropentafluoroethane	Nonflammable gas	Nonflammable gas	173.306	173.304	150 pounds	300 pounds	1,2	1,2	
	Monochlorotetrafluoroethane	Nonflammable gas	Nonflammable gas	173.306	173.304 173.314	150 pounds	300 pounds	1,2	1,2	
	Monochlorotrifluoromethane	Nonflammable gas	Nonflammable gas	173.306	173.304	150 pounds	300 pounds	1,2	1,2	
	Monoethanolamine	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
*	Monoethanolamine solution	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
	Monoethylamine	Flammable liquid	Flammable liquid	None	173.148	Forbidden	5 pints	1,2	5	Segregation same as for flammable gas
	Monofluorophosphoric acid, anhydrous	Corrosive material	Corrosive	None	173.275	Forbidden	1 gallon	1,2	1,2	Keep dry
	Monomethylamine, anhydrous	Flammable gas	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	4	
*	Monomethylamine, aqueous solution	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	4	Stow away from mercury and its compounds
	Mortar stain, liquid	Combustible liquid	None	173.118a				1,2	1,2	
*	Mortar stain, liquid	Flammable liquid	Flammable liquid	173.118	173.128	1 quart	55 gallons	1,2	1	
	Moth balls. See Naphthalene									
	Motion picture film. See Film									
	Motor fuel antiknock compound	Poison B	Poison	None	173.354	Forbidden	55 gallons	1	5	If flashpoint less than 141 deg F., segregation same as for flammable liquids
*	Motor fuel n.o.s.	Combustible liquid	None	173.118a				1,2	1,2	
*	Motor fuel, n.o.s.	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Motor, internal combustion			173.120						
	Motor vehicle, *etc., including automobile, motorcycle, truck, tractor, and other self-propelled vehicle or equipment powered by internal combustion engine, when offered new or used for transportation and which contain fuel in the engine or fuel tank or the electric storage battery is connected to either terminal of the electrical system*			173.120	173.257 173.306			1,2	1,2	Not permitted in nonventilated containers
	Muriatic acid. *See* Hydrochloric (muriatic) acid									
*	Naphtha	Combustible liquid	None	173.118a				1,2	1,2	
*	Naphtha	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Naphtha distillate	Combustible liquid	None	173.118a				1,2	1,2	
*	Naphtha distillate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
AW	Naphthalene *or* Naphthalin	ORM-A	None	173.505	173.655	25 pounds	300 pounds	1,2	1,2	Segregation same as for flammable solids
*	*Naphtha petroleum. See* *Petroleum naphtha									
*	Naphtha, solvent	Combustible liquid	None	173.118a				1,2	1,2	
*	Naphtha, solvent	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Natural gasoline. See Gasoline									
	Neohexane	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	4	
*	Neon	Nonflammable gas	Nonflammable gas	173.306	173.302	150 pounds	300 pounds	1,2	1,2	
	New explosive or explosive device			173.51	173.86					
	Nickel carbonyl	Flammable liquid	Flammable liquid and Poison	None	173.126	Forbidden	Forbidden	1	5	Not permitted on a vessel carrying explosives. Shade from radiant heat. Segregation same as for flammable liquids
	Nickel catalyst, wet, *finely divided, activated, or spent. With not less than 40% water*	Flammable solid	Flammable solid	None	173.233	Forbidden	100 pounds	1,2	1	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides
	Nickel cyanide, solid	Poison B	Poison	173.370		25 pounds	200 pounds	1,2	1,2	Stow away from acids
	Nicotine hydrochloride	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	

§172.101 Hazardous Materials Table (cont'd)

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	Nicotine, liquid	Poison B	Poison	None	173.358	Forbidden	55 gallons	1,2	1,2	
	Nicotine salicylate	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
*	Nicotine sulfate, liquid	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
	Nicotine sulfate, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Nicotine tartrate	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Nitrate of ammonia explosives. See High explosive									
*	Nitrate, n.o.s.	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	1,2	1,2	
	Nitrating (*mixed*) acid	Oxidizer	Oxidizer	None	173.267	Forbidden	1 quart	1	5	Segregation same as for corrosive materials
	Nitrating (*mixed*) acid, spent	Corrosive material	Corrosive	None	173.248	Forbidden	1 quart	1	5	
	Nitric acid (*over 40%*)	Oxidizer	Oxidizer and Corrosive	None	173.268	Forbidden	5 pints	1	5	Segregation same as for corrosive materials. Stow away from hydrazine, separate from diethylenetriamine
	Nitric acid, fuming	Oxidizer	Oxidizer and Poison	None	173.268	Forbidden	Forbidden	1	5	Segregation same as for corrosive materials. Stow away from hydrazine, separate from diethylenetriamine
	Nitric acid, 40% or less	Corrosive material	Corrosive	None	173.268	Forbidden	5 pints	1	5	Stow away from hydrazine, separate from diethylenetriamine
	Nitric ether. See Ethyl nitrate									
	Nitric oxide	Poison A	Poison gas	None	173.337	Forbidden	Forbidden	1	5	
	Nitroaniline	Poison B	Poison	173.364	173.373	50 pounds	200 pounds	1,2	1,2	
	p-Nitroaniline. *See* Nitroaniline									
	Nitrobenzol, liquid (*oil of mirbane, nitrobenzene*)	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
	Nitro carbo nitrate	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	1,2	1,2	
	Nitrocellulose, colloided, granular *or* flake, wet with not less than 20% alcohol *or* solvent, *or* block, wet with not less than 25% alcohol	Flammable liquid	Flammable liquid	173.118	173.127	1 quart	25 pounds	1,2	1	
	Nitrocellulose, colloided, granular *or* flake, wet with not less than 20% water	Flammable solid	Flammable solid	173.153	173.184	25 pounds	100 pounds	1	1	
	Nitrocellulose, dry. See High explosive									
	Nitrocellulose flakes, wet with not less than 20% alcohol *or* solvent	Flammable liquid	Flammable liquid	173.118	173.127	1 quart	25 pounds	1,2	1	
	Nitrocellulose, wet with not less than 30% alcohol *or* solvent	Flammable liquid	Flammable liquid	173.118	173.127	1 quart	25 pounds	1,2	1	
	Nitrocellulose, wet with not less than 20% water	Flammable solid	Flammable solid	173.153	173.184	25 pounds	100 pounds	1	4	
	Nitrochlorobenzene, ortho, liquid	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
	Nitrochlorobenzene, meta *or* para, solid	Poison B	Poison	173.364	173.374	50 pounds	200 pounds	1,2	1,2	
*	Nitrogen	Nonflammable gas	Nonflammable gas	173.306	173.302 173.314	150 pounds	300 pounds	1,2	1,2	
*	Nitrogen, cryogenic liquid	Nonflammable gas	Nonflammable gas	None	173.304	Forbidden	300 pounds	1,3	1,3	
	Nitrogen dioxide, liquid	Poison A	Oxidizer and Poison gas	None	173.336	Forbidden	Forbidden	1	5	Segregation same as for nonflammable gases. Stow away from organic materials
*	Nitrogen fertilizer solution	Nonflammable gas	Nonflammable gas	173.306	173.304 173.314	150 pounds	300 pounds	1,3	1,3	
	Nitrogen peroxide, liquid	Poison A	Oxidizer and Poison gas	None	173.336	Forbidden	Forbidden	1	5	Segregation same as for nonflammable gas. Stow away from organic materials
	Nitrogen tetroxide, liquid	Poison A	Oxidizer and Poison gas	None	173.336	Forbidden	Forbidden	1	5	Segregation same as for nonflammable gases. Stow away from organic materials
	Nitrogen tetroxide-nitric oxide mixture, *containing up to 33.2% by weight nitric oxide*	Poison A	Oxidizer and Poison gas	None	173.338	Forbidden	Forbidden	1	5	Segregation same as for nonflammable gases. Stow away from organic materials
	Nitroglycerin, liquid, desensitized. See High explosive, liquid									
	Nitroglycerin, liquid, undesensitized	Forbidden		173.51						
	Nitroglycerin, spirits of. See Spirits of nitroglycerin									
	Nitroguanidine, dry. See High explosive									
	Nitroguanidine, wet with not less than 20% water	Flammable solid	Flammable solid	173.153	173.184	25 pounds	100 pounds	1,2	4	
	Nitrohydrochloric acid	Corrosive material	Corrosive	None	173.278	Forbidden	5 pints	1	5	
*	Nitrohydrochloric acid, diluted	Corrosive material	Corrosive	None	173.278	Forbidden	5 pints	1	5	

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	Nitromannite. See High explosive									
	Nitromethane	Flammable liquid	Flammable liquid	173.118	173.149a	1 quart	10 gallons	1,2	1,2	
	Nitromuriatic acid. *See* Nitrohydrochloric acid									
	Nitrosoguanidine. *See* Initiating explosive									
	Nitrostarch, dry. *See* High explosive									
	Nitrostarch, wet with not less than 30% alcohol *or* solvent	Flammable liquid	Flammable liquid	173.118	173.127	1 quart	25 pounds	1,2	1	
	Nitrostarch, wet with not less than 20% water	Flammable solid	Flammable solid	173.153	173.184	25 pounds	100 pounds	1	4	
	Nitrosyl chloride	Nonflammable gas	Nonflammable gas	173.306	173.304 173.314	Forbidden	300 pounds	1	4	
	Nitrourea. See High explosive									
	Nitrous oxide	Nonflammable gas	Nonflammable gas	173.306	173.304 173.315	150 pounds	300 pounds	1,2	1,2	Under deck stowage must be in well-ventilated space
	Nitroxylol	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,2	1	
*	Nonliquefied hydrocarbon gas	Flammable gas	Flammable gas	173.306	173.302	Forbidden	300 pounds	1,2	1	
	Nonyl trichlorosilane	Corrosive material	Corrosive	None	173.280	Forbidden	10 gallons	1	1	Keep dry
	Nordhausen acid. *See* Sulfuric acid									
W	Oakum	ORM-C	None	173.505	173.1030			1,2	1,2	
	Octadecyltrichlorosilane	Corrosive material	Corrosive	None	173.280	Forbidden	10 gallons	1	1	Keep dry
	Octane	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Octyl trichlorosilane	Corrosive material	Corrosive	None	173.280	Forbidden	10 gallons	1	1	Keep dry
*	Oil, *described as oil*, n.o.s., petroleum oil, *or* petroleum oil, n.o.s.	Combustible liquid	None	173.118a				1,2	1,2	
*	Oil, *described as oil*, oil, n.o.s., petroleum oil, *or* petroleum oil, n.o.s.	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Oiled clothing (*manufactured article properly dried to prevent spontaneous heating*). *See* Oiled material									
AW	Oiled material (*manufactured article properly dried to prevent spontaneous heating*)	ORM-C	None	173.505	173.1035			1,3	1,3	
	Oiled paper (*manufactured article properly dried to prevent spontaneous heating*). *See* Oiled material									
	Oil of mirbane. See Nitrobenzol, liquid									
	Oil of vitriol. See Sulfuric acid									
	Oil well cartridge	Class C explosive	Class C explosive	None	173.112	50 pounds	150 pounds	1,3	1,3	
	Oleum (*sulfuric acid fuming*)	Corrosive material	Corrosive and Poison	None	173.272	Forbidden	5 pints	1,2	1	Under deck stowage must be in metal drums only. Keep dry
	Organic peroxide, liquid, n.o.s.	Organic peroxide	Organic peroxide	173.153	173.221	Forbidden	1 quart	1,2	1,2	
	Organic peroxide, solid, n.o.s.	Organic peroxide	Organic peroxide	173.153	173.154	Forbidden	25 pounds	1,2	1,2	
*	Organic phosphate compound mixture, dry, n.o.s.	Poison B	Poison	173.377	173.377	50 pounds	200 pounds	1,2	4	
*	Organic phosphate compound mixture, liquid, n.o.s.	Poison B	Poison	None	173.359	Forbidden	1 quart	1,2	5	
	Organic phosphate, liquid, n.o.s.	Poison B	Poison	None	173.358	Forbidden	1 quart	1,2	5	
*	Organic phosphate, n.o.s. mixed with compressed gas	Poison A	Poison gas	None	173.334	Forbidden	Forbidden	1	5	Shade from radiant heat
*	Organic phosphorus compound, liquid, n.o.s. *or* Organic phosphate, liquid, n.o.s.	Poison B	Poison	None	173.358	Forbidden	1 quart	1,2	5	
*	Organic phosphorus compound, solid, n.o.s. *or* Organic phosphate compound mixture, dry, n.o.s.	Poison B	Poison	173.377	173.377	50 pounds	200 pounds	1,2	4	
*	Organic phosphorus compound mixture, liquid, n.o.s. *or* Organic phosphate compound mixture, liquid, n.o.s.	Poison B	Poison	None	173.359	Forbidden	1 quart	1,2	5	
*	Organic phosphorus compound mixture, dry, n.o.s. *or* Organic phosphate compound mixture, dry, n.o.s.	Poison B	Poison	173.377	173.377	50 pounds	200 pounds	1,2	4	
AW	ORM-A n.o.s.	ORM-A	None	173.505	173.510					
AW	ORM-B n.o.s.	ORM-B	None	173.505	173.510					
	ORM-C. See 173.500 & 176.900									
	Orthonitroaniline. *See* Nitroaniline									
	Oxidizer material, n.o.s.	Oxidizer	Oxidizer	173.153	173.154	25 pounds	25 pounds	1,2	1,2	

§172.101 Hazardous Materials Table (cont'd)

(1) */W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
	Oxidizer material packed with other articles			173.152						
*	Oxygen	Nonflammable gas	Oxidizer	173.306	173.302 173.314	150 pounds	300 pounds	1,2	1,2	Under deck stowage must be in well ventilated space
*	Oxygen, pressurized liquid	Nonflammable gas	Oxidizer	None	173.304	Forbidden	Forbidden	1,3	1,3	Stow separate from acetylene. Do not overstow with other cargo
*	Paint drier, liquid	Combustible liquid	None	173.118a				1,2	1,2	
*	Paint drier, liquid	Flammable liquid	Flammable liquid	173.118	173.128	1 quart	55 gallons	1,2	1	
*	Paint, enamel, lacquer, stain, shellac, *or* varnish; aluminum, bronze, gold, wood filler, liquid *or* lacquer base, liquid	Combustible liquid	None	173.118a				1,2	1,2	
*	Paint, enamel, lacquer stain, shellac, *or* varnish; aluminum, bronze, gold, wood filler, liquid, *or* lacquer base, liquid	Flammable liquid	Flammable liquid	173.118	173.128	1 quart	55 gallons	1,2	1	
*	*Paint, reducing or thinning compound. See* *Compound, lacquer, paint, *or* varnish, reducing *or* thinning liquid, etc.									
	Paper caps. See Toy caps									
W	Paper scrap (*when dry, clean, and free from oil*)	ORM-C	None	173.505	173.1075			1,2	1,2	
	Paper stock, wet	Flammable solid	Flammable solid	None	173.185	Forbidden	Forbidden	1,2	1,2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides
	Paper waste (*when dry, clean, and free from oil*). *See* Paper scrap									
	Paper waste, wet. *See* Waste paper, wet									
	Paraldehyde	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	55 gallons	1,2	1,2	
	Paramenthane hydroperoxide	Organic peroxide	Organic peroxide	173.153	173.224	1 quart	1 quart	1,2	4	
	Paranitroaniline, solid. *See* Nitroaniline									
	Parathion and compressed gas mixture	Poison A	Poison gas	None	173.334	Forbidden	Forbidden	1,3	5	
	Parathion, liquid	Poison B	Poison	None	173.358	Forbidden	1 quart	1,3		
*	Parathion mixture, dry	Poison B	Poison	173.377		50 pounds	200 pounds	1,3	1,3	
	Parathion mixture, liquid	Poison B	Poison	None	173.359	Forbidden	1 quart	1,3	1,3	
	Paris green, solid. *See* Copper acetoarsenite, solid									
	Pentaborane	Flammable liquid	Poison and flammable liquid	None	173.138	Forbidden	Forbidden	1	5	Segregation same as for flammable solids. Separate from flammable gases or liquids, oxidizing materials, or organic peroxides
	Pentachlorophenol	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
	Pentaerythrite tetranitrate. See Initiating explosive									
	Pentaerythrite tetranitrate, desensitized, wet. See High explosive									
	Pentane	Flammable liquid	Flammable liquid	173.118	173.119	Forbidden	10 gallons	1,3	4	
	Pentolite, dry. See High explosive									
	Peracetic acid solution, *not over 40% peracetic acid and not over 6% hydrogen peroxide*	Organic peroxide	Organic peroxide	173.223	173.223	1 pint	5 pints	1	4	Shade from radiant heat
*	Perchlorate, n.o.s.	Oxidizer	Oxidizer	173.153	173.154	25 pounds	100 pounds	1,3	1,3	Stow away from powdered metals
	Perchloric acid, *exceeding 50% but* not exceeding 72% strength	Oxidizer	Oxidizer	None	173.269	Forbidden	5 pints	1	5	Segregation same as for corrosive materials. Stow away from hydrazine
	Perchloric acid exceeding 72% strength	Forbidden								
*	Perchloric acid, not over 50% acid	Oxidizer	Oxidizer	173.244	173.269	Forbidden	5 pints	1	1	Segregation same as for corrosive materials. Stow away from hydrazine
	Perchloro-methyl-mercaptan	Poison B	Poison	173.345	173.360	Forbidden	10 pounds	1	4	
	Percussion cap	Class C explosive	Explosive C	None	173.107	50 pounds	150 pounds	1,3	1,3	
	Percussion fuze	Class C explosive	Explosive C	None	173.105	50 pounds	150 pounds	1,3	1,3	
A	Perfluoro-2-butene	ORM-A	None	173.505	173.510 173.605	10 gallons	55 gallons			
*	Permanganate, n.o.s.	Oxidizer	Oxidizer	173.153	173.154 25 pounds		100 pounds	1,2	1,2	Separate from ammonium compounds, hydrogen peroxide, and acids
	Permanganate of potash. See Potassium permanganate									
*	Peroxide, organic, liquid *or* solution, n.o.s.	Flammable liquid	Organic peroxide and flammable liquid	None	173.119	Forbidden	1 quart	1,2	5	Stow separate from combustible materials, explosives, or acids

§172.101 Hazardous Materials Table (cont'd)

(1) */W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
*	Peroxide, organic, liquid *or* solution, n.o.s.	Organic peroxide	Organic peroxide	173.153	173.221	Forbidden	1 quart	1,2	1	Stow separate from combustible materials, explosives, or acids
	Peroxide, organic, solid, n.o.s.	Organic peroxide	Organic peroxide	173.153	173.154	Forbidden	25 pounds	1,2		Stow separate from combustible materials, explosives, or acids
W	Pesticide, water reactive, *including but not limited to fungicides, and herbicides, etc., which contain manganese ethylenebisdithio carbamate*	ORM-C	None	173.505	173.1040			2	2	Keep dry
W	Petroleum coke (calcined)	ORM-C								Not subject to Parts 170-189 of this subchapter if shipped below 130 deg F. Shipments are permitted at higher temperatures only when specifically authorized in writing by the Department
W	Petroleum coke (*uncalcined*)	ORM-C	None	173.505	173.1045			1,2	1,2	Not permitted if temperature of material is at or above 130 deg F.
	Petroleum crude. See Crude oil									
*	Petroleum distillate	Combustible liquid	None	173.118a				1,2	1,2	
*	Petroleum distillate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	4	
	Petroleum ether	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	4	
	Petroleum gas, liquefied. See Liquefied petroleum gas									
*	Petroleum naphtha	Combustible liquid	None	173.118a				1,2	1,2	
*	Petroleum naphtha	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
A	Phencapton	ORM-A	None	173.505	173.510					
	Phenol. *See* Carbolic acid									
	Phenyl dichloro arsine	Poison B	Poison	None	173.355	Forbidden	30 gallons	1	5	
A	Phenylenediamine, meta or para, solid	ORM-A	None	173.505	173.510					
	Phenyl trichlorosilane	Corrosive material	Corrosive	None	173.280	Forbidden	10 gallons	1	1	Keep dry
	Phosgene (diphosgene)	Poison A	Poison gas	None	173.333	Forbidden	Forbidden	1	5	
	Phosphine	Poison A	Flammable gas and Poison gas	None	173.328	Forbidden	Forbidden	1	5	
*	Phosphoric acid	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	Glass carboys in hampers not permitted under deck
	Phosphoric acid triethyleneimine. *See* Tris-(1-aziridinyl phosphine oxide)									
	Phosphoric anhydride (*phosphorus pentoxide*)	Corrosive material	Corrosive	None	173.188	Forbidden	100 pounds	1,2	1,2	Keep dry. Glass bottles not permitted under deck
	Phosphorus, amorphous, red	Flammable solid	Flammable solid	None	173.189	Forbidden	11 pounds	1,2	1,2	
	Phosphorus bromide. *See* Phosphorus tribromide									
	Phosphorus chloride. *See* Phosphorus trichloride									
	Phosphorus heptasulfide	Flammable solid	Flammable solid	None	173.225	Forbidden	10 pounds	1,2	1	Separate from oxidizing materials
	Phosphorus oxybromide	Corrosive material	Corrosive	None	173.271	Forbidden	1 quart	1	1	Keep dry. Glass carboys not permitted on passenger vessels
	Phosphorus oxychloride	Corrosive material	Corrosive	None	173.271	Forbidden	1 quart	1	1	Keep dry. Glass carboys not permitted on passenger vessels
	Phosphorus pentachloride, solid	Corrosive material	Corrosive and Poison	None	173.191	Forbidden	5 pounds	1	1	Keep dry
	Phosphorus pentasulfide	Flammable solid	Flammable solid, and Dangerous when wet	None	173.225	Forbidden	11 pounds	1,2	1,2	Separate from oxidizing material
	Phosphorus sesquisulfide	Flammable solid	Flammable solid, and Dangerous when wet	None	173.225	Forbidden	11 pounds	1,2	1	Separate from oxidizing materials
	Phosphorus tribromide	Corrosive material	Corrosive	None	173.270	Forbidden	1 quart	1	1	Keep dry. Glass carboys not permitted on passenger vessels
	Phosphorus trichloride	Corrosive material	Corrosive and Poison	None	173.271	Forbidden	1 quart	1	1	Keep dry. Glass carboys not permitted on passenger vessels
	Phosphorus trisulfide	Flammable solid	Flammable solid	None	173.225	Forbidden	10 pounds	1,2	1	Separate from oxidizing materials
	Phosphorus, white *or* yellow, dry	Flammable solid	Flammable solid and Poison	None	173.190	Forbidden	Forbidden	1,2	5	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides
	Phosphorus, white *or* yellow, in water	Flammable solid	Flammable solid and Poison	None	173.190 173.232	Forbidden	25 pounds	1,2	5	Separate from flammable gases or liquids, oxidizing materials or organic peroxides

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5)	(6)	(7) Maximum quantity in one package		(8) Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not exempt)	Exceptions	Packaging requirements	(a) Passenger carrying aircraft	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Phosphoryl chloride. *See* Phosphorus oxychloride									
	Photographic film. See Film									
	Photographic flash powder. See Fireworks, special *or* Low explosives									
	Picrate, dry. See High explosive									
	Picrate of ammonia. See High explosive									
	Picric acid, dry. See High explosive									
	Picric acid, wet, with not less than 10% water	Flammable solid	Flammable solid	None	173.192 173.193	1 pound	25 pounds	1	5	Under deck stowage permitted on cargo vessels if wet with more than 30% water. Stow away from heavy metals and their compounds
	Picric acid, wet with not less than 10% water, over 25 pounds. See High explosive									
	Pine oil	Combustible liquid	None	173.118a				1,2	1,2	
	Pinwheels. *See* Fireworks, common									
	Pivaloyl chloride. *See* Trimethyl acetylchloride									
*	Plastic solvent, n.o.s.	Combustible liquid	None	173.118a				1,2	1,2	
*	Plastic solvent, n.o.s.	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Plutoniumnitrate solution	Radioactive material	Radioactive (See Sec. 172.403)	173.393	173.396			1,2	1,2	
	Poisonous liquid, n.o.s.	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,2	1	
	Poisonous liquid *or* gas, n.o.s.	Poison A	Poison gas	None	173.328	Forbidden	Forbidden	1	5	
	Poisonous solid, n.o.s.	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1	
*	Polish, metal, stove, furniture *or* wood, liquid	Combustible liquid	None	173.118a				1,2	1,2	
*	Polish, metal, stove, furniture *or* wood, liquid	Flammable liquid	Flammable liquid	173.118	173.129 1 quart	55 gallons		1,2	1	
*	*Polymerizable material*			173.21						
	Potassium arsenate, solid	Poison B	Poison	173.364 173.365		50 pounds	200 pounds	1,2	1,2	
	Potassium arsenite, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
*	Potassium bifluoride solution. *See* *Potassium hydrogen fluoride solution									
	Potassium bromate	Oxidizer	Oxidizer	173.153	173.154	25 pounds	100 pounds	1,2	1,2	Separate from ammonium compounds. Stow away from powdered metals
	Potassium chlorate (*potash chlorate*)	Oxidizer	Oxidizer	173.153	173.163	25 pounds	100 pounds	1,2	1,2	Separate from ammonium compounds. Stow away from powdered metals
	Potassium cyanide, solid	Poison B	Poison	173.370		25 pounds	200 pounds	1,2	1,2	Stow away from acids
*	Potassium cyanide solution	Poison B	Poison	173.345	173.352	55 gallons	1 quart	1,2	1,2	Stow away from acids
	Potassium dichloro isocyanurate. See Potassium dichloro triazinetrione									
	Potassium dichloro-s-triazinetrione, *dry (containing more than 39% available chlorine)*	Oxidizer	Oxidizer	173.153	173.217	50 pounds	100 pounds	1,2	1,2	
A	Potassium dichromate	ORM-A	None	173.505	173.510					
A	Potassium fluoride	ORM-B	None	173.505	173.510					
*	Potassium fluoride solution	Corrosive material	Corrosive	173.244	173.249	1 quart	5 gallons	1,2	1,2	
	Potassium hydrate. *See* Caustic potash, dry, etc.									
*	Potassium hydrogen fluoride solution	Corrosive material	Corrosive	173.244	173.249	1 quart	5 gallons	1,2	1,2	
A	Potassium hydrogen sulfate, solid	ORM-B	None	173.505	173.510 173.800	25 pounds	100 pounds			
	Potassium hydroxide, dry solid, flake, bead, *or* granular	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	Keep dry. Do not stow with metals or alloys such as brass, copper, tin, zinc, aluminum, solder, or lead
*	Potassium hydroxide, liquid *or* solution	Corrosive material	Corrosive	173.244	173.249	1 quart	10 gallons	1,2	1,2	
*	Potassium hypochlorite solution. *See* Hypochlorite solutions containing more than 7% available chlorine by weight									
A	Potassium metabisulfite	ORM-B	None	173.505	173.510					
	Potassium, metal	Flammable solid	Flammable solid and Dangerous when wet	None	173.206	Forbidden	25 pounds	1,2	5	Segregation same as for flammable solids labeled Dangerous When Wet

§172.101 Hazardous Materials Table (cont'd)

(1) */W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
	Potassium, metal liquid alloy	Flammable solid	Flammable solid and Dangerous when wet	None	173.202	Forbidden	1 pound	1,2	5	Segregation same as for flammable soilds labeled Dangerous When Wet
	Potassium nitrate	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	1,2	1,2	
	Potassium nitrite	Oxidizer	Oxidizer	173.153	173.154	25 pounds	100 pounds	1,2	1,2	Separate from ammonium compounds and cyanides. Stow away from foodstuffs
	Potassium nitrate mixed (*fused*) with sodium nitrite	Oxidizer	Oxidizer	173.153	173.183	25 pounds	100 pounds	1,2	1,2	Separate from ammonium compounds and cyanides. Stow away from foodstuffs
	Potassium perchlorate	Oxidizer	Oxidizer	173.153	173.219	25 pounds	100 pounds	1,3	1,3	Stow away from powdered metals
	Potassium permanganate	Oxidizer	Oxidizer	173.153	173.154 173.194	25 pounds	100 pounds	1,2	1,2	Separate from ammonium compounds and hydrogen peroxide
	Potassium peroxide	Oxidizer	Oxidizer	None	173.154	Forbidden	100 pounds	1,2	1,2	Keep dry
	Potassium sulfide	Flammable solid	Flammable solid	173.153	173.207	25 pounds	300 pounds	1,2	1,2	Separate from liquid acids, flammable gases or liquids, oxidizing materials or organic peroxides
	Pressurized product. See Compressed gas, n.o.s.									
	Primer. See Cannon primer, combination primer, or small-arm primer									
	Primer, detonating. See Detonating primer									
	Projectile, explosive. See Explosive projectile									
	Projectile, gas, nonexplosive. See Chemical ammunition, containing Poison or Irritating Material									
	Projectile, gas, smoke, or incendiary, with burster or booster with or without detonating fuze. See Explosive projectile									
	Projectile, illuminating, incendiary or smoke, with expelling charge but without bursting charge. See Fireworks, special									
	Projectile, sand-loaded, empty or solid			173.55						
	Propane *or* Liquefied petroleum gas. *See* Liquefied petroleum gas									
*	Propellant explosive	Class A explosive	Explosive A	None	173.64	Forbidden	Forbidden	6	5	
	Propellant explosive (*solid, Class B, and small-arms primer*) *See* *Propellant explosive, solid									
	Propellant explosive in water (*Smokeless powder*)	Class B explosive	Explosive B	None	173.93	Forbidden	Forbidden	1,3	5	Magazine stowage authorized
	Propellant explosive in water, unstable, condemned, *or* deteriorated (*smokeless powder*)	Class B explosive	Explosive B	None	173.93	Forbidden	Forbidden	1,3	5	Magazine stowage authorized
*	Propellant explosive, liquid	Class B explosive	Explosive B	None	173.93	Forbidden	10 pounds	1,2	5	Magazine stowage authorized
*	Propellant explosive, solid	Class B explosive	Explosive B	None	173.93	Forbidden	10 pounds	1,3	5	Magazine stowage authorized
	Propionaldehyde	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Propionic acid	Corrosive material	Corrosive	173.244	173.245	1 quart	5 gallons	1,2	1,2	Separated by a complete compartment or hold from organic peroxides
*	Propionic acid solution	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	Separated by a complete compartment or hold from organic peroxides
	Propionic anhydride	Corrosive material	Corrosive	173.244	173.245	1 quart	1 quart	1,2	1	Keep dry
	Propyl acetate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Propyl alcohol. *See* Alcohol, n.o.s.									
	Propylamine	Flammable liquid	Flammable liquid	None	173.119	Forbidden	10 gallons	1,3	5	
	Propyl chloride	Flammable liquid	Flammable liquid	None	173.119	Forbidden	10 gallons	1,3	5	
	Propylene diamine	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Propylene dichloride	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Propylene imine, inhibited	Flammable liquid	Flammable liquid	None	173.139	Forbidden	5 pints	1,2	1	
	Propylene *or* Liquefied petroleum gas. *See* Liquefied petroleum gas									
	Propylene oxide	Flammable liquid	Flammable liquid	173.118	173.119	Forbidden	1 gallon	1,3	4	

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5)	(6)	(7)		(8)		
						Maximum quantity in one package		Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not exempt)	Exceptions	Packaging requirements	(a) Passenger carrying aircraft	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Propyl formate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Propyl mercaptan	Flammable liquid	Flammable liquid	None	173.141	Forbidden	10 gallons	1,2	5	
	Propyl trichlorosilane	Corrosive material	Corrosive	None	173.280	Forbidden	10 gallons	1	1	Keep dry
	Prussic acid. See Hydrocyanic acid (*prussic*), liquid *or* unstabilized									
	Pyridine	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Pyrophoric liquid, n.o.s.	Flammable liquid	Flammable liquid	None	173.134	Forbidden	Forbidden	1	5	Shade from radiant heat. Separate from flammable gases or liquids, oxidizing materials, or organic peroxides
	Pyro sulfuryl chloride	Corrosive material	Corrosive	173.244	173.247	1 quart	1 quart	1	4	Keep dry. Glass carboys not permitted on passenger vessels
	Pyroxylin plastic scrap	Flammable solid	Flammable solid	None	173.195	Forbidden	Forbidden	1	5	Shade from radiant heat
	Pyroxylin plastics, rods, sheets, rolls, or tubes	Flammable solid	Flammable solid	173.197		50 pounds	350 pounds	1,3	1	
*	Pyroxylin solution	Combustible liquid	None	173.118a				1,2	1,2	
*	Pyroxylin solution	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Pyroxylin solvent, n.o.s.	Combustible liquid	None	173.118a				1,2	1,2	
*	Pyroxylin solvent, n.o.s.	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Pyrrolidine	Flammable liquid	Flammable liquid	173.118	173.119	Forbidden	10 gallons	1,2	1	
	Quicklime. See Calcium oxide									
	Radioactive device, n.o.s.	Radioactive material	None	173.391				1,2	1,2	
*	Radioactive material, fissile, n.o.s.	Radioactive material	Radioactive	173.393	173.396			1,2	1,2	
*	Radioactive material, low specific activity *or* LSA, n.o.s.	Radioactive material	Radioactive	173.392	173.393			1,2	1,2	
*	Radioactive material, n.o.s.	Radioactive material	Radioactive	173.393	173.395			1,2	1,2	
*	Radioactive material, small quantity, n.o.s.	Radioactive	None	173.391				1,2	1,2	
*	Radioactive material, special form, n.o.s.	Radioactive material	Radioactive	173.393	173.394			1,2	1,2	
	Rags, oily	Flammable solid	Flammable solid	None	173.199	Forbidden	Forbidden	1,2	1,2	Keep dry. Separate from flammable gases or liquids, oxidizing materials, or organic peroxides
	Rags, wet	Flammable solid	Flammable solid	None	173.200	Forbidden	Forbidden	1	1	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides
	Railway Fusee. See Fusee									
	Railway torpedo. See Torpedo, railway									
	Range oil. See Fuel oil									
*	*Reducing compound, paint, varnish, lacquer, etc.* See *Compound, lacquer, paint, *or* varnish, etc., removing, reducing, *or* thinning, liquid									
	Refrigerant gas			173.314	173.315					
*	Refrigerating machine	Nonflammable gas	Nonflammable gas	173.306				1,3	1,3	
*	Refrigerating machine	Flammable gas	Flammable gas	173.306				1,3	1,3	
*	Refrigerating machine	Flammable liquid	Flammable liquid	173.130	173.306			1,2	1	
*	*Removing compound, paint, varnish, lacquer, etc., See* *Compound, lacquer, paint, *or* varnish, etc., removing reducing, *or* thinning, liquid									
*	Resin solution (*resin compound, liquid*)	Combustible liquid	None	173.118a				1,2	1,2	
	Resin solution (*resin compound, liquid*)	Flammable liquid	Flammable liquid	173.118	173.119			1,2	1	
	Rifle grenade. See Grenade, hand or rifle, explosive									
	Rifle powder. See *Propellant explosive, or Black powder									
	Road asphalt *or* tar (*when heated to or above its flash point*). See Asphalt									
	Road asphalt *or* tar, liquid. See Asphalt, cut back									
*	Road oil	Combustible liquid	None	173.118a				1,2	1,2	

(1) */W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
	Rocket ammunition with empty projectile	Class B explosive	Explosive B	None	173.90	Forbidden	Forbidden	1,3	5	
	Rocket ammunition with explosive projectile	Class A explosive	Explosive A	None	173.57	Forbidden	Forbidden	6	5	
	Rocket ammunition with gas projectile	Class A explosive	Explosive A	None	173.57	Forbidden	Forbidden	6	5	
	Rocket ammunition with illuminating projectile	Class A explosive	Explosive A	None	173.57	Forbidden	Forbidden	6	5	
	Rocket ammunition with incendiary projectile	Class A explosive	Explosive A	None	173.57	Forbidden	Forbidden	6	5	
	Rocket ammunition with inert loaded projectile	Class B explosive	Explosive B	None	173.90	Forbidden	Forbidden	1,3	5	
	Rocket ammunition with smoke projectile	Class A explosive	Explosive A	None	173.57	Forbidden	Forbidden	6	5	
	Rocket ammunition with solid projectile	Class B explosive	Explosive B	None	173.90	Forbidden	Forbidden	1,3	5	
	Rocket body, with electric primer or electric squib			173.55						
	Rocket engine, liquid	Class B explosive	Explosive B	None	173.95	Forbidden	Forbidden	1,2	5	Magazine stowage authorized
	Rocket fireworks. See Fireworks, common									
	Rocket head. *See* Explosive projectile									
*	Rocket motor	Class A explosive	Explosive A	None	173.79	Forbidden	Forbidden	6	5	
*	Rocket motor	Class B explosive	Explosive B	None	173.92	Forbidden	550 pounds	1,3	5	
	Roman candle. See Fireworks, common									
W	Rosin (*colaphony*) or Resin	ORM-C	None	173.505	173.1060			1,2	1,2	
*	Rough ammoniate tankage (*less than 7% moisture content*)	Flammable solid	Flammable solid	None	173.210	Forbidden	Forbidden	1	5	
*	Rough ammoniate tankage 7% or more moisture content	Flammable solid	Flammable solid	None	173.210	Forbidden	Forbidden	1,2	1,2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides. Temperature of tankage must not exceed 100 deg F.
W	Rubber curing compound (*solid*)	ORM-C	None	173.505	173.1065			1,2	1,2	
	Rubber scrap or rubber buffings	Flammable solid	Flammable solid	173.153	173.201	10 pounds	10 pounds	1,2	1,2	
*	Rubber shoddy, regenerated rubber, *or* reclaimed	Flammable solid	Flammable solid	173.153	173.201	10 pounds	10 pounds	1,2	1,2	
	Rubidium metal	Flammable solid	Flammable solid and Dangerous when wet	None	173.206	Forbidden	25 pounds	1,2	5	Segregation same as for flammable solid labeled Dangerous when wet
	Rubidium metal, in cartridges	Flammable solid	Flammable solid and Dangerous when wet	173.206		1 pound	25 pounds	1,2	4	Segregation same as for flammable solid labeled Dangerous when wet
	Rum, denatured	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Rust preventive coating	Combustible liquid	None	173.118a				1,2	1,2	
	Safety fuse. *See* Fuse, safety									
	Safety squib	Class C explosive	Explosive C	None	173.106	50 pounds	150 pounds	1,3	1,3	
	Salute. See Fireworks common *or* special									
	Sample of explosive			173.86		Forbidden	Forbidden			
	Sand acid. *See* Hydrofluorosilicic acid									
W	Sawdust (*when dry, clean, and free from oil*)	ORM-C	None	173.505	173.1070			1,2	1,2	Keep dry
	Selenic acid, liquid	Corrosive material	Corrosive	None	173.245	Forbidden	5 pints	1,2	1,2	
	Self-lighting cigarette	Flammable solid	Flammable solid	173.21		Forbidden	Forbidden	1,2	1,2	Keep dry
	Self-propelled vehicle			173.120	173.257 173.306					
	Shaped charge, commercial. *See* High explosive			173.65						
	Shellac. See *Paint, enamel, lacquer, stain, shellac, varnish, etc.									
	Shell, fireworks. *See* Fireworks, common *or* special									
	Ship, distress signal. See Fireworks, special									
	Signal flare	Class C explosive	Explosive C	None	173.108	50 pounds	200 pounds	1,2	1,2	
	Silicofluoric acid. *See* Hydrofluorosilicic acid									

§172.101 Hazardous Materials Table (cont'd)

(1) */W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
	Silicon chloride *or* silicon tetrachloride	Corrosive material	Corrosive	173.244	173.247	1 quart	1 gallon	1	1	Keep dry. Glass carboys not permitted on passenger vessels
	Silicon chrome, exothermic. See Exothermic silicon chrome									
	Silicon tetrafluoride	Nonflammable gas	Nonflammable gas	173.306	173.302	Forbidden	300 pounds	1	4	Stow away from foodstuffs
	Silver cyanide	Poison B	Poison	173.370		25 pounds		1,2	1,2	Stow away from acids
	Silver nitrate	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	1,2	1,2	Stow away from foodstuffs
	Sisal. See Fibers									
*	*Sludge acid. See* Acid, sludge									
	Small arms ammunition	Class C explosive	None	None	173.101	50 pounds	150 pounds	1,3	1,3	
	Small arms ammunition, irritating (*tear gas*) cartridge	Class C explosive	Irritant	None	173.101	Forbidden	150 pounds	1,3	1,3	
	Small arms primer	Class C explosive	Explosive C	None	173.107	50 pounds	150 pounds	1,3	1,3	
	Smoke candle	Class C explosive		None	173.108	50 pounds	200 pounds	1,3	1,3	
	Smoke generator. See Chemical ammunition, Poison A or B Material									
	Smoke grenade	Class C explosive	Explosive C	None	173.108	50 pounds	150 pounds	1,3	1,3	
	Smokeless powder for cannon or small arms. See Propellant explosive, Class A *or* B									
	Smokeless powder for small arms (*100 pounds or less*)	Flammable solid	Flammable solid	173.88	173.197a	Forbidden	Forbidden	1,3	1,3	Segregation same as for explosives
	Smoke pot	Class C explosive	Explosive C	None	173.108	50 pounds	200 pounds	1,3	1,3	
	Smoke projectile with bursting charge. See Explosive projectile									
	Smoke projectile with expelling charge but without bursting charge. See Fireworks, special									
	Smoke signal	Class C explosive	Explosive C	None	173.108	50 pounds	200 pounds	1,3	1,3	
	Soda amatol. See High explosive									
	Soda lime, solid	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	Keep dry
A	Sodium aluminate, solid	ORM-B	None	173.505	173.510 173.800	25 pounds	100 pounds			
*	Sodium aluminate solution	Corrosive material	Corrosive	173.244	173.249	1 quart	5 gallons	1,2	1,2	
	Sodium aluminum hydride	Flammable solid	Flammable solid and Dangerous when wet	None	173.206	Forbidden	25 pounds	1,2	5	Segregation same as for flammable solids labeled Dangerous When Wet
	Sodium amide	Flammable solid	Flammable solid and Dangerous When Wet	None	173.206	Forbidden	25 pounds	1,2	5	Segregation same as for flammable solid labeled Dangerous When Wet
	Sodium arsenate	Poison B	Poison	173.364	173.365 173.368	50 pounds	200 pounds	1,2	1,2	
*	Sodium arsenite (*solution*) liquid	Poison B	Poison	173.345	173.346	1 quart	55 gallons	1,2	1,2	
	Sodium azide	Poison B	Poison	173.364	173.375	50 pounds	100 pounds	1,2	1,2	Stow away from heavy metals, especially lead and its compounds. Stow separate from acids
	Sodium bisulfate, solid *or* solution. *See appropriate* Sodium hydrogen sulfate entry									
	Sodium bisulfite, solid. *See* Sodium hydrogen sulfite, solid									
	Sodium bromate	Oxidizer	Oxidizer	173.153	173.154	25 pounds	100 pounds	1,2	1,2	Stow separate from ammonium compounds. Stow away from powdered metals
	Sodium chlorate (*soda chlorate*)	Oxidizer	Oxidizer	173.153	173.163	25 pounds	100 pounds	1,2	1,2	Stow separate from ammonium compounds. Stow away from powdered metals
	Sodium chlorite	Oxidizer	Oxidizer	None	173.160	Forbidden	100 pounds	1,2	1,2	Stow separate from ammonium compounds. Stow away from powdered metals
*	Sodium chlorite solution (*not exceeding 42% sodium chlorite*)	Corrosive material	Corrosive	173.244	173.263	1 quart	4 gallons	1,2	1	Glass carboys in hampers not permitted under deck
	Sodium cyanide, solid	Poison B	Poison	173.370		25 pounds c 200 pounds		1,2	1,2	Stow away from acids
*	Sodium cyanide solution	Poison B	Poison	173.345	173.352	1 quart	55 gallons	1,2	1,2	Stow away from acids

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(1) */W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
	Sodium dichloro isocyanurate. *See* Sodium dichloro-s-triazinetrione									
	Sodium dichloro-s-triazine-trione		Oxidizer	173.153	173.217	50 pounds	100 pounds	1,2	1,2	
A	Sodium dichromate	ORM-A	None	173.505	173.510					
A	Sodium fluoride, solid	ORM-B	None	173.505	173.510					
*	Sodium fluoride solution	Corrosive material	Corrosive	173.244	173.245	1 quart	5 gallons	1,2	1,2	Stow away from acids
	Sodium hydrate. *See* Caustic soda, dry, etc.									
	Sodium hydride	Flammable solid	Flammable solid and Dangerous when wet	None	173.198	Forbidden	25 pounds	1,2	5	Segregation same as for flammable solids labeled Dangerous When Wet
A	Sodium hydrogen sulfate, solid	ORM-B	None	173.505	173.510 173.800	25 pounds	100 pounds			
*	Sodium hydrogen sulfate solution	Corrosive material	Corrosive	173.244	173.245	1 quart	1 gallon	1,2	1,2	
A	Sodium hydrogen sulfite, solid	ORM-B	None	173.505	173.510	25 pounds	100 pounds			
	Sodium hydrosulfite (*sodium dithionite*)	Flammable solid	Flammable solid	173.153	173.204	25 pounds	100 pounds	1,2	1,2	Keep dry. Below deck stowage in metal drums only. Separate from flammable gases, liquids, oxidizing materials, or organic peroxides
	Sodium hydroxide, dry solid, flake, bead, *or* granular	Corrosive material	Corrosive	173.244	173.245b	25 pounds	200 pounds	1,2	1,2	Keep dry
*	Sodium hydroxide, liquid *or* solution	Corrosive material	Corrosive	173.244	173.249	1 quart	5 gallons	1,2	1,2	
A	Sodium metabisulfite	ORM-B	None	173.505	173.510					
	Sodium, metal	Flammable solid	Flammable solid and Dangerous when wet	None	173.206	Forbidden	25 pounds	1,2	5	Segregation same as for flammable solids labeled Dangerous When Wet
	Sodium, metal dispersion in organic solvent	Flammable solid	Flammable solid and Dangerous when wet	None	173.230	Forbidden	10 pounds	1,2	5	Segregation same as for flammable solids labeled Dangerous When Wet
	Sodium, metal liquid alloy	Flammable solid	Flammable solid and Dangerous when wet	None	173.202	Forbidden	1 pound	1,2	5	Segregation same as for flammable solids labeled Dangerous When Wet
*	Sodium methylate, alcohol mixture	Combustible liquid	None	173.118a				1,2	1,2	
*	Sodium methylate, alcohol mixture	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
*	Sodium methylate, alcohol mixture	Corrosive material	Corrosive	173.244	173.245	1 quart	1 quart	1,2	1,2	
	Sodium methylate, dry	Flammable solid	Flammable solid	173.153	173.154	25 pounds	100 pounds	1,2	1	Segregation same as for flammable solids labeled Dangerous When Wet
	Sodium monoxide, solid	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	Keep dry
	Sodium nitrate	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	1,2	1,2	
	Sodium nitrate bags. See Bags, sodium nitrate, empty and unwashed									
	Sodium nitrite	Oxidizer	Oxidizer	173.153	173.154 173.234	25 pounds	100 pounds	1,2	1,2	Stow separate from ammonium compounds and cyanides. Stow away from foodstuffs. Bagged material not permitted on passenger vessels
	Sodium nitrite mixed (*fused*) with potassium nitrate	Oxidizer	Oxidizer	173.153	173.183	25 pounds	100 pounds	1,2	1,2	Stow separate from ammonium compounds and cyanides. Stow away from foodstuffs
	Sodium nitrite mixture (*sodium nitrate, sodium nitrite, and potassium nitrate*)	Oxidizer	Oxidizer	173.153	173.234	25 pounds	100 pounds	1,2	1,2	Stow separate from ammonium compounds and cyanides. Stow away from foodstuffs
A	Sodium pentachlorophenate	ORM-A	None	173.505	173.510					
	Sodium perchlorate	Oxidizer	Oxidizer	173.153	173.154	25 pounds	100 pounds	1,3	1,3	Stow away from powdered metals
	Sodium permanganate	Oxidizer	Oxidizer	173.153	173.154	25 pounds	100 pounds	1,2	1,2	Separate from ammonium compounds and hydrogen peroxide
	Sodium peroxide	Oxidizer	Oxidizer	None	173.187	Forbidden	100 pounds	1,2	1	Keep dry. Stow away from powdered metals, permanganates, combustible packing of other cargo, and combustible foodstuffs
	Sodium phenolate, solid	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	
	Sodium phosphide	Flammable solid	Flammable solid and Dangerous when wet	None	173.154	Forbidden	25 pounds	1	5	
	Sodium picramate, wet (*with at least 20% water*)	Flammable solid	Flammable solid	None	173.205	Forbidden	25 pounds	1,2	5	Stow away from heavy metals, especially lead, and its compounds

§172.101 Hazardous Materials Table (cont'd)

(1) */W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
	Sodium potassium alloy	Flammable solid	Flammable solid and Dangerous when wet	None	173.206	Forbidden	25 pounds	1,2	5	Under deck stowage must be readily accessible. Segregation same as for flammable solids labeled Dangerous When Wet
	Sodium sulfate, acid. *See appropriate* Sodium hydrogen sulfate entry									
*	Sodium sulfide, anhydrous	Flammable solid	Flammable solid	173.153	173.207	25 pounds	300 pounds	1,2	1,2	Stow separate from liquid acids. Separate from flammable gases or liquids, oxidizing materials or organic peroxides
*	Solvent, n.o.s.	Combustible liquid	None	173.118a				1,2	1,2	
*	Solvent, n.o.s.	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Sparklers. See Fireworks, common									
	Spent iron mass. See Iron mass, spent									
	Spent iron sponge. See Iron sponge, spent									
	Spent mixed acid. See Nitrating acid									
	Spent oxide. See Oxide, spent									
	Spent sulfuric acid. See sulfuric acid, spent									
	Spirits of nitroglycerin, (*1 to 10%*)	Flammable liquid	Flammable liquid	None	173.133	Forbidden	6 quarts	1,2	5	Segregation same as for explosives
	Spirits of nitroglycerin, not exceeding 1% nitroglycerin by weight	Flammable liquid	Flammable liquid	173.118	173.133	1 quart	6 quarts	1,2	1	
	Spirits of salt. *See* Hydrochloric acid									
	Sporting powder. See Black powder *or* Propellant explosive, solid, Class B explosive									
	Spray starting fluid. See Engine starting fluid									
	Spreader cartridge. See Fireworks, special									
	Squib, electric or safety. See Electric squib *or* Safety squib									
*	*Stain. See* *Paint, enamel, lacquer, stain, shellac, varnish, etc.									
	Stannic phosphide	Flammable solid	Flammable solid and Dangerous when wet	None	173.154	Forbidden	25 pounds	1	5	Segregation same as for flammable solid labeled Dangerous When Wet
A	Stannous chloride, solid	ORM-B	None	173.505	173.510					
*	Starter cartridge	Class B explosive	Explosive B	None	173.92	Forbidden	200 pounds	1,3	5	
*	Starter cartridge	Class C explosive	Explosive C	None	173.102	50 pounds	150 pounds	1,3	1,3	
	Storage battery wet. See Battery, electric storage, wet									
	Straw. *See* Hay									
	Strontium arsenite, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Strontium chlorate	Oxidizer	Oxidizer	173.153	173.163	25 pounds	100 pounds	1,2	1,2	Stow separate from ammonium compounds. Stow away from powdered metals
*	Strontium chlorate, wet	Oxidizer	Oxidizer	173.153	173.163	25 pounds	200 pounds	1,2	1,2	Stow separate from ammonium compounds. Stow away from powdered metals
	Strontium nitrate	Oxidizer	Oxidizer	173.153	173.182	25 pounds	100 pounds	1,2	1,2	
	Strontium peroxide	Oxidizer	Oxidizer	173.153	173.154	25 pounds	100 pounds	1,2	1,2	Keep dry
*	Strychnine salt, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Strychnine, solid	Poison B	Poison	None	173.377	Forbidden	200 pounds	1,2	1,2	
	Styphnate of lead. See Initiating explosive									
	Styrene monomer, inhibited	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1,2	
	Succinic acid peroxide	Organic peroxide	Organic peroxide	173.153	173.157 173.158	Forbidden	25 pounds	1	1	
	Sulfur chloride (*mono and di*)	Corrosive material	Corrosive	None	173.247	Forbidden	1 gallon	1	1	Keep dry. Glass carboys not permitted on passenger vessels
	Sulfur dioxide	Nonflammable gas	Nonflammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	4	Stow away from living quarters
	Sulfur flower. *See* Sulfur									
	Sulfur hexafluoride	Nonflammable gas	Nonflammable gas	173.306	173.304	150 pounds	300 pounds	1,2	1,2	
	Sulfuric acid (*For fuming sulfuric acid, see Oleum*)	Corrosive material	Corrosive	173.244	173.272	1 quart	1 gallon	1	1	Keep dry. Under deck stowage is permitted on cargo vessels only in metal drums

§172.101 Hazardous Materials Table (cont'd)

(1) */W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
	Sulfuric acid, spent	Corrosive material	Corrosive	None	173.248	Forbidden	1 quart	1	1	Under deck stowage is permitted on cargo vessels only in metal drums
	Sulfuric anhydride. *See* Sulfur trioxide, stabilized									
*	Sulfurous acid	Corrosive material	Corrosive	173.244	173.245	2 gallons	2 gallons	1,2	1	Glass carboys in hampers not permitted under deck
W	Sulfur, solid	ORM-C	None	173.505	173.1080			1,2	1,2	Protect from sparks and open flame. Stow separate from oxidizing materials. Segregation same as for flammable solids
	Sulfur trioxide, stabilized	Corrosive material	Corrosive and Poison	173.244	173.273	Forbidden	1 gallon	1,2	1,2	Keep dry. Glass bottles not permitted under deck
	Sulfuryl chloride	Corrosive material	Corrosive	173.244	173.247	1 quart	1 quart	1	1	Keep dry. Glass carboys not permitted on passenger vessels
	Sulfuryl fluoride	Nonflammable gas	Nonflammable gas	173.306	173.304 173.314	150 pounds	300 pounds	1,3	1	
	Sulphur. *See* Sulfur									
	Supplementary charge (explosive)	Class A explosive	Explosive A	None	173.69	Forbidden	Forbidden	6	5	
	Tankage. See Garbage tankage									
*	Tankage fertilizer	Flammable solid	Flammable solid	None	173.209	Forbidden	Forbidden	1	5	Keep dry. Separate from flammable gases or liquids, oxidizing materials, or organic peroxides
*	Tankage, rough ammoniate	Flammable solid	Flammable solid	None	173.210	Forbidden	Forbidden	1	5	Keep dry. Separate from flammable gases or liquids, oxidizing materials, or organic peroxides
	Tank car, containing residual phosphorus and filled with water or inert gas			173.232						
W	Tank car, empty (*previously used for a hazardous material*)			173.29						
	Tank car empty (*previously used for a Poison A material*)			172.506	173.29					
W	Tank, portable, empty (*previously used for a hazardous material*)			172.505	173.29					
	Tank truck, empty			172.505	173.29					
*	Tar, liquid	Combustible liquid	None	173.118a				1,2	1,2	
*	Tar, liquid	Flammable liquid	Flammable liquid	173.118	173.131	1 quart	10 gallons	1,2	1	
	Tear gas ammunition. See Chemical ammunition (containing an irritant material)									
	Tear gas candle	Irritating material	Irritant	None	173.385	Forbidden	75 pounds	1	5	Stow away from living quarters
	Tear gas cartridge. See Small arms ammunition irritating (*tear gas*) cartridge									
	Tear gas grenade. See Grenade, tear gas									
	Tertiary alcohol. See Alcohol, n.o.s.									
	Tertiary butyl isopropyl benzene hydroperoxide	Organic peroxide	Organic peroxide	173.153	173.224	1 quart	1 quart	1,2	4	
AW	Tetrachloroethane	ORM-A	None	173.505	173.620	1 quart	10 gallons	1,2	1,2	
A	Tetrachloroethylene	ORM-A	None	173.505	173.510 173.605	10 gallons	55 gallons			
	Tetraethyl dithio pyrophosphate and compressed gas mixture	Poison A	Poison gas	None	173.334	Forbidden	Forbidden	1	5	Shade from radiant heat. Stow away from living quarters. Segregation same as for nonflammable gases
	Tetraethyl dithio pyrophosphate, liquid	Poison B	Poison	None	173.358	Forbidden	1 quart	1	5	
	Tetraethyl dithio pyrophosphate mixture, dry	Poison B	Poison	None	173.377	Forbidden	Forbidden 1		5	
	Tetraethyl dithio pyrophosphate mixture, liquid	Poison B	Poison	None	173.359	Forbidden	1 quart	1	5	
	Tetraethyl lead, liquid (*including flash point for export shipment by water*)	Poison B	Poison	None	173.354	Forbidden	55 gallons	1	5	If flash point is 141 deg F. or less, segregation must be the same as for flammable liquids
	Tetraethyl pyrophosphate and compressed gas mixture	Poison A	Poison gas	None	173.334	Forbidden	Forbidden	1	5	Shade from radiant heat. Stow away from living quarters. Segregation same as for nonflammable gases
	Tetraethyl pyrophosphate, liquid	Poison B	Poison	None	173.358	Forbidden	1 quart	1,2	5	
	Tetraethyl pyrophosphate mixture, dry	Poison B	Poison	None	173.377	Forbidden	200 pounds	1,2	5	
	Tetraethyl pyrophosphate mixture, liquid	Poison B	Poison	None	173.359	Forbidden	1 quart	1,2	5	
	Tetrafluoroethylene, inhibited	Flammable gas	Flammable gas	173.306	173.304	Forbidden	300 pounds	1,2	1,2	Stow away from living quarters
	1,2,3,6-Tetrahydrobenzaldehyde	Corrosive material	Corrosive	173.244	173.245	1 quart	1 quart	1,2	1,2	
	Tetrahydrofuran	Flammable liquid	Flammable liquid	None	173.119	Forbidden	10 gallons	1,3	5	

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5)	(6)	(7) Maximum quantity in one package		(8) Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not exempt)	Exceptions	Packaging requirements	(a) Passenger carrying aircraft	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Tetramethyl ammonium hydroxide, liquid	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
A	Tetramethyl methylene diamine	ORM-A	None	173.505	173.510					
	Tetranitromethane	Oxidizer	Oxidizer	None	173.203	Forbidden	Forbidden	1	5	Shade from radiant heat. Stow away from foodstuffs
	Tetrazene (guanyl nitrosamino guanyltetrazene). See Initiating explosive									
	Tetryl. See High explosive									
*	Textile treating compound mixture, liquid	Corrosive material	Corrosive	173.244	173.245 173.249a	1 quart	10 gallons	1,2	1,2	
	Textile waste. See Cotton waste									
	Textile waste, wet	Flammable solid	Flammable solid	None	173.211	Forbidden	Forbidden	1,2	1,2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides
*	Thallium salt, solid, n.o.s.	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Thallium sulfate, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Thinner for rust preventive coating. See *Rust preventive coating									
	Thinning compound, paint, varnish, lacquer, etc. See *Paint, enamel, lacquer, stain, shellac, varnish, etc.									
	Thiocarbonyl-chloride. See Thiophosgene									
	Thioglycolic acid	Corrosive material	Corrosive	173.244	173.245 1 quart	1 gallon		1,2	1,2	Glass carboys in hampers not permitted under deck
	Thionyl chloride	Corrosive material	Corrosive and Poison	None	173.247	Forbidden	1 gallon	1	1	Keep dry. Glass carboys not permitted on passenger vessels
	Thiophosgene	Poison B	Poison	None	173.356	Forbidden	1 gallon	1	5	Shade from radiant heat
	Thiophosphoryl chloride	Corrosive material	Corrosive	None	173.271	Forbidden	1 quart	1	1	Keep dry. Glass carboys not permitted on passenger vessels
A	Thiram	ORM-A	None	173.505	173.510					
	Thorium metal, pyrophoric	Radioactive material	Radioactive and Flammable solid	173.226	173.226			1,2	1,2	
	Thorium nitrate	Radioactive material	Radioactive and Oxidizer	173.392	173.393			1,2	1,2	Separate longitudinally by a complete hold or compartment from explosives
	Time fuze. See Fuze, time, non-detonating									
	Tin chloride, fuming. See Tin tetrachloride, anhydrous									
*	Tinning flux. See *Zinc chloride solution									
	Tin perchloride. See Tin tetrachloride, anhydrous									
	Tin tetrachloride, anhydrous	Corrosive material	Corrosive	173.244	173.247	1 quart	1 quart	1	1	Keep dry. Glass carboys not permitted on passenger vessels
	Titanium metal powder, dry or wet *with less than 20% water*	Flammable solid	Flammable solid	None	173.208	Forbidden	75 pounds	1,2	5	
	Titanium metal powder, wet with 20% or more water	Flammable solid	Flammable solid	None	173.208	Forbidden	150 pounds	1,2	5	
*	Titanium sulfate solution *containing not more than 45% sulfuric acid*	Corrosive material	Corrosive	173.244	173.297	1 quart	1 gallon	1	4	Shade from radiant heat. Keep dry
	Titanium tetrachloride	Corrosive material	Corrosive	173.244	173.247	1 quart	10 gallons	1	1	Keep dry. Glass carboys not permitted on passenger vessels
	Toluene (*toluol*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
A	Toluenediamine	ORM-A	None	173.505	173.510					
	Toluene diisocyanate	Poison B	Poison	173.345	173.346	Forbidden	55 gallons	1	4	Shade from radiant heat
	Toluene sulfonic acid, liquid	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
	Torch. See Fireworks, common									
	Torpedo, railway	Class B explosive	Explosive B	None	173.91	Forbidden	200 pounds	1,2	1,2	Passenger vessels in metal lockers only
	Toxaphene. See Camphene									
	Toy caps	Class C explosive	Explosive C	None	173.100 173.109	50 pounds	150 pounds	1,3	1,3	
	Toy propellant device	Class C explosive	Explosive C	None	173.111	50 pounds	150 pounds	1,3	1,3	
	Toy smoke device	Class C explosive	Explosive C	None	173.111	50 pounds	150 pounds	1,3	1,3	
	Toy torpedo. See Fireworks, special									
	Tracer	Class C explosive	Explosive C	None	173.105	50 pounds	150 pounds	1,3	1,3	
	Tracer fuze	Class C explosive	Explosive C	None	173.105	50 pounds	150 pounds	1,3	1,3	
	Tractor			173.120						

§172.101 Hazardous Materials Table (cont'd)

(1) *W/A	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) Label(s) required (if not exempt)	(5) Exceptions	(6) Packaging requirements	(7) Maximum quantity in one package (a) Passenger carrying aircraft	(7) (b) Cargo only aircraft	(8) Water shipments (a) Cargo vessel	(8) (b) Passenger vessel	(8) (c) Other requirements
	Trailer or truck body with refrigerating or heating equipment			173.120	173.306					
	Treated paper (*manufactured article properly dried to prevent spontaneous heating*). *See* Oiled material									
	Treated textile (*manufactured article properly dried to prevent spontaneous heating*). *See* Oiled material									
	Trichloroacetic acid, solid	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1	
*	Trichloroacetic acid solution	Corrosive material	Corrosive	173.244	173.245	1 quart	1 quart	1,2	1,2	Glass carboys in hampers not permitted under deck
A	Trichloroethylene	ORM-A	None	173.505	173.510 173.605	10 gallons	55 gallons			
	Trichlorosilane	Flammable liquid	Flammable liquid	None	173.136	Forbidden	10 gallons	1	5	Segregation same as for flammable solids labeled Dangerous When Wet
	Trichloro-s-triazinetrione, dry (*containing over 39% available chlorine*)	Oxidizer	Oxidizer	173.153	173.217	50 pounds	100 pounds	1,3	1,3	Keep dry
	0LB0(mono-(Trichloro) tetra-(monopotassium dichloro)0RB0-penta-s-triazinetrione, dry (*containing over 39% available chlorine*)	Oxidizer	Oxidizer	173.153	173.217	50 pounds	100 pounds	1,3	1,3	Keep dry
	Trick matches	Class C explosive	Explosive C	None	173.111	Forbidden	Forbidden	1,3	1,3	
	Trick noise maker, explosive	Class C explosive	Explosive C	None	173.111	50 pounds	150 pounds	1,3	1,3	
	Triethylamine	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Trifluorochlorethylene	Flammable gas	Flammable gas	173.306	173.304 173.314	Forbidden	10 gallons	1,2	1	
	Trimethyl acetyl chloride	Corrosive material	Corrosive	173.244	173.247	1 quart	1 quart	1,2	1,2	
	Trimethylamine, anhydrous	Flammable gas	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1	4	
*	Trimethylamine, aqueous solution	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	Stow away from mercury and mercury compounds
	Trimethylchlorosilane	Flammable liquid	Flammable liquid	None	173.135	Forbidden	10 gallons	1,2	1	
	Trinitrobenzene, dry. See High explosive									
*	Trinitrobenzene, wet *containing at least 10% water*	Flammable solid	Flammable solid	173.212		1 pound	1 pound	1	4	Stow away from heavy metals and their compounds
	Trinitrobenzoic acid, dry. See High explosive									
*	Trinitrobenzoic acid, wet, *containing at least 10% water*	Flammable solid	Flammable solid	None	173.192 173.193	1 pound	25 pounds	1	5	Stow away from heavy metals and their compounds
	Trinitrobenzoic acid, wet, containing at least 10% water, over 25 pounds in one outside packaging. See High explosive									
	Trinitroresorcinol. See High explosive									
	Trinitrotoluene, dry. See High explosive									
	Trinitrotoluene, wet *containing at least 10% water*	Flammable solid	Flammable solid	173.212		1 pound	1 pound	1	4	Stow away from heavy metals and their compounds
	Tris-(1-aziridinyl) phosphine oxide	Corrosive material	Corrosive	173.244	173.299a	1 quart	1 gallon	1	1	Keep dry. Glass carboys not permitted on passenger vessels
*	Turpentine	Combustible liquid	None	173.118a				1,2	1,2	
*	Turpentine	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1,2	
*	Turpentine substitute	Combustible liquid	None	173.118a				1,2	1,2	
*	Turpentine substitute	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
W	Twisted jute packing (*rope*) (*treated or untreated*). *See* Oakum									
	Uranium hexafluoride, fissile (containing more than 0.7% U-235)	Radioactive material	Radioactive and corrosive	173.393	173.396			1,2	1,2	
	Uranium hexafluoride, low specific activity (*containing 0.7% or less U-235*)	Radioactive material	Radioactive and corrosive	173.392	173.393			1,2	1,2	
	Uranium metal, pyrophoric	Radioactive material	Radioactive and Flammable solid	173.392	173.393 173.396			1,2	1,2	
	Uranyl nitrate hexahydrate solution	Radioactive material	Radioactive and corrosive	173.392	173.393 173.395 173.396			1,2	1,2	
	Uranyl nitrate, solid	Radioactive material	Radioactive and oxidizer	173.392	173.393 173.396			1,2	1,2	Separate longitudinally by an intervening hold or compartment from explosives
	Urea nitrate, dry. See High explosive									

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5)	(6)	(7) Maximum quantity in one package		(8) Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not exempt)	Exceptions	Packaging requirements	(a) Passenger carrying aircraft	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
*	Urea nitrate, wet *with 10% or more water*	Flammable solid	Flammable solid	None	173.192 173.193	1 pound	25 pounds	1,2	1,2	
	Urea nitrate, wet with 10% or more water, over 25 pounds in one outside packaging. See High explosive									
	Urea peroxide	Organic peroxide	Organic peroxide	173.153	173.227	2 pounds	25 pounds	1	4	Keep dry. Shade from radiant heat
	Valeric acid	Corrosive material	Corrosive	173.244	173.245	1 quart	10 gallons	1,2	1,2	
	Valeryl chloride	Corrosive material	Corrosive	173.244	173.245	1 quart	1 gallon	1,2	1,2	
	Vanadium oxytrichloride	Corrosive material	Corrosive	173.244	173.247a	Forbidden	1 quart	1	4	Shade from radiant heat
	Vanadium tetrachloride	Corrosive material	Corrosive	173.244	173.247a	Forbidden	1 quart	1	4	Shade from radiant heat
	Varnish. See *Paint, enamel, lacquer, stain, shellac, varnish, etc.									
	Varnish drier. See *Paint drier, liquid									
	Varnish remover or reducer. See *Compound, lacquer, paint or varnish removing, reducing, or thinning liquid									
	Varnish thinning compound. See *Compound, lacquer, paint, or varnish removing, reducing, or thinning liquid									
	Very signal cartridge	Class C explosive	Explosive C	None	173.108	50 pounds	200 pounds	1,3	1,3	
	Vinyl acetate	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Vinyl chloride	Flammable gas	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	4	Stow away from living quarters
	Vinyl ethyl ether, inhibited	Flammable liquid	Flammable liquid	None	173.119	Forbidden	1 gallon	1,3	5	
	Vinyl fluoride, inhibited	Flammable gas	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1	4	
	Vinylidene chloride, inhibited	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,3	4	
	Vinyl isobutyl ether	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Vinyl methyl ether, inhibited	Flammable gas	Flammable gas	173.306	173.304 173.314	Forbidden	20 pounds	1,2	1	Stow away from living quarters
	Vinyl trichlorosilane	Flammable liquid	Flammable liquid	None	173.135	Forbidden	10 gallons	1,2	1	
	Vitriol, oil of. *See* Sulfuric acid									
	War head. See Explosive projectile									
	Waste paper, wet	Flammable solid	Flammable solid	None	173.186	Forbidden	Forbidden	1,2	1,2	Separate from flammable gas or liquids, oxidizing materials, or organic peroxides
	Waste textile, wet	Flammable solid	Flammable solid	None	173.211	Forbidden	Forbidden	1,2	1,2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides
	Waste wool, wet	Flammable solid	Flammable solid	None	173.213	Forbidden	Forbidden	1,2	1,2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides
	Water reactive solid, n.o.s.	Flammable solid	Flammable solid and Dangerous when wet	173.153	173.154	Forbidden	25 pounds	1,2	4	Segregation same as for flammable solids labeled Dangerous When Wet
*	Water treatment compounds, liquid	Corrosive material	Corrosive	173.244	173.249	1 quart	10 gallons	1	1	
*	Wax, liquid	Combustible liquid	None	173.118a				1,2	1,2	
	Wet hair. See Hair, wet									
	Wet textile waste. See Waste textile, wet									
	White acid (*ammonium bifluoride and hydrochloric acid mixture*)	Corrosive material	Corrosive	173.244	173.264	1 quart	1 gallon	1	1	
*	*Wood filler. See* *Paint, varnish, lacquer, stain, shellac enamel, etc.									
	Wood shavings (*when dry, clean and free from oil*). *See* Sawdust									
	Wool waste. *See* Cotton waste									
	Wool waste, wet. See Waste wool, wet									
*	Xenon	Nonflammable gas	Nonflammable gas	173.306	173.302	150 pounds	300 pounds	1,2	1,2	
	X-ray film. See Film									
*	Xylene (*Xylol*)	Combustible liquid	None	173.118a				1,2	1,2	
*	Xylene (*xylol*)	Flammable liquid	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	

§172.101 Hazardous Materials Table (cont'd)

(1)	(2)	(3)	(4)	(5)	(6)	(7) Maximum quantity in one package		(8) Water shipments		
*/W/A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not exempt)	Exceptions	Packaging requirements	(a) Passenger carrying aircraft	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Xylyl bromide	Irritating material	Irritant	None	173.382	Forbidden	75 pounds	1	5	Stow away from living quarters
A	Yeast, active, *in liquid or pressed form*	ORM-C	None	None	173.1085					
	Zinc ammonium nitrite	Oxidizer	Oxidizer	None	173.228	25 pounds	100 pounds	1,3	5	This material may be forbidden in water transportation by certain countries
	Zinc arsenate	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Zinc arsenite, solid	Poison B	Poison	173.364	173.365	50 pounds	200 pounds	1,2	1,2	
	Zinc chlorate	Oxidizer	Oxidizer	173.153	173.163	25 pounds	100 pounds	1,2	1,2	Stow separate from ammonium compounds and away from powdered metals
*	Zinc chloride solution	Corrosive material	Corrosive	173.244	173.245	1 quart	1 quart	1,2	1,2	
	Zinc cyanide	Poison B	Poison	173.370		25 pounds		1,2	1,2	Stow away from acids
	Zinc ethyl. See Pyrophoric liquids, n.o.s.									
*	Zinc muriate solution. *See* Zinc chloride solution									
	Zinc nitrate. See Nitrates, n.o.s.									
	Zinc permangante	Oxidizer	Oxidizer	173.153	173.154	25 pounds	100 pounds	1,2	1,2	Separate from ammonium compounds and hydrogen peroxide
	Zinc peroxide	Oxidizer	Oxidizer	173.153	173.154	25 pounds	100 pounds	1,2	1,2	Keep dry
	Zinc phosphide	Flammable solid	Flammable solid and Dangerous when wet	None	173.154	25 pounds	Forbidden	1,2	1,2	Stow away from acids and oxidizing materials, living quarters and foodstuffs
	Zirconium hydride	Flammable solid	Flammable solid and Dangerous when wet	None	173.206	Forbidden	150 pounds	1,2	5	Segregation same as for flammable solids labeled Dangerous When Wet
	Zirconium metal, dry, *chemically produced, finer than 20 mesh particle size*	Flammable solid	Flammable solid	None	173.214	Forbidden	75 pounds	1	5	Separate from flammable gases or liquids, oxidizing materials or organic peroxides
	Zirconium metal, dry, *mechanically produced, finer than 270 mesh particle size*	Flammable solid	Flammable solid	None	173.214	Forbidden	75 pounds	1	5	Separate from flammable gases or liquids, oxidizing materials or organic peroxides
*	Zirconium, metal, liquid, suspensions	Flammable liquid	Flammable liquid	None	173.140	Forbidden	5 gallons	1	5	
	Zirconium metal, wet, *chemically produced, finer than 20 mesh particle size*	Flammable solid	Flammable solid	None	173.214	Forbidden	150 pounds	1,2	5	
	Zirconium metal, wet *mechanically produced, finer than 270 mesh particle size*	Flammable solid	Flammable solid	None	173.214	Forbidden	150 pounds	1,2	5	
	Zirconium picramate, wet *with at least 20% of water*	Flammable solid	Flammable solid	None	173.216	Forbidden	25 pounds	1	1	Stow away from heavy metals and their salts
*	Zirconium scrap (*borings, clippings, shavings, sheets, or turnings*)	Flammable solid	Flammable solid	173.153	173.220	Forbidden	Forbidden	1	4	Separate from flammable gases of liquids, oxidizing materials, or organic peroxides
	Zirconium tetrachloride, solid	Corrosive material	Corrosive	173.244	173.245b	25 pounds	100 pounds	1,2	1,2	

Subpart C—Shipping Papers

§ 172.200 General shipping paper requirements.

(a) *Description of hazardous materials required.* Except as otherwise provided in this subpart, each person who offers a hazardous material for transportation shall describe the hazardous material on the shipping paper in the manner required by this subpart.

(b) *Description not required.* This subpart does not apply to any material that is—(1) An ORM–A, B, or C, unless it is offered or intended for transportation by air when it is subject to the regulations pertaining to transportation by air as specified in § 172.101; or

(2) An ORM–A, B, or C, unless it is offered or intended for transportation by water when it is subject to the regulations pertaining to transportation by water as specified in § 172.101; or

(3) An ORM–D unless it is offered or intended for transportation by air.

(4) A hazardous material in limited quantities when offered or intended for transportation by rail unless it is to be transported in a rail car—(i) Used to transport passengers, or

(ii) In TOFC or COFC service.

§ 172.201 General entries.

(a) *Contents.* When a description of hazardous material is required to be included on a shipping paper, that description must conform to the following requirements:

(1) When a hazardous material and a nonhazardous material are described on the same shipping paper, the hazardous material description—(i) Must be entered first, or

(ii) Must be entered in a color that clearly contrasts will all other kinds of information on the shipping paper, or

(iii) Must be identified by the entry of an "X" placed before the proper shipping name in a column captioned "HM" that has a border in a color that clearly contrasts with all other entries displayed on the shipping paper.

(2) The required shipping description on a shipping paper and all copies thereof used for transportation purposes, must be legible and printed (manually or mechanically) in English.

(3) Unless it is specifically authorized or required in this subpart, the required shipping description may not contain any code or abbreviation.

(4) A shipping paper may contain additional information concerning the material provided the information is not inconsistent with the required description. It must be placed after the required description including requirements of § 172.203.

§ 172.202 Description of hazardous material on shipping papers.

(a) Each description of a hazardous material on the shipping paper must include—(1) The proper shipping name prescribed for the material as required by § 172.101.

(2) The class prescribed for the material as required by § 172.101. When the words of the proper shipping name are identical (excluding the entry "n.o.s.") with the words of the class, the inclusion of the class is not required.

(3) (Reserved)

(4) The total quantity (by weight, volume, or as otherwise appropriate) of the hazardous material covered by the description.

(b) The description specified in paragraphs (a)(1) and (a)(2) of this section must be shown in sequence. For example: "Gasoline, Flammable liquid"; or "Flammable solid, n.o.s."

(c) The total quantity of the material covered by one description must appear before or after, or both before and after, the description required and authorized by this subpart.

(1) Abbreviations may be used to specify the type of container and weight or volume. For example: 40 cyl. Nitrogen, Non-flammable Gas—800 pounds; 1 box Cement, liquid n.o.s., Flammable liquid (rubber cement), 25 lbs.

§ 172.203 Additional description requirements.

(a) *Exemptions.* Each shipping paper issued in connection with a shipment made under an exemption must bear the notation "DOT–E" followed by the exemption number assigned and so located that the notation is clearly associated with the entry to which the exemption applies.

(b) *Limited quantities.* The description on the shipping paper for a material defined as "limited quantities" in this subchapter must include the words "Limited Quantities" or "Ltd. Qty." following the proper shipping name and classification.

(c) *Blasting caps.* The description on the shipping paper for a shipment of blasting caps must have an entry stating the number of caps in the shipment, either before or after the proper shipping name and classification.

(d) *Corrosive material corrosive only to steel.* For a corrosive material corrosive only to steel, offered for transportation in a portable tank, cargo tank, or tank car by rail or highway, the entry "NO PLACARD REQUIRED" shall be added to the shipping paper following the description to indicate the placarding exception authorized by § 172.504(a).

(e) *Empty packagings.* The description on the shipping paper for an empty packaging, other than a tank car, containing the residue of a hazardous material may contain the word "EMPTY" or the words "EMPTY—Last Contained" before or after the requirements of §§ 172.202 and 172.203. (Fill in blank with appropriate proper shipping name). (For a tank car containing the residue of a hazardous material, see also § 174.25 of this subchapter).

(f) *Transportation by air.* When a package containing a hazardous material is offered for transportation by air and this subchapter prohibits its transportation by passenger-carrying aircraft, the description required by §§ 172.202 and 172.203 must be followed by the words "Cargo-only aircraft."

(g) *Transportation by rail.* (1) In addition to the requirements in §§ 172.202 and 172.203 the shipping paper for hazardous material including an empty tank car as described in § 172.510(c) when offered for transportation by rail must contain the following:

(i) The notation "Placarded" followed by the name of the placard required for the rail car, and

(ii) The placard endorsement required by § 174.25 of this subchapter.

(iii) The word "EMPTY" for certain rail cars as required by § 174.25 of this subchapter.

(2) The shipping paper for each Specification DOT 112A or 114A (without head shields) containing a flammable compressed gas must contain the notations "DOT 112A" or "DOT 114A," as appropriate, and "Must be handled in accordance with FRA E.O. No. 5."

(h) *Transportation by highway.* In addition to the requirements of §§ 172.202 and 172.203, the description on the shipping paper for hazardous materials in a specification MC 330 or MC 331 cargo tank made of quenched and tempered steel must have, for—

(1) *Anhydrous ammonia.* (i) The words "0.2 per cent water" to indicate the suitability for shipping anhydrous ammonia in the cargo tank as authorized by § 177.817 of this subchapter, or

(ii) The words "NOT FOR Q AND T TANKS" when the anhydrous ammonia does not contain 0.2 per cent or more water by weight.

(2) *Liquefied petroleum gas.* The word "Non-corrosive" or "Non-cor" to indicate the suitability for shipment of the "Non-corrosive" liquefied petroleum gas offered for transportation by cargo tank as authorized by § 173.315 (a)(1) Note 15 of this subchapter.

(i) *Transportation by water.* (1) The shipping paper for a hazardous material offered for transportation by water must have the following additional entries: (i) Identification of the type of packages such as barrels, drums, cylinders, and boxes,

(ii) The number of each type of package including those in a freight container or on a pallet, and

(iii) The gross weight of each type of package or the individual gross weight of each package.

(iv) The name of the shipper in addition to the certification signature.

(2) The shipping paper for a hazardous material offered for transportation by water to any country outside the United States must have in parenthesis the technical name of the material following the proper shipping name when the material is described by a "n.o.s." entry in § 172.101. For example: Corrosive liquid, n.o.s. (caprylyl chloride), Corrosive material.

(j) For a mixture, only the technical name of a hazardous material giving the mixture its hazardous properties must be listed.

(j) *Radioactive material.* (1) Each person offering a radioactive material for transportation shall include on the shipping paper the following information in addition to the description required by § 172.202: (i) The name of each radionuclide in the radioactive material that is listed in § 173.390 of this subchapter. Abbreviations, e.g. ^{99}Mo are authorized.

(ii) A description of the physical and chemical form of the material, if the material is not in special form.

(iii) The activity contained in each package of the shipment in terms of curies, millicuries, or microcuries. Abbreviations are authorized.

(iv) The category of label applied to each package in the shipment. For example: "RADIOACTIVE WHITE-I," or the words "No Label Required," if applicable.

(v) The transport index assigned to each package in the shipment bearing RADIOACTIVE YELLOW-II or RADIOACTIVE YELLOW-III labels.

(vi) For a shipment of fissile radioactive materials—(A) The words "Fissile Exempt," if the package is exempt pursuant to § 173.396(a) of this subchapter, or

(B) If not exempt, the fissile class of each package in the shipment, pursuant to § 173.389(a) of this subchapter; and

(C) For a Fissile Class III shipment, the additional notation: "Warning—Fissile Class III Shipment. Do not Load More Than * * * Packages per Vehicle." (Asterisks to be replaced by appropriate number.) "In Loading and Storage Areas, Keep at Least 20 Feet (6 Meters) from Other Packages Bearing Radioactive Labels."

(D) If a Fissile Class III shipment is to be transported by water, the supplementary notation must also include the following statement: "For shipment by water, only one Fissile Class III shipment is permitted in a hold."

(vii) For a package approved by the U.S. Energy Research and Development Administration (ERDA) or U.S. Nuclear Regulatory Commission (USNRC) a notation of the package identification marking as prescribed in the applicable ERDA or USNRC approval. (See § 173.393a of this subchapter.)

(viii) For an export shipment or a shipment in a foreign made package, a notation of the package identification marking as prescribed in the applicable International Atomic Energy Agency (IAEA) Certificate of Competent Authority which has been issued for the package. (See § 173.393b(a)(3) of this subchapter).

§ 172.204 Shipper's certification.

(a) *General.* Except as provided in paragraphs (b) and (c) of this section, and in paragraph (b) of § 172.200, each person who offers a hazardous material for transportation shall certify in writing that the material has been presented for transportation in accordance with this subchapter by printing (manually or mechanically) the following statement on the shipping paper containing the required shipping description:

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

NOTE: Preprinted certificates complying with 49 CFR 173.430(a) in effect on June 30, 1976, may be used through June 30, 1979. After June 30, 1979, use of the certificate required by this section is mandatory.

(b) *Exceptions.* No certification is required for hazardous material offered for transportation by highway that is transported—(1) In a cargo tank supplied by the carrier, or

(2) By the shipper as a private carrier except for a hazardous material that is to be reshipped or transferred from one carrier to another.

(c) *Transportation by air.* (1) *General.* Certification containing the following language may be used in place of the certification required by paragraph (a) of this section:

I hereby certify that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked and labeled, and in proper condition for carriage by air according to applicable national governmental regulations.

(2) *Certificate in duplicate.* Each person who offers a hazardous material for transportation by air shall provide two copies of the certification required in this section. (See § 175.30 of this subchapter.)

(3) *Passenger and cargo aircraft.* Each person who offers for transportation by air a hazardous material authorized for air transportation shall add to the certification required in this section the following statement:

This shipment is within the limitations prescribed for passenger aircraft/cargo-only aircraft (delete nonapplicable).

(4) *Radioactive material.* Each person who offers any radioactive material subject to Part 175 of this subchapter for shipment in a passenger-carrying aircraft shall sign (mechanically or manually) a printed certificate stating that the shipment contains radioactive materials intended for use in, or incident to research, medical diagnosis, or treatment, and meets the requirements of Part 175 of this subchapter for shipment aboard passenger-carrying aircraft.

(d) *Signature.* The certifications required by paragraphs (a) or (c) of this section—(1) Must be legibly signed by a principal, officer, partner, or employee of the shipper or his agent; and

(2) May be legibly signed manually, by typewriter, or by other mechanical means.

Subpart D—Marking

§ 172.300 General marking requirements.

Except as provided in this section, §§ 172.302 and 172.316, and Part 173 of this subchapter, each person who offers a package containing a hazardous material for transportation shall mark the package with the proper shipping name required by § 172.101. However, when it has been determined by the shipper that a package has been previously marked as required for the material it contains, it need not be re-marked.

§ 172.302 Export shipments by water.

(a) Each package of hazardous material offered for export by water and described by a "n.o.s." entry in § 172.101 must have the technical name of the material added in parentheses immediately following the proper shipping name. For example: Corrosive liquid, n.o.s. (Caprylyl chloride).

(b) For a mixture, only the technical name of the hazardous material giving a mixture its hazardous properties must be listed.

§ 172.304 Marking specifications.

(a) The marking required in this subpart—(1) Must be durable, in English and printed on or affixed to the surface of a package or on a label, tag, or sign.

(2) Must be displayed on a background of sharply contrasting color;

(3) Must be unobscured by labels or attachments; and

(4) Must be located away from any other marking (such as advertising) that could substantially reduce its effectiveness.

§ 172.306 Consignee's name and address.

(a) Each package containing a hazardous material offered for transportation must be marked with the name and address of the consignee except when the package is—(1) Transported by highway and will not be transferred from one motor carrier to another;

(2) Part of a carload lot, truckload lot, or freight container load, and the entire contents of the rail car, truck or freight container are tendered from one consignor to one consignee, or

(3) A portable tank, cargo tank or tank car.

§ 172.308 Authorized abbreviations.

(a) Abbreviations may not be used except in the following instances—(1) For marking descriptions on ammunition, such as ammunition for cannon without projectiles, etc., the words "with" or "without" may be abbreviated as "W" or "W/O" for example: "ammunition for cannon W/O projectiles"

(2) The abbreviation "ORM" may be used in place of the words "Other Regulated Materials."

§ 172.310 Radioactive materials.

(a) In addition to any other markings required by this subpart, each package containing radioactive materials must be marked as follows: (1) Each package of radioactive materials in excess of 110 pounds (50 kilograms) must have its gross weight plainly and durably marked on the outside of the package.

(2) Each package of radioactive materials which conforms to the requirements for Type A or Type B packaging (§§ 173.389(j) and (k) and 173.398(b) and (c) of this subchapter) must be plainly and durably marked on the outside of the package in letters at least ½-inch (13 mm.) high, with the words "TYPE A" or "TYPE B" as appropriate. A packaging which is not in compliance with these requirements may not be so marked.

(3) Each package of radioactive material destined for export shipment must

also be marked "USA" in conjunction with the specification marking, or other package certificate identification. (See §§ 173.393a and 173.393b of this subchapter.)

§ 172.312 Liquid hazardous materials.

(a) Except as provided in this section, each package having an inside packaging containing liquid hazardous materials must be—(1) Packed with closures upward, and

(2) Legibly marked "THIS SIDE UP" or "THIS END UP" as appropriate, to indicate the upward position of the inside packaging.

(b) Except as otherwise prescribed in Part 173 of this subchapter, specification containers 6D, 37M, 37P, and 21P are not required to be marked "THIS SIDE UP" or "THIS END UP".

(c) Arrows for purposes other than indicating proper package orientation may not be displayed on a package containing a hazardous material.

(1) An arrow symbol indicating "This Way Up" as specified in ANSI MH6.11968 entitled "Pictorial Marking for Handling of Goods" should be used in addition to the marking required by this section and § 173.25 of this subchapter.

§ 172.316 Outside packagings containing ORM.

(a) Except as provided in § 173.505 of this subchapter, each package containing a material classed as ORM–A, B, C, or D must be plainly and durably marked on at least one side or end with the appropriate ORM designation immediately following or below the proper shipping name of the material. The appropriate ORM designation must be placed within a rectangle that is approximately ¼ inch (6.3 mm.) larger on each side than the designation. The appropriate designation for each ORM must be:

(1) ORM–A for an ORM–A.

(2) ORM–B–KEEP DRY for an ORM–B that is a solid and is corrosive only to aluminum when wet.

(3) ORM–B for an ORM–B other than that described in paragraph (a)(2) of this section.

(4) ORM–C for an ORM–C.

(5) ORM–D–AIR for an ORM–D that is prepared for air shipment and packaged in accordance with the provisions of § 173.6 of this subchapter.

(6) ORM–D for an ORM–D other than that described in paragraph (a)(5) of this section.

(b) When the ORM–D marking can not be affixed on the package surface, it may be on an attached tag.

(c) The marking ORM–A, B, C, or D is the certification by the person offering the package for transportation that the material is properly classed, packaged, marked, and labeled (when appropriate) and in proper condition for transportation according to the applicable regulations of the Department. This form of certification does not preclude the requirement for a certificate on a shipping paper when required by § 172.200.

§ 172.326 Portable tanks.

(a) A portable tank containing a hazardous material must be marked in lettering two inches (50.8 mm.) or more in height with the proper shipping name of the material. This marking must be legibly displayed as specified in this part—(1) On one side and on the head, when appropriate, or

(2) On two opposing sides when the portable tank is of such a shape that marking on the head is not appropriate.

(b) A portable tank marked with the name of a specific hazardous material other than that which the portable tank contains must have the marking removed or changed as appropriate to identify the hazardous material in the portable tank.

(c) The name of the owner, or when appropriate, of the lessee, must be legibly displayed on a portable tank that contains a hazardous material.

§ 172.328 Cargo tanks.

(a) *Required markings: hazardous materials other than gases.* When transporting a hazardous material other than a compressed gas, a cargo tank required by Part 173 of this subchapter to be marked with the proper shipping name of the contents must be marked as specified in this part on each end and each side.

(b) *Required markings: gases.* Each cargo tank transporting flammable or nonflammable compressed gas subject to this subchapter must be legibly marked in lettering two inches (50.8 mm.) or more in height as specified in this Part on each end and each side with—

(1) The Proper shipping name of the gas, or

(2) An appropriate common name for the material such as "Refrigerant Gas."

(c) *QT/NQT marking for MC 330 and MC 331 cargo tanks.* Each specification MC 330 and MC 331 cargo tank must be appropriately marked "QT" or "NQT" to indicate it is constructed of quenched and tempered steel (QT) or other than quenched and tempered steel (NQT). The marking must be 2 inches (50.8 mm.) or more in height and must be placed near the specification identification plate.

(d) When a cargo tank is used for transporting a hazardous material other than that indicated by the marking, the marking must be changed as appropriate to identify the hazardous material the cargo tank contains.

§ 172.330 Tank cars.

(a) When required by Parts 173 and 179 of this subchapter, each tank car used to transport a hazardous material must be marked as specified in this subpart with the—(1) Proper shipping name, or

(2) Authorized common name of the material such as "Refrigerant Gas," or "Chlorine."

(b) The letters in required markings must be 4 inches (101.6mm.) more in height with at least a ⅝-inch (15.9 mm.) stroke. The separation between each letter must be at least ¾-inch (19.0 mm.).

(c) The markings must be—(1) Affixed to both sides of the tank car near the stenciled DOT specification marking; and

(2) Readily visible when viewed from each side of the tank car.

(d) When a tank car is used for transporting a hazardous material other than that indicated by the marking, the marking must be changed as appropriate to identify the hazardous material the tank car contains.

Subpart E—Labeling

§ 172.400 General labeling requirements.

(a) Except as otherwise provided in this subchapter, each person who offers a package containing a hazardous material for transportation shall label the package conspicuously with labels prescribed in this subpart. In the case of a material listed in the table in § 172.101, the package must be labeled as required in the table. In the case of a material, that is not listed in § 172.101, the package must be labeled as classed based on the hazards of the material determined by the shipper in accordance with § 173.2 of this subchapter. When such a material has multiple hazards, labeling must be in accordance with § 172.402.

(b) A label is not required on a—

(1) Package for which labeling is not required under the conditions set forth in Part 173 of this subchapter and in this section;

(2) Cylinder containing a compressed gas classed as flammable or nonflammable that is—(i) Carried by a private or contract motor carrier;

(ii) Not overpacked; and

(iii) Durably and legibly marked in accordance with CGA Pamphlet C–7, Appendix A, title "A Guide for the Preparation of Precautionary Markings for Compressed Gas Containers," dated January 1976.

(3) Military ammunition shipped by, for, or to the U.S. Department of Defense (DOD) when in carload or truckload shipments, if loaded and unloaded by the shipper, or DOD.

(4) Package containing a hazardous material other than ammunition that is—(i) Loaded and unloaded under the supervision of DOD personnel, and

(ii) Escorted by DOD personnel in a separate vehicle.

(5) Compressed gas cylinder permanently mounted in or on a transport vehicle;

(6) Portable tank having a capacity of 1,000 gallons or more which is subject to § 172.504;

(7) Freight container having a volume of 640 cubic feet or more which is subject to § 172.512;

(8) Package containing a material classed as ORM–A, B, C, or D if that package does not contain any other material classed as a hazardous material that requires labeling.

(9) Package containing a combustible liquid; or

(10) Package of low specific activity radioactive material, when being trans-

ported in a transport vehicle assigned for the sole use of the consignor under § 173.392(b) of this subchapter.

(11) Provisions of this paragraph do not apply to the CARGO AIRCRAFT ONLY label or the MAGNETIZED MATERIAL label.

§ 172.401 Prohibited labeling.

(a) Except as provided in paragraphs (c) and (d) of this section, no person may offer for transportation and no carrier may transport any package bearing a label specified in this subpart unless—

(1) The package contains a material that is a hazardous material, and

(2) The label represents a hazard of the hazardous material in the package.

(b) No person may offer for transportation and no carrier may transport a package bearing any marking or label which by its color, design, or shape could be confused with or conflict with a label prescribed by this part.

(c) The restrictions in paragraphs (a) and (b) of this section, do not apply to packages labeled in conformance with —(1) Any United Nations recommendation, including the class number (see § 172.407), in the document entitled *"Transport of Dangerous Goods. (1970)"* or

(2) The Intergovernmental Maritime Consultative Organization (IMCO) requirements, including the class number (see § 172.407), in the document entitled "International Maritime Dangerous Goods Code"

(d) A package containing a sample of a hazardous material, other than an explosive, must be labeled in accordance with § 172.402(h).

§ 172.402 Additional labeling requirements.

(a) *Multiple labeling;* (1) Labeling for a material with one or more than one additional hazard. Each package containing a material classed as an Explosive A, Poison A or Radioactive material that meets the definition of more than one hazard class must be labeled as required for each class.

(2) Certain classes having an additional hazard of Poison B. Each package containing a material classed as a Flammable liquid, Flammable solid, or Oxidizer, that also meets the definition of a Poison B must be labeled as required for the class of material and POISON B.

(b) *CARGO AIRCRAFT ONLY label.* Each person who offers for transportation by air a package containing a hazardous material authorized only on cargo aircraft shall affix to the package a CARGO AIRCRAFT ONLY label which is described in § 172.448.

(c) *DANGEROUS WHEN WET label.* Each person who offers for transportation a package containing a hazardous material must affix to the package a DANGEROUS WHEN WET label as described in § 172.423 when required by § 172.101.

(d) *MAGNETIZED MATERIAL label.* Each person who offers for transportation by air a package meeting the definition of a magnetized material in § 173.1020 of this subchapter must affix to the package a MAGNETIZED MATERIAL label as required by § 172.101 and described in § 172.446.

(e) *BUNG label.* Each metal barrel or drum containing a flammable liquid having a vapor pressure between 16 and 40 p.s.i.a. at 100° F. must have affixed a BUNG label as specified in § 173.119(i) of this subchapter in addition to a FLAMMABLE LIQUID label described in § 172.419.

(f) *ETIOLOGIC AGENTS label.* See § 173.388 of this subchapter for ETIOLOGIC AGENTS labeling requirements.

(g) *EMPTY label.* See § 173.29 of this subchapter for EMPTY labeling requirements.

(h) *Packages containing samples.* Except as provided in §§ 173.21 and 173.86 of this subchapter, a material for which a reasonable doubt exists as to its class and labeling requirements, and for which a sample must be transported for laboratory analysis may be labeled according to the shipper's tentative class assignment based upon—

(1) Defining criteria in this subchapter;

(2) The hazard precedence prescribed in § 173.2 of this subchapter; and

(3) The shipper's knowledge of the material.

(i) *Labels for DOT specification 106 and 110 tanks.* DOT specification 106 and 110 tank must have one of each label required for the hazardous material it contains affixed to each end.

§ 172.403 Radioactive material.

(a) Unless excepted from labeling by § 173.391 or § 173.392 of this subchapter, each package of radioactive material must be labeled as provided in this section.

(b) A RADIOACTIVE WHITE–I label must be affixed to each package measuring 0.5 millirem or less per hour at each point on the external surface of the package, provided the package—

(1) Is not a Fissile Class II or III, or

(2) Does not contain a "large quantity" of radio active material, as defined in § 173.389 of this subchapter.

(c) A RADIO ACTIVE YELLOW–II label must be affixed to each—

(1) Package measuring more than 0.5 but less than 50 millirem per hour at each point, and not exceeding one (1.0) millirem per hour at three feet from each point on the external surface of the package.

(2) Fissile Class II package having a transport index of one (1.0) or less.

(d) A RADIOACTIVE YELLOW-III label must be affixed to each package which —

(1) Measures more than 50 millirem per hour at each point or exceeds one (1.0) millirem per hour at three feet from each point on the external surface;

(2) Is a Fissile Class III; or

(3) Contains a "large quantity" of radioactive material as defined in § 173.389 of this subchapter.

(e) Each package containing a radioactive material that also meets the definition of one or more additional hazards must be labeled as a radioactive material as required by this section and for each additional hazard. For example:

(1) Packages containing the solid nitrates of uranium or thorium must be labeled RADIOACTIVE and OXIDIZER.

(2) Packages containing nitric acid solutions of radioactive material must be labeled RADIOACTIVE and CORROSIVE.

(f) Each package required by this section to be labeled with a RADIOACTIVE label must have two of these labels, affixed to opposite sides of the package. (See § 172.406(e)(3) for freight container label requirements).

(1) The applicable information as required in any blank spaces on the RADIOACTIVE label must be inserted by legible printing (manual or mechanical), using a durable, weather resistant means or marking.

§ 172.404 Labels for mixed and consolidated packaging.

(a) *Mixed packaging.* When hazardous materials having different hazard classes are packed within the same packaging, or within the same outside container or overpack as described in § 173.25 and authorized by § 173.21 of this subchapter, the packaging, outside container or overpack must be labeled as required for each class of hazardous material contained therein.

(b) *Consolidated packaging.* When two or more packages containing compatible hazardous material (see § 173.21) are placed within the same outside container or overpack, the outside container or overpack must be labeled as required for each class of hazardous material contained therein.

§ 172.405 Authorized label modifications.

For a package containing Oxygen, the word "OXYGEN" may be used in the place of the word "OXIDIZER" on the OXIDIZER label provided the letter size and color for OXYGEN are the same as those required for OXIDIZER.

§ 172.406 Placement of labels.

(a) *General.* Except as provided in paragraphs (b) and (e) of this section, each label required by this subpart must be printed on or affixed to the surface of the package near the marked name of contents required by Subpart D of this part.

(b) *Exceptions.* Labels may be printed on or placed on a securely affixed tag, or may be affixed by other suitable means to—

(1) A package that contains no radioactive material and which has dimensions less than those of the required label;

(2) A compressed gas cylinder; and

(3) A package which has such an irregular surface that a label cannot be satisfactorily affixed.

(c) *Placement of multiple labels.* When two or more different labels are required, they must be displayed next to each other.

(d) *Label border.* Each label must be affixed to a background of contrasting color, or must have a dotted or solid line outer border.

(e) *Additional labeling.* When labeling is required, the labels must be displayed on at least two sides or two ends (excluding the bottom) of—

(1) Each package containing a radioactive material;

(2) Each package having a volume of 64 cubic feet or more; and

(3) Each freight container having a volume of 64 cubic feet or more, but less than 640 cubic feet, except when placarded in accordance with § 172.512(b).

(i) Placarding may not be used instead of labeling on a package containing radioactive material.

(ii) When labeled, one of each of the appropriate labels must be displayed on or near the closure.

(f) *Obscured labels.* A label must not be obscured by markings or attachments.

§ 172.407 Label specifications.

(a) Each label, affixed to or printed on a package, must be durable and weather resistant.

(b) Each diamond (square-on-point) label prescribed in this part must be at least 4 inches (101 mm.) on each side with each side having a black solid line border ¼-inch (6.3 mm.) from the edge.

(c) Except for size and color, the printing, inner border, and symbol on each label must be as shown for each label.

(d) The colors for each label must be as specified in this subpart and the specifications for each color must be as prescribed in Appendix A to this part.

(e) The specified label color must extend to the edge of the label in the area designated on each label except the CORROSIVE, MAGNETIZED MATERIAL RADIOACTIVE YELLOW–II, and RADIOACTIVE YELLOW–III labels.

(f) A label may contain form identification information, including the name of its maker, provided that information is printed outside of the solid line inner border in no larger than 10-point type.

(g) A label may contain the United Nations and Inter-Governmental Maritime Consultative Organization (IMCO) hazard class number. The number must be—

(1) Black, unless it is on a CORROSIVE label when it must be white;

(2) Located in the lower corner of the label, and

(3) Approximately 0.25-inch (6.3 mm.) high.

(h) For import shipments only, a label conforming to § 172.401 affixed to a package in another country may contain inscriptions required by the country of origin.

(i) The dotted line border shown on each label is not part of the label specification, except when used as an alternative for the solid line outer border to meet the requirements of § 172.406(d).

§ 172.411 EXPLOSIVE A, EXPLOSIVE B, and EXPLOSIVE C labels.

(a) Except for size and color, the EXPLOSIVE A, EXPLOSIVE B, and EXPLOSIVE C labels must be as follows:







(b) In addition to complying with § 172.407, the EXPLOSIVE A, EXPLOSIVE B, and EXPLOSIVE C labels must be orange. The printing and symbol must be black.

§ 172.415 NON-FLAMMABLE GAS label.

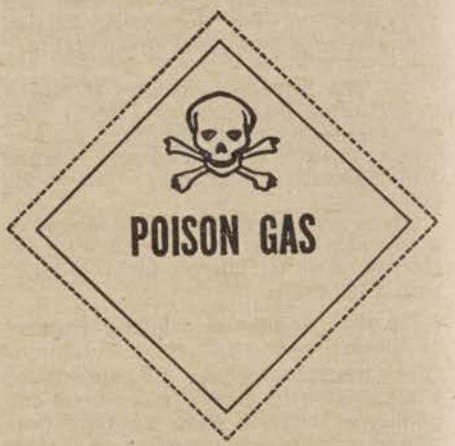
(a) Except for size and color, the NON-FLAMMABLE GAS label must be as follows:



(b) In addition to the requirements specified in § 172.407, the NON-FLAMMABLE GAS label must be green. The symbol and printing must be black.

§ 172.416 POISON GAS label.

(a) Except for size and color, the POISON GAS label must be as follows:



(b) In addition to complying with § 172.407, the POISON GAS label must be white. The printing must be black, and the symbol must be black and white.

§ 172.417 FLAMMABLE GAS label.

(a) Except for size and color, the FLAMMABLE GAS label must be as follows:



(b) In addition to complying with § 172.407, the FLAMMABLE GAS label must be red. The printing and symbol must be black.

§ 172.419 FLAMMABLE LIQUID label.

(a) Except for size and color, the FLAMMABLE LIQUID label must be as follows:



(b) In addition to complying with § 172.407, the FLAMMABLE LIQUID label must be red. The printing and symbol must be black.

§ 172.420 FLAMMABLE SOLID label.

(a) Except for size and color, the FLAMMABLE SOLID label must be as follows:



(b) In addition to complying with § 172.407, the FLAMMABLE SOLID label must be white with vertical red stripes equally spaced on each side of a red stripin the center of the label. The rectangle for the words "FLAMMABLE SOLID" must be white. The printing and symbol must be black with the symbol overprinted. The words "FLAMMABLE SOLID" must not contact any red stripe. The white stripes must be sufficiently wider than the red stripes to make them appear visually equal in width.

§ 172.422 SPONTANEOUSLY COMBUSTIBLE label.

(a) Except for size and color, the SPONTANEOUSLY COMBUSTIBLE label must be as follows:



(b) In addition to complying with § 172.407, the SPONTANEOUSLY COMBUSTIBLE label must be red in the lower half and white in the upper half. The symbol and printing must be black.

(c) If use of the SPONTANEOUSLY COMBUSTIBLE label is required by the regulations of another country, it may be used in addition to the labels required by §§ 172.400 and 172.402.

§ 172.423 DANGEROUS WHEN WET label.

(a) Except for size and color, the DANGEROUS WHEN WET label must be as follows:



(b) In addition to complying with § 172.407, the DANGEROUS WHEN WET LABEL must be blue. The printing and symbol must be black.

(c) If use of the DANGEROUS WHEN WET label is required by the regulations of another country, it may be used in addition to the labels required by §§ 172.400 and 172.402.

§ 172.426 OXIDIZER label.

(a) Except for size and color, the OXIDIZER label must be as follows:



(b) In addition to complying with § 172.407, the OXIDIZER label must be yellow. The printing and symbol must be black.

§ 172.427 ORGANIC PEROXIDE label.

(a) Except for size and color, the ORGANIC PEROXIDE label must be as follows:



(b) In addition to complying with § 172.407, the ORGANIC PEROXIDE label must be yellow. The printing and symbol must be black.

§ 172.430 POISON label.

(a) Except for size and color, the POISON label must be as follows:



(b) In addition to complying with § 172.407, the POISON label must be white. The printing and symbol must be black.

§ 172.432 IRRITANT label.

(a) Except for size and color, the IRRITANT label must be as follows:



(b) In addition to complying with § 172.407, the IRRITANT label must be white. The word "IRRITANT" must be red.

(c) For export shipments, if use of the following label is required for irritants by the regulations of another country, it may be used in addition to the label for irritants required by § 172.400 and described in § 172.432. In addition to complying with § 172.407, this additional label for irritant, except for size and color, must be as follows:



(d) The printing and symbol must be black on a white background.

§ 172.436 RADIOACTIVE WHITE-I label.

(a) Except for size and color, the RADIOACTIVE WHITE-I label, must be as follows:



(b) In addition to complying with § 172.407, the RADIOACTIVE WHITE-I label must be white. The printing and symbol must be black except for the "I" which must be red.

§ 172.438 RADIOACTIVE YELLOW-II label.

(a) Except for size and color, the RADIOACTIVE YELLOW-II label, must be as follows:



(b) In addition to complying with § 172.407, the RADIOACTIVE YELLOW-II label must be yellow in the top half and white in the lower half. The printing and symbol must be black, except for the "II" which must be red.

§ 172.440 RADIOACTIVE YELLOW-III label.

(a) Except for the size and color, the RADIOACTIVE YELLOW-III label must be as follows:



(b) In addition to complying with § 172.407, the RADIOACTIVE YELLOW-III label must be yellow in the top half and white in the lower half. The printing and symbol must be black, except for the "III" which must be red.

§ 172.442 CORROSIVE label.

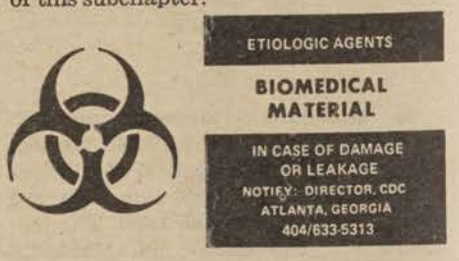
(a) Except for size and color, the CORROSIVE label must be as follows:



(b) In addition to complying with § 172.407, the CORROSIVE label must be white in the top half and black in the lower half. The printing must be white and the symbol must be black and white.

§ 172.444 ETIOLOGIC AGENT label.

(a) Each package containing an Etiologic agent subject to this subchapter must be labeled as specified in § 173.388 of this subchapter.



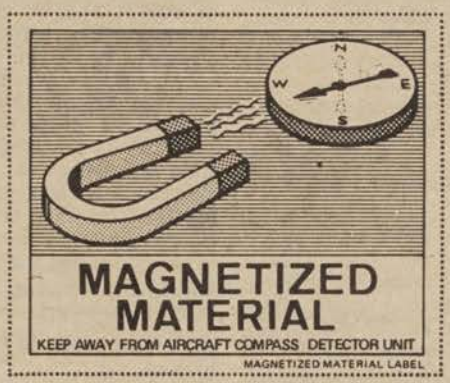
(b) For export shipments, if use of the following label is required by the regulations of another country, it may be used in addition to the label required in paragraph (a) of this section for Etiologic agents. In addition to complying with § 172.407, this additional label for Etiologic agents, except for size and color, must be as follows:



(c) The printing and symbol must be black on a white background.

§ 172.446 MAGNETIZED MATERIAL label.

(a) Except for size and color, the MAGNETIZED MATERIAL label including the label name in the lower border must be as follows:



(b) The MAGNETIZED MATERIAL label must be a rectangle measuring 3 11/16 inches (90 mm.) high and 4 5/16 inches (110 mm.) wide. The printing must be blue and the symbol must be white and blue.

§ 172.448 CARGO AIRCRAFT ONLY label.

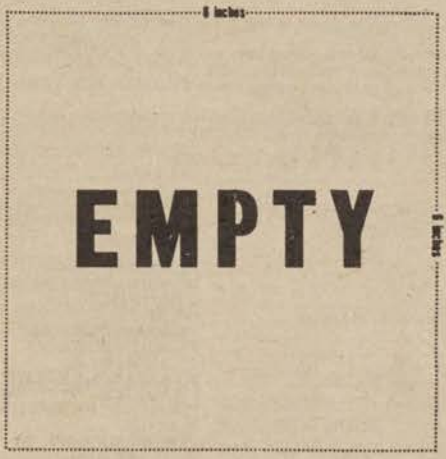
(a) Except for size and color, the CARGO AIRCRAFT ONLY (DANGER—PELIGRO) label including the label name in the lower border must be as follows:



(b) The CARGO AIRCRAFT ONLY label must be a rectangle measuring 4 5/16 inches (110 mm.) high by 4 3/4 inches (120 mm.) wide. The printing must be black and the symbol must be black and orange.

§ 172.450 EMPTY label.

(a) Each EMPTY label, except for size, must be as follows:



(1) Each side must be at least 6 inches (152 mm.) with each letter at least 1 inch (25.4 mm.) in height.

(2) The label must be white with black printing.

Subpart F—Placarding

§ 172.500 Applicability of placarding requirements.

(a) Each person who offers for transportation or transports any hazardous material subject to this subchapter shall comply with the applicable placarding requirements of this subpart.

(b) This subpart does not apply to Etiologic Agents, or hazardous materials classed as ORM–A, B, C, or D.

§ 172.502 Prohibited placarding.

(a) No person may affix or display on a portable tank, freight container, motor vehicle, or rail car any placard described in this subpart unless—

(1) The material being offered or transported is a hazardous material, and

(2) The placard represents a hazard of the hazardous material being offered or transported.

(b) No person may affix or display any sign or other device on a motor vehicle, rail car, portable tank, or freight container, that by its color, design, shape, or content could be confused with any placard prescribed in this subpart.

§ 172.504 General placarding requirements.

(a) Except as otherwise provided in this subchapter, each motor vehicle and rail car containing any quantity of a hazardous material must be placarded with the type of placards specified in the following tables and other placarding requirements of this subpart, including the specifications for the placards named in the tables and described in detail in §§ 172.519 through 172.558.

TABLE 1

If the motor vehicle or rail car contains a material classed (described) as—	The motor vehicle or rail car must be placarded on each side and each end—
Class A explosives	EXPLOSIVES A.[1]
Class B explosives	EXPLOSIVES B.[2]
Poison A	POISON GAS.[1]
Flammable solid (DANGEROUS WHEN WET label only).	FLAMMABLE SOLID W.[3]
Radioactive material	RADIOACTIVE.[4 5]
Radioactive material: Uranium hexafluoride, fissile (containing more than 0.7 pct U^{235}).	RADIOACTIVE AND CORROSIVE.
Uranium hexafluoride, low specific activity (containing 0.7 pct or less U^{235}).	RADIOACTIVE AND CORROSIVE.

[1] See sec. 172.510(a).
[2] Placard not required if the freight container, motor vehicle, or rail car contains class A explosives and is placarded EXPLOSIVES A as required.
[3] FLAMMABLE SOLIDW placard is required only when the DANGEROUS WHEN WET label is specified in sec. 172.101 for a material classed as a Flammable Solid.
[4] Applies only to any quantity of packages bearing the RADIOACTIVE Yellow III label. (See secs. 173.399 and 172.403 of this subchapter.)
[5] See secs. 173.389(c) and 173.389(o), for full-load shipments of radioactive materials meeting the definition of low specific activity when transported pursuant to sec. 173.392(b).

TABLE 2

If the motor vehicle or rail car contains a material classed (described) as—	The motor vehicle or rail car must be placarded on each side and each end—
Class C explosives	FLAMMABLE.[1]
Nonflammable gas	NONFLAMMABLE GAS.
Nonflammable gas (Chlorine)	CHLORINE.
Nonflammable gas (oxygen, pressurized liquid)	OXYGEN.[2]
Flammable gas	FLAMMABLE GAS.
Combustible liquid	COMBUSTIBLE.[3 4]
Flammable liquid	FLAMMABLE.
Flammable solid	FLAMMABLE SOLID.[5]
Oxidizer	OXIDIZER.
Organic peroxide	ORGANIC PEROXIDE.
Poison B	POISON.
Corrosive material	CORROSIVE.[6]
Irritating material	DANGEROUS.

[1] Applies only to a class C explosive required to be labeled with an EXPLOSIVE C label.
[2] OXYGEN placards may be used to identify liquefied pressurized oxygen contained in a manner so it does not meet the definition in sec. 173.300 of this subchapter.
[3] COMBUSTIBLE placard required only when a material classed as a combustible liquid is transported in a packaging having a rated capacity of 110 gal or more, cargo tank, or a tank car.
[4] A FLAMMABLE placard may be used on a cargo tank and a portable tank during transportation by highway.
[5] A FLAMMABLE placard may be displayed in place of a FLAMMABLE SOLID placard except when a DANGEROUS WHEN WET label is specified for the material in sec. 172.101. (See table 1, this section.)
[6] Not required for a material that is corrosive only to steel as defined in § 173.240 of this subchapter when transported in a portable tank, cargo tank or tank car by rail or highway.

(b) A freight container, motor vehicle or rail car containing two or more materials covered by Table (2) may be placarded DANGEROUS in place of the separate placarding specified for each material in Table (2) if no more than 5,000 pounds (aggregate gross weight) of one class of material is loaded therein at one loading facility. This paragraph does not apply to a portable tank, cargo tank, or tank car.

(c) No placard is required on a—

(1) Motor vehicle containing less than 1,000 pounds (aggregate gross weight) of one or more materials covered by Table (2), or

(2) Rail car loaded with freight containers or motor vehicles when each freight container or motor vehicle contains less than 1,000 pounds (aggregate gross weight) of one or more materials, covered by Table (2).

This paragraph does not apply to portable tanks, cargo tanks, or tank cars.

§ 172.506 Providing and affixing placards: highway.

(a) Each person offering a motor carrier a hazardous material for transportation by highway shall provide to the motor carrier the required placards for the material prior to or at the same time the material is offered for transportation, unless the carrier's motor vehicle is already placarded for the material as required by this subpart.

(1) No motor carrier may transport a hazardous material in a motor vehicle, unless the placards required for the hazardous material are affixed thereto as required by this subpart.

§ 172.508 Providing and affixing placards: rail.

(a) Each person offering a hazardous material for transportation by rail shall affix to the rail car containing the material, the placards specified by this subpart for the material unless the placards already displayed on motor vehicles, transport containers, or portable tanks that are on the rail car comply with § 172.502 as it pertains to placarding the rail car.

(b) No rail carrier may accept a rail car containing a hazardous material for transportation unless the placards for the hazardous material are affixed thereto as required by this subpart.

§ 172.510 Special placarding provisions: rail.

(a) *Square background required.* Each Explosive A placard, Poison Gas placard and POISON GAS—EMPTY, placard affixed to a rail car must be placed on a square background as described in § 172.527.

(b) *DOME placard.* Each domed tank car containing a flammable liquid having a vapor pressure exceeding 16 p.s.i. at 100° F. (55° C) must have a DOME placard affixed thereto as specified in § 173.119(h) of this subchapter.

(c) *EMPTY placard.* Each empty tank car must be placarded with an EMPTY placard as required and described in § 172.525 or paragraph (a) of this section, as appropriate, that corresponds to the placard that was required for the material the tank car last contained unless the tank car has been—

(1) Reloaded with a material not subject to this subchapter; or

(2) Sufficiently cleaned of residue and purged of vapor to remove any potential hazard.

(d) *FUMIGATION placard.* Each freight container, motor vehicle, and rail car containing lading that has been fumigated or treated with poisonous liquid, solid, or gas, and that is offered for transportation by rail must have the placard specified in § 173.426 of this subchapter affixed on or near each door.

§ 172.512 Freight container.

(a) *Capacity of 640 cubic feet or more.* Each person who offers for transportation a hazardous material in a freight container having a capacity of 640 cubic feet or more shall affix to the freight container the placards required by this subpart according to the following table:

Freight container placarding table

When the mode(s) of transportation will be—				Use placards required by this subpart for—
Highway	Rail	Air	Water	
×				Highway.[1]
	×			Rail.[1]
×	×			Do.
×	×	×		Rail.[2]
×	×	×	×	Do.
×	×		×	Do.
×			×	Highway.[2]
×		×		Do.
×			×	Do.
	×	×		Rail.[2]
	×		×	Do.
	×	×	×	Do.
		×		Highway.[2]
			×	Do.

[1] The provisions of sec. 172.504(c) apply.
[2] The provisions of sec. 172.504(c) do not apply.

(b) *Capacity less than 640 cubic feet.* Each person who offers for transportation by air a hazardous material in a freight container having a capacity of less than 640 cubic feet shall affix one placard of the type specified by paragraph (a) of this section unless the freight container is labeled in accordance with § 172.405, or contains radioactive materials requiring the RADIOACTIVE YELLOW III label and is placarded with one RADIOACTIVE placard and is labeled in accordance with § 172.406(e). When hazardous materials are offered for transportation, not involving air transportation, in a freight container having a capacity of less than 640 cubic feet, the freight container need not be placarded. However, it must be labeled in accordance with Subpart E of this part.

(c) Notwithstanding paragraphs (a) and (b) of this section, packages containing hazardous materials, other than ORM–D offered for transportation by air in freight containers are subject to the inspection requirements of § 175.30 of this subchapter.

§ 172.514 Cargo tanks and portable tanks.

(a) Each person who offers for transportation a cargo tank or a portable tank containing a hazardous material shall affix the placards specified for the material in accordance with § 172.504. However, a portable tank having a rated capacity of less than 1,000 gallons need be placarded on only two opposite sides.

(b) Each cargo tank and portable tank that is required to be placarded when it contains a hazardous material must remain placarded when it is emptied unless it is—

(1) Reloaded with a material not subject to this subchapter; or

(2) Sufficiently cleaned and purged of vapors to remove any potential hazard.

§ 172.516 Visibility and display of placards.

(a) Each placard on a motor vehicle and each placard on a rail car must be readily visible from the direction it faces except from the direction of another motor vehicle or rail car to which the motor vehicle or rail car is coupled. This requirement may be met by the placards displayed on the freight containers or portable tanks loaded on a motor vehicle or rail car.

(b) The required placarding of the front of a motor vehicle may be on the front of a truck-tractor instead of or in addition to the placarding on the front of the cargo body to which a truck-tractor is attached.

(c) Each placard on a transport vehicle, portable tank or freight container must—

(1) Be securely attached or affixed thereto or placed in a holder thereon. (See Appendix C to this part.)

(2) Be located clear of appurtenances and devices such as ladders, pipes, doors, and tarpaulins;

(3) So far as practicable, be located so that dirt or water is not directed to it from the wheels of the transport vehicle;

(4) Be located away from any marking (such as advertising) that could substantially reduce its effectiveness, and in any case at least 3 inches (76.0 mm.) away from such marking.

(5) Have the words printed on it displayed horizontally, reading from left to right;

(6) Be maintained by the carrier in a condition so that the format, legibility, color, and visibility of the placard will not be substantially reduced due to damage, deterioration, or obscurement by dirt or other matter.

(d) Recommended specifications for a placard holder are set forth in Appendix C of this part. Except for a placard holder similar to that contained in Appendix C to this part, the means used to attach a placard may not obscure any part of its surface other than the borders.

(e) A placard or placard holder may be hinged provided the required format, color, and legibility of the placard are maintained.

§ 172.519 General specifications for placards.

(a) A placard may be made of any plastic, metal, or other material that is equal to or better in strength and durability than the tagboard specified in paragraph (b) of this section. Also, reflective or retroreflective materials may be used on a placard providing the prescribed colors, strength and durability are maintained.

(b) A placard made of tagboard must be of material that has—

(1) A quality at least equal to that designated commercially as white tagboard;

(2) A weight of 125 pounds per ream of 24 by 36-inch sheets;

(3) The ability to pass a 60 p.s.i. Mullen test; and

(4) The ability to withstand open weather exposure for 30 days without a substantial reduction in effectiveness.

(c) A placard may contain form identification information, including the name of its maker if that information is printed in the outer ½-inch (12.7 mm.) border in no larger than 10-point type.

(d) The hazard class and division number prescribed for dangerous goods in the United Nations Recommendations entitled "Transport of Dangerous Goods (1970)" may be entered on each placard in the lower corner of the diamond. The numerals should be approximately 0.75-inch (19.0 mm.) in height and black on each placard except the CORROSIVE placard. The numbers on the CORROSIVE placard should be white.

(e) The color for each placard must be as specified in this subpart and the specifications for each color must be as prescribed in Appendix A to this part.

NOTE: Each placard with the ½-inch (12.7 mm.) border is shown with a dotted line outer border to indicate the full size of the placard. This dotted line border is not part of the prescribed placard.

(f) Dimensional specifications for placards are prescribed in Appendix B to this part.

§ 172.521 DANGEROUS placard.

(a) Except for size and color, the DANGEROUS placard must be as follows:



(b) In addition to meeting the requirements of § 172.519, and Appendix B to this part, the DANGEROUS placard must have a red upper and lower triangle with the center and ½-inch (12.7 mm.) border white. The inscription must be black with the ⅛-inch (3.2 mm.) border marker in the white area at each end of the inscription red.

§ 172.522 EXPLOSIVES A placard.

(a) Except for size and color, the EXPLOSIVES A placard must be as follows:



(b) In addition to meeting the requirements of § 172.519, and Appendix B to this Part, the EXPLOSIVES A placard must be orange with a ½ inch (12.7 mm.) white outer border. The symbol and print must be black.

§ 172.524 EXPLOSIVES B placard.

(a) Except for size and color, the EXPLOSIVES B placard must be as follows:



(b) In addition to meeting the requirements § 172.519, and this part, the EXPLOSIVES B placard must be orange with a ½-inch (12.7 mm.) white outer border. The symbol and print must be black.

§ 172.525 Standard requirements for the EMPTY placard.

(a) Each EMPTY placard must be as follows:

(1) The triangle at the top of the placard must be black. The word "EMPTY" must be white.

(2) The midsection and lower triangle on the EMPTY placard must be as specified in § 172.519 and Appendix B to this part, and §§ 172.528, 172.530, 172.532, 172.436, 172.540, 172.542, 172.544, 172.550, 172.552, 172.554, and 172.558 as appropriate for the residue of the commodity being transported and required by this subchapter to be placarded.

(b) The top part of each EMPTY placard must be as illustrated on the FLAMMABLE—EMPTY placard, which, except for size and color, must be as follows:



(c) The EMPTY placard must be as shown in paragraph (b) of this section and may be—

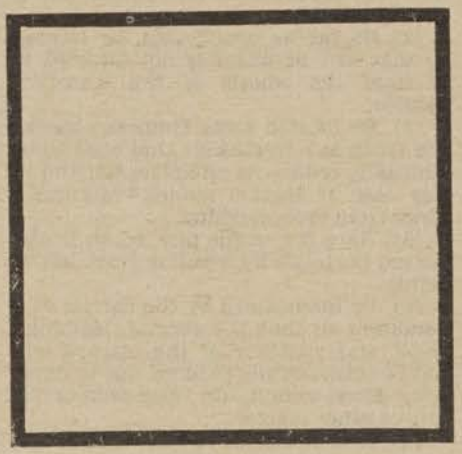
(1) A separate placard;

(2) On the reverse side of a placard, or

(3) A composite made by covering the top triangle of the appropriate placard with a black triangle bearing the word "EMPTY" in white letters.

§ 172.527 Background requirements for certain placards on rail cars.

(a) Except for size and color, the square background required by § 172.510 (a) for certain placards on rail cars must be as follows:



(b) In addition to meeting the requirements of § 172.519 for minimum durability and strength, the square background must consist of a white square measuring 14¼ inches (362.0 mm.) on each side surrounded by a black border extending to 15¼ inches (387.0 mm.) on each side.

§ 172.528 NON-FLAMMABLE GAS placard.

(a) Except for size and color, the NON-FLAMMABLE GAS placard must be as follows:



(b) In addition to meeting the requirement of § 172.519, and Appendix B to this Part, the NON-FLAMMABLE GAS placard must be green with the symbol, inscription, and ½ inch (12.7 mm.) border white.

§ 172.530 OXYGEN placard.

(a) Except for size and color, the OXYGEN placard must be as follows:



(b) In addition to meeting the requirements of § 172.519, and Appendix B to this Part, the OXYGEN placard must be yellow with ½ inch (12.7 mm.) white border. The symbol and inscription must be black.

§ 172.532 FLAMMABLE GAS placard.

(a) Except for size and color, the FLAMMABLE GAS placard must be as follows:



(b) In addition to meeting the requirements of § 172.519, and Appendix B to this Part, the FLAMMABLE GAS placard must be red with the symbol, inscription, and ½ inch (12.7 mm.) border white.

§ 172.536 CHLORINE placard.

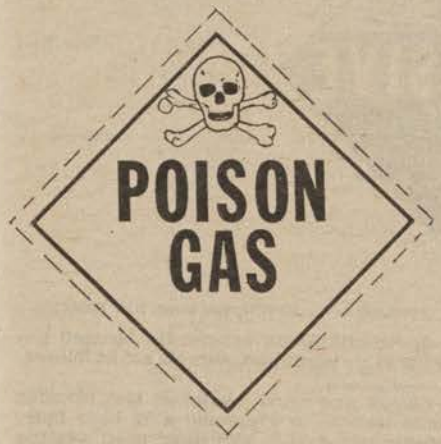
(a) Except for size, the CHLORINE placard must be as follows:



(b) In addition to meeting the requirements of § 172.519, and Appendix B to this part, the CHLORINE placard must be a white 10¾ inches (273.0 mm.) square-on-point with a ⅛-inch (3.2 mm.) black solid line border ½-inch (12.7 mm.) in from each edge. The symbol and inscription must be black.

§ 172.540 POISON GAS placard.

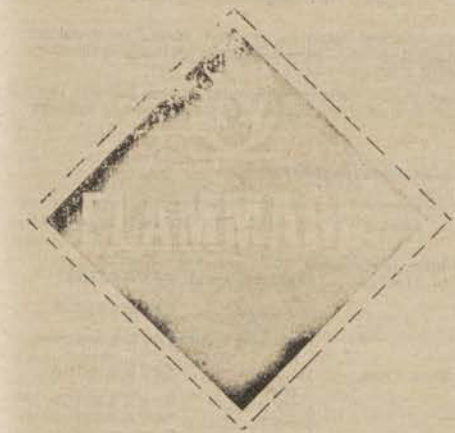
(a) Except for size, the POISON GAS placard must be as follows:



(b) In addition to meeting the requirements of § 172.519, and Appendix B to this part, the POISON GAS placard must be a white 10¾ inches (273.0 mm.) square-on-point with a ⅛-inch (3.2 mm.) black solid line border ½-inch (12.7 mm.) in from each edge. The symbol and inscription must be black.

§ 172.542 FLAMMABLE placard and modification.

(a) Except for size and color, the FLAMMABLE placard must be as follows:



(b) In addition to meeting the requirements of § 172.519, and Appendix B to this part the FLAMMABLE placard must be red with white symbol, inscription, and ½-inch (12.7 mm.) border.

(c) The word "GASOLINE" may be used in place of the word "FLAMMABLE" on the placard that is displayed on a cargo tank or portable tank being used to transport gasoline by highway. The word "GASOLINE" must be in letters of the same size and color as those in the word "FLAMMABLE."

§ 172.544 COMBUSTIBLE placard and modification.

(a) Except for size and color, the COMBUSTIBLE placard must be as follows:



(b) In addition to meeting the requirements of § 172.519, and Appendix B to this part, the COMBUSTIBLE placard must be red with white symbol, inscription, and ½-inch (12.7 mm.) border.

(c) The words "FUEL OIL" may be used in place of the word "COMBUSTIBLE" on the placard that is displayed on a cargo tank or portable tank being used to transport by highway fuel oil that is not classed as a flammable liquid. The words "FUEL OIL" must be in letters of the same size and color as those in the word "COMBUSTIBLE."

§ 172.546 FLAMMABLE SOLID placard.

(a) Except for size and color, the FLAMMABLE SOLID placard must be as follows:



(b) In addition to complying with § 172.519 and Appendix B to this part the FLAMMABLE SOLID placard must be white with seven vertical red stripes and a ½-inch (12.7 mm.) white border. The symbol and inscription must be black.

§ 172.548 FLAMMABLE SOLID W placard.

(a) Except for size and color, the FLAMMABLE SOLID W placard must be as follows:



(b) (1) The triangle at the top of the FLAMMABLE SOLID W placard must be blue with a white symbol, otherwise, the specifications for the FLAMMABLE SOLID W placard are the same as those for the FLAMMABLE SOLID placard.

(2) The FLAMMABLE SOLID W placard may be:

(i) A separate placard;

(ii) On the reverse side of a placard; or

(iii) A composite made by covering the top triangle of the FLAMMABLE SOLID placard with the blue triangle and white symbol as shown in paragraph (a) of this section.

§ 172.550 OXIDIZER placard.

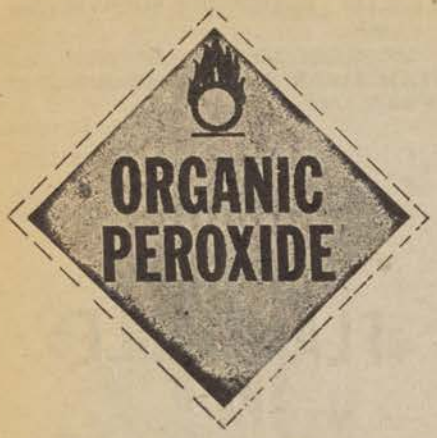
(a) Except for size and color, the OXIDIZER placard must be as follows:



(b) In addition to meeting the requirements of § 172.519, and Appendix B to this part, the OXIDIZER placard must be yellow with a ½-inch (12.7 mm.) white border. The symbol and inscription must be black.

§ 172.552 ORGANIC PEROXIDE placard.

(a) Except for size and color, the ORGANIC PEROXIDE placard must be as follows:



(b) In addition to meeting the requirements of § 172.519, and Appendix B to this part the ORGANIC PEROXIDE placard must be yellow with a ½-inch (12.7 mm.) white border. The symbol and inscription must be black.

§ 172.554 POISON placard.

(a) Except for size, the POISON placard must be as follows:



(b) In addition to meeting the requirements of § 172.519, and Appendix B to this Part, the POISON placard must be white with a ⅛-inch (3.2 mm.) black solid line border ½-inch (12.7 mm.) in from the edge. The symbol and inscription must be black.

§ 172.556 RADIOACTIVE placard.

(a) Except for size and color, the RADIOACTIVE placard must be as follows:



(b) In addition to meeting the requirements of § 172.519, and Appendix B to this part, the RADIOACTIVE placard must have the top portion yellow with the symbol black. The lower portion must be white and the inscription black.

§ 172.558 CORROSIVE placard.

(a) Except for size, the CORROSIVE placard must be as follows:



(b) In addition to meeting the requirements of § 172.519, and Appendix B to this part, the CORROSIVE placard must have the center and lower area black except for the letters in the word "CORROSIVE" which must be white. The symbol must be black and white.

APPENDIX A: SPECIFICATIONS FOR COLORS

Specifications for colors [1] (in Munsell notations) on labels and placards are as follows:

[1] Black and colors on labels and placards must be able to withstand a 72 hour fadeometer test, and to withstand open weather exposure for at least 30 days without a substantial reduction in effectiveness.

TABLE 1.—*Paint, lacquer, enamel, and plastic color specifications*

Color	Central	Tolerances					
		Hue +	Hue −	Value +	Value −	Chroma [1] +	Chroma [2] − −
Red	7.5R 4.0/14	8.5R	6.5R	4.5/	3.5/	/16	/12
Orange	5.0YR 6.0/15	6.25YR	3.75YR	6.5/	5.5/	/16	/13
Yellow	5.0Y 8.0/12	6.5Y	3.5Y	8.5/	7.5/	/14	/10
Green	7.5G 4.0/9	0.5BG	5.0G	4.5/	3.5/	/11	/7 /6
Blue	2.5PB 3.5/10	4.5PB	10.0B	4.0/	3.0/	/12	/8
Purple	10.0P 4.5/10	2.5RP	7.5P	5.0/	4.0/	/12	/8 /6.5

[1] The maximum chroma is not limited.
[2] For the colors green and purple, the minimum saturation (chroma) limits for porcelain enamel on metal are lower than for most other surface coatings. Therefore, the minimum chroma limits for porcelain enamel on metal for these 2 colors may be as low as that shown in the chroma double minus column.

NOTE.—Color chips for paint, enamel, etc., are available from the Department of Transportation, Office of Hazardous Materials Operations, MTH-21, Washington, D.C. 20590, as a set of the 6 colors and prescribed tolerances for $5.50 per set.

TABLE 2.—*Printing ink color specifications* [1]

Color	Series	Munsell notation [2]
Red:		
Central series	Central color	6.8R 4.47/12.8
	Grayish	7.2R 4.72/12.2
	Purple	6.4R 4.49/12.7
	Purple and vivid.	6.1R 4.33/13.1
	Vivid	6.7R 4.29/13.2
	Orange	7.3R 4.47/12.8
	Orange and grayish.	7.65R 4.70/12.4
Light series	Light	7.0R 4.72/13.2
	Light and orange.	7.4R 4.96/12.6
	Light and purple.	6.6R 4.79/12.9
Dark series	Dark A	6.7R 4.19/12.5
	Dark B	7.0R 4.25/12.35
	Dark and purple.	7.5R 4.23/12.4
Orange:		
Central series	Central color	5.0YR 6.10/12.15
	Yellow and grayish A.	5.8YR 6.22/11.7
	Yellow and grayish B.	6.1YR 6.26/11.85
	Vivid	5.1YR 6.07/12.3
	Red and vivid A.	3.9YR 5.87/12.75
	Red and vivid B.	3.6YR 5.91/12.6
	Grayish	4.9YR 6.10/11.9
Orange:—Continued		
Light series	Light and vivid A.	5.8YR 6.78/12.7
	Light and yellow.	6.0YR 6.80/12.8
	Light and vivid B.	4.9YR 6.60/12.9
Dark series	Dark and yellow.	5.8YR 5.98/11.0
	Dark A	5.1YR 5.80/11.1
	Dark B	5.0YR 5.79/11.0
Yellow:		
Central series	Central color	4.3Y 7.87/10.3
	Vivid A	4.5Y 7.82/10.8
	Vivid B	3.3Y 7.72/11.35
	Vivid and orange.	3.2Y 7.72/10.8
	Grayish A	4.1Y 7.95/9.7
	Grayish B	5.1Y 8.06/9.05
	Green-yellow	5.2Y 7.97/9.9
Light series	Light	5.4Y 8.59/10.5
	Light and green-yellow.	5.4Y 8.56/11.2
	Light and vivid	4.4Y 8.45/11.4
Dark series	Dark and green-yellow.	4.4Y 7.57/9.7
	Dark and orange A.	3.4Y 7.39/10.4
	Dark and orange B.	3.5Y 7.41/10.0

See footnotes at end of table.

TABLE 2.—*Printing ink color specifications* [1]

Color	Series	Munsell notation [2]
Green:		
	Central series	Central color 9.7G 4.26/7.75
		Grayish 10G 4.46/7.5
		Blue A 1.4BG 4.20/7.4
		Blue B 1.0BG 4.09/7.75
		Vivid 8.4G 4.09/8.05
		Vivid green-yellow 7.0G 4.23/8.0
		Green-yellow 7.85G 4.46/7.7
	Light series	Light and vivid 9.5G 4.45/8.8
		Light and blue 0.2G 4.31/8.8
		Light and green-yellow 8.3G 4.20/9.05
	Dark series	Dark and green-yellow 7.1G 4.08/7.1
		Dark and grayish 9.5G 4.11/6.9
		Dark 8.5G 3.97/7.2
Blue:		
	Central series	Central color 3.5PB 3.94/9.7
		Green and grayish A 2.0PB 4.35/8.7
		Green and grayish B 1.7PB 4.22/9.0
		Vivid 2.9PB 3.81/9.7
		Purple and vivid A 4.7PB 3.53/10.0
		Purple and vivid B 4.0PB 3.71/9.9
		Grayish 3.75PB 4.03/9.1
	Light series	Light and green A 1.7PB 4.32/9.2
		Light and green B 1.5PB 4.11/9.6
		Light and vivid 3.2PB 3.95/10.05
	Dark series	Dark and grayish 3.9PB 4.01/8.7
		Dark and purple A 4.8PB 3.67/9.3
		Dark and purple B 5.2PB 3.80/9.05
Purple:		
	Central series	Central color 9.5P 4.71/11.3
		Red 1.0RP 5.31/10.8
		Red and vivid A 1.4RP 5.00/11.9
		Red and vivid B 0.2RP 4.30/12.5
		Vivid 8.0P 4.04/12.0
		Blue 7.0P 4.30/10.8
		Grayish 8.8P 5.00/10.3
	Light series	Light and red A 0.85RP 5.56/11.1
		Light and red B 1.1RP 5.27/12.3
		Light and vivid 9.2P 4.94/11.95
	Dark series	Dark and grayish 9.6P 4.70/10.9
		Dark and vivid 8.4P 4.05/11.6
		Dark and blue 7.5P 4.32/10.5

[1] Black and colors of printing inks on labels and placards must be able to withstand a 72-hr fadeometer test, and to withstand open weather exposure for at least 30 days without a substantial reduction in effectiveness.

[2] Printing ink central colors and tolerances approximate those of the color standards for paint, enamel, etc., while allowing for expected differences from production methods and materials.

NOTE.—Printing ink color chips are available from the Department of Transportation, Office of Hazardous Materials Operations, MTH-21, Washington, D.C. 20590, as a set of 6 colors and prescribed tolerances for $12.50 per set.

APPENDIX B—DIMENSIONAL SPECIFICATION FOR PLACARDS

1. *Placard specifications.* (a) The print type on each placard must be Franklin Gothic Condensed.

(b) Each square-on-point placard must measure 10¾ inches (273.0 mm.) on each side, the outer, ½-inch (12.7 mm.) of which must be white.

NOTE: The measurements in these specifications may be rounded to the nearest 1/32 of an inch and to the nearest whole millimeter.

(c) Specifications for each placard to augment those in paragraphs (1) (a) and (b) of this Appendix and those contained in subpart F, Part 172 of this subchapter are as follows:

(1) *DANGEROUS placard.* The word "DANGEROUS" must be across the center of the placard and made with letters 27/32-inch (56.3 mm.) high with a ⅜-inch (9.5 mm.) stroke. The white section of the placard must be centered across the placard and 5 inches (127 mm.) wide. The two ends of the white area must have an ⅛-inch (3.2 mm.) red solid line border to indicate the outer ½-inch (12.7 mm.) white placard border. The placard color must be red, white, and black.

(2) *EXPLOSIVES A placard.* The word "EXPLOSIVES" must be across the center area of the placard and made with letters 1⅞ inches (47.6 mm.) high with a 5/16-inch (7.9 mm.) stroke. The top of the letters in the word "EXPLOSIVES" must be 1½ inches.

(3) *EXPLOSIVES B placard.* Except for the letter "B", the EXPLOSIVES B placard specifications are the same as those for the EXPLOSIVES A placard. The location, height, and stroke for the letter "B" are the same as those prescribed for the letter "A".

(4) *NON-FLAMMABLE GAS placard.* The word "NON-FLAMMABLE" must be across the center area with the word "GAS" centered beneath the word "NON-FLAMMABLE." The letters in both words must be 1⁹⁄₁₆ inches (39.6 mm.) high and made with a ⁹⁄₃₂-inch (7.1 mm.) stroke. The top of the letters in the words "NON-FLAMMABLE" must be 1⅝ inches (41.3 mm.) above the placard horizontal center line, and the top of the letters in the word "GAS" must be ⁹⁄₁₆-inch (14.3 mm.) below the placard horizontal center line. The base of the symbol must be 3⅛ inches (79.3 mm.) above the horizontal centerline with the top 4¹⁵⁄₁₆ inches (125.4 mm.) above the placard horizontal center line. The lower portion of the cylinder (symbol) must be ¹⁷⁄₃₂-inch (13.5 mm.) wide with the neck ¼-inch (6.3 mm.) wide. The symbol must be 3⁹⁄₁₆ inches (90.4 mm.) long. The placard color must be green and white.

(5) *OXYGEN placard.* The word "OXYGEN" must be centered on the placard horizontal center line in letters 2½ inches (63.5 mm.) high and made with a ⁷⁄₁₆-inch (11.1 mm.) stroke. The base of the bar in the symbol must be 2¹⁄₁₆ inches (52.4 mm.) above the placard horizontal center line. The overall height of the symbol must be 4⁵⁄₁₆ inches (109.5 mm.) with the bar measuring ⅛-inch (3.2 mm.) wide and, 2³⁄₁₆ inches (55.5 mm.) long.

(3) *EXPLOSIVES B placard.* Except for the letter "B", the EXPLOSIVES B placard specifications are the same as those for the EXPLOSIVES A placard. The location, height, and stroke for the letter "B" are the same as those prescribed for the letter "A".

(4) *NON-FLAMMABLE GAS placard.* The word "NON-FLAMMABLE" must be across the center area with the word "GAS" centered beneath the word "NON-FLAMMABLE." The letters in both words must be 1⁹⁄₁₆ inches (7.1 mm.) stroke. The top of the letters in the words "NON-FLAMMABLE" must be 1⅝ inches (41.3 mm.) above the placard horizontal center line, and the top of the letters in the word "GAS" must be ⁹⁄₁₆-inch (14.3 mm.) below the placard horizontal center line. The base of the symbol must be 3⅛ inches (79.3 mm.) above the horizontal center line with the top 4¹⁵⁄₁₆ inches (125.4 mm.) above the placard horizontal center line. The lower portion of the cylinder (symbol) must be ¹⁷⁄₃₂-inch (13.5 mm.) wide with the neck ¼ inch (6.3 mm.) wide. The symbol must be 3⁹⁄₁₆ inches (90.4 mm.) long. The placard color must be green and white.

(5) *OXYGEN placard.* The word "OXYGEN" must be centered on the placard horizontal center line in letters 2½ inches (63.5 mm.) high and made with a ⁷⁄₁₆-inch (11.1 mm.) stroke. The base of the bar in the symbol must be 2¹⁄₁₆ inches (52.4 mm.) above the placard horizontal center line. The overall height of the symbol must be 4⁵⁄₁₆ (109.5 mm.) with the bar measuring ⅛-inch (3.2 mm.) wide and, 2³⁄₁₆ inches (55.5 mm.) long.

The symbol must be 2⅜ inches (60.3 mm.) across the widest part.

The outer ½-inch (12.7 mm.) of the 10¾ inches (273.0 mm.) square on-point placard must be white. The placard color must be yellow, black, and white.

(6) *FLAMMABLE GAS placard.* The word "FLAMMABLE" must be across the placard center area with the word "GAS" centered beneath the word "FLAMMABLE". The letters in both words must be 2 inches (50.8 mm.) high and made with a ⅜-inch (9.5 mm.) stroke. The top of the letters in the word "FLAMMABLE" must be 1⅝ inches (41.3 mm.) above the placard horizontal center line and the top of the word "GAS" must be ⅝-inch (15.9 mm.) below the placard horizontal center line. The base of the symbol bar must be 2¼ inches (57.1 mm.) above the placard horizontal center line, and must be 4¹⁷⁄₃₂ inches (115.1 mm.) high and 3⁵⁄₁₆ inches (84.1 mm.) wide. The bar must be ⁵⁄₃₂-inch (4.0 mm.) wide and 3⁵⁄₁₆ inches (84.1 mm.) long. The outer ½ (12.7 mm.) of the 10¾ inches (273.0 mm.) square-on-point placard must be white. The placard color must be red and white.

(7) *CHLORINE placard.* The specifications for the CHLORINE placard are the same as those for the POISON GAS placard except for the word "CHLORINE" and the symbol. The word "CHLORINE" must be centered on the placard horizontal center line in letters 2½ inches (63.5 mm.) high and made with a ⁷⁄₁₆-inch (11.1 mm.) stroke. The lowest part of the symbol must be 1⁵⁄₁₆ inches (33.3 mm.) above the placard horizontal center line. The symbol must be 3¹¹⁄₁₆ inches (93.6 mm.) high and 5⅛ inches (130.2 mm.) across the widest extremities.

(8) *POISON GAS placard.* The word "POISON" must be across the center area of the placard with the word "GAS" centered beneath the word "POISON." The letters in both words must be 2³⁄₁₆ inches (55.5 mm.) high and made with a ¹³⁄₃₂-inch (10.3 mm.) stroke. The top of the letters in the word "POISON" must be 2¼ inches (57.1 mm.) above the horizontal center line. The lowest part of the symbol must be 2¾ inches (69.8 mm.) above the horizontal center line and must be 3¼ inches (82.5 mm.) high and 4⁵⁄₁₆ inches (109.5 mm.) across the widest extremeties. The ⅛-inch (3.2 mm.) black border must be ½-inch (12.7 mm.) in from the placard edge. The placard color must be black and white.

(9) *FLAMMABLE placard.* The word "FLAMMABLE" must be centered on the placard horizontal center line. The letters in the word "FLAMMABLE" must be 2 inches (50.8 mm.) high and made with an ¹¹⁄₃₂-inch (8.7 mm.) stroke. The base of the symbol bar must be 2¼ inches (57.1 mm.) above the placard horizontal center line. The symbol must be 4⁵⁄₁₆ inches (115.9 mm.) wide and 3⁵⁄₁₆ inches (84.1 mm.) high. The bar must be ⅛-inch (3.2 mm.) wide and 3⁵⁄₁₆ inches (84.1 mm.) long. The outer ¼-inch (12.7 mm.) of the 10¾ inches (273.0 mm.) square-on-point placard must be white.

(10) *EMPTY placard.* The specifications for the FLAMMABLE-EMPTY placard is representative of the requirements for the following EMPTY placards: NON-FLAMMABLE GAS; POISON GAS; CHLORINE; OXYGEN; FLAMMABLE GAS; FLAMMABLE; COMBUSTIBLE; OXIDIZER; ORGANIC PEROXIDE; POISON; and CORROSIVE. The specification for each EMPTY placard must be the same as those prescribed for each placard except for the top triangle in the placard. Except for the POISON GAS-EMPTY placard and the ORGANIC PEROXIDE-EMPTY placard, the base of the black triangle must be 1⁷⁄₁₆ inches (36.5 mm.) above the placard horizontal center line with the base of the letters in the word "EMPTY" 2¹¹⁄₁₆ inches (68.2 mm.) above the placard horizontal center line. The letters in the word

"EMPTY" must be 1-inch (25.4 mm.) high and made with a 7/32-inch (5.5 mm.) stroke.

For the POISON GAS-EMPTY placard and the ORGANIC PEROXIDE-EMPTY placard, the base of the black triangle must be 2 3/8 inches (60.3 mm.) above the placard horizontal center line and the base of the letters in the word "EMPTY" must be 3 3/16 inches (81.0 mm.) above the placard horizontal center line. The letters in the word "EMPTY" must be 1-inch (25.4 mm.) high and made with a 7/32-inch (5.5 mm.) stroke.

The EMPTY placards may be made in any of the three ways cited in § 172.525(c), subpart F of Part 172.

(11) *COMBUSTIBLE placard.* The specification for the COMBUSTIBLE placard are the same as those prescribed for the FLAMMABLE placard except the letters in the word "COMBUSTIBLE" must be 1 7/8 inches (47.6 mm.) high and made with an 11/32-inch (8.7 mm.) stroke.

(12) *FLAMMABLE SOLID placard.* The word "FLAMMABLE" must be across the center of the placard with the word "SOLID" centered beneath the word "FLAMMABLE." The letters in the word "FLAMMABLE" must be 2 inches (50.8) mm.) high and made with a 3/8-inch (9.5 mm.) stroke. The letters in the word "SOLID" must be 1 1/2 inches (38.1 mm.) high and made with a 1/4-inch (6.3 mm.) stroke. The top of the letters in the word "FLAMMABLE" must be 1 3/16 inches (30.1 mm.) above the placard horizontal center line, and the top of the word "SOLID" must be 1-inch (25.5 mm.) below the placard horizontal center line. The base of the symbol bar must be 2 1/4 inches (57.1 mm.) above the placard horizontal center line. The symbol must be 4 9/16 inches (115.9 mm.) high and 3 5/16 inches (84.1 mm.) wide. The outer 1/2-inch (12.7 mm.) of the 10 3/4 inches (273.0 mm.) square-on-point placard must be white. The red stripes must be approximately 1 3/16 inches (30.1 mm.) wide, and the white stripe must be approximtely 1 7/32 inches (31.0 mm.) wide. The placard must have seven red stripes and six white stripes. One red stripe must be approximately centered on the vertical center line of the placard. The placard color must be black, white, and red.

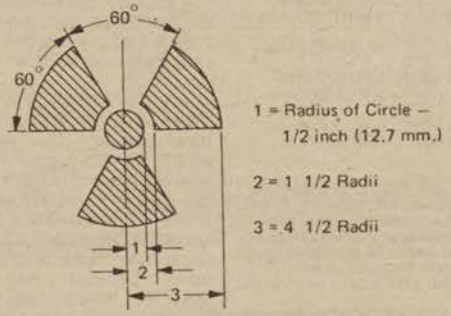
(13) *FLAMMABLE SOLID W placard.* The specifications for the FLAMMABLE SOLID W are the same as the specifications for the FLAMMABLE SOLID placard except for the top triangle. The base of the blue triangle must be 2 inches (50.8 mm.) above the placard horizontal center line with the base of the symbol 2 3/8 inches (60.3 mm.) above the placard horizontal center line. The symbol must be 2 1/4 inches (57.1 mm.) high; 2 3/4 inches (69.8 mm.) across the top 1 3/4 inches (44.4 mm.) across the base, and made with a 5/16-inch (7.9 mm.) stroke. The white stripe in the symbol must be 7/32-inch (5.5 mm.) wide and 3 1/2 inches (88.9 mm.) long. The white stripe must slant upward from right to left at an angle of approximately 21 degrees from the horizontal. This placard may be made in any of the three ways cited in § 172.548, subpart F of Part 172.

(14) *OXIDIZER placard.* The word "OXIDIZER" must be centered on the placard horizontal center line in letters 2 1/2 inches (63.5 mm.) high with a 15/32-inch (11.9 mm.) stroke. The base of the bar of the symbol must be 2 1/16 inches (52.4 mm.) above the placard horizontal center line. The overall height of the symbol must be 4 1/16 inches (109.5 mm.) with the bar measuring 1/8-inch (3.2 mm.) wide and 2 3/16 inches (55.6 mm.) long. The symbol must be 2 3/8 inches (60.3 mm.) across the widest part. The outer 1/2-inch (12.7 mm.) of the 10 3/4 inches (273.0 mm.) placard must be white. The placard color must be yellow, black, and white.

(15) *ORGANIC PEROXIDE placard.* The word "ORGANIC" must be across the center line of the placard with the word "PEROXIDE" centered beneath the word "ORGANIC." The letters in both words must be 2 inches (50.8 mm.) high and made with an 11/32-inch (8.7 mm.) stroke. The top of the letters in the word "ORGANIC" must be 2 1/8 inches (54.0 mm.) above the placard horizontal center line, and the top of the letters in the words "PEROXIDE" must be 5/16-inch (7.9 mm.) below the placard horizontal center line. The base of the symbol bar must be 2 7/8 inches (73.0 mm.) above the horizontal center line. The symbol must be 3 11/16 inch (93.6 mm.) high and 2 1/16 inches (52.3 mm.) wide with the bar 3/16-inch (4.8 mm.) wide and 1 7/8 inches (47.6 mm.) long. The outer 1/2-inch (12.7 mm.) of the 10 3/4 inches (273.0 mm.) square-on-point placard must be white. The placard color must be yellow, black, and white.

(16) *POISON placard.* The word "POISON" must be centered on the placard horizontal center line in letters 3 1/16 inches (77.8 mm.) high and made with a 9/16-inch (14.3 mm.) stroke. The lowest point on the symbol must be 2 1/8 inches (54.0 mm.) above the placard horizontal center line. The symbol must be 3 11/16 inches (93.6 mm.) high and 4 15/16 inches (125.4 mm.) across the widest extremities. The 1/8-inch (3.2 mm.) black border must be 1/2-inch (12.7 mm.) in from the placard edge. The placard color must be black and white.

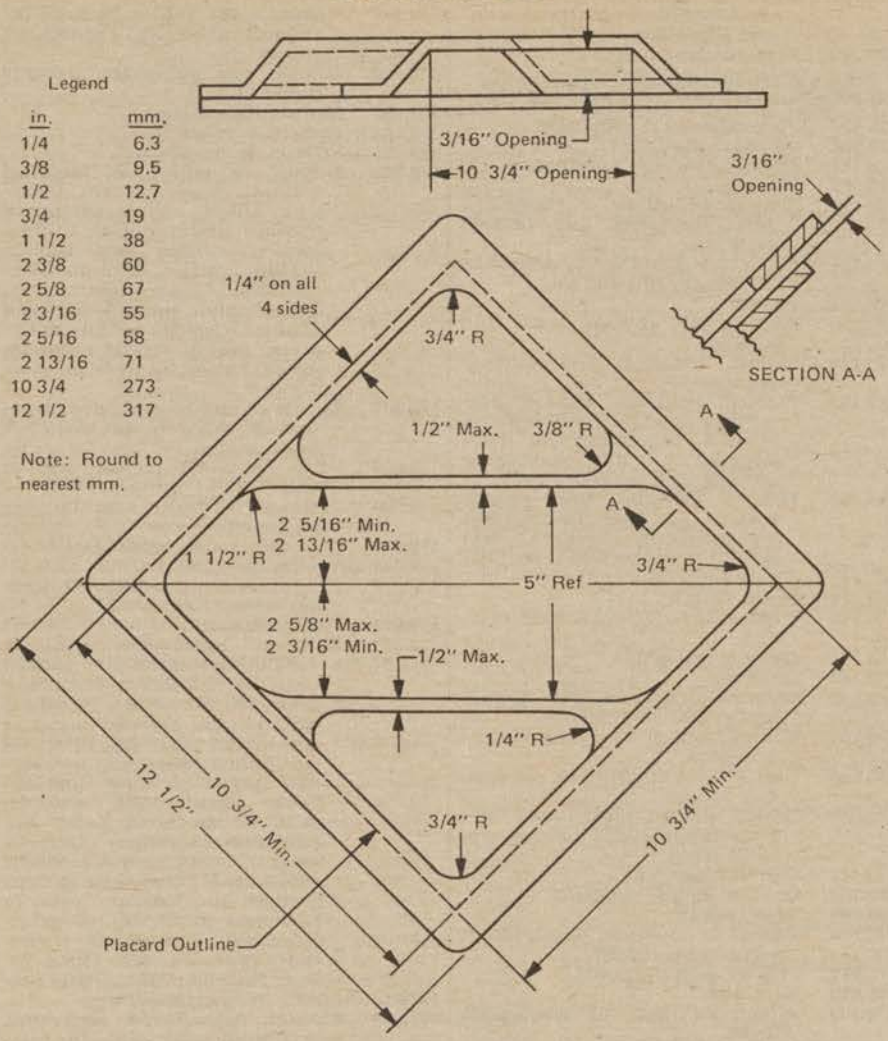
(17) *RADIOACTIVE placard.* The word "RADIOACTIVE" must be centered on the placard horizontal center line in letters 2 inches (50.8 mm.) with an 11/32-inch (8.7 mm.) stroke. The lower edge of the yellow triangle must be 1 1/8 inches (28.6 mm.) above the placard horizontal center line. The lower edge of the symbol must be 1 1/4 inches (31.7 mm.) above the placard horizontal center line. The symbol must be made as shown with the following dimensions:



The lower white area must have a 1/8-inch (3.2 mm.) black solid line border extended from the edge of the yellow area to indicate the outer 1/2-inch (12.7 mm.) white placard border. The placard color must be yellow, black, and white.

(18) *CORROSIVE placard.* The word "CORROSIVE" must be across the center of the placard and made with letters 2-1/16 inches (52.4 mm.) high with a 11/32-inch (8.7 mm.) stroke. The base of the top white triangle must be 1 1/2 inches (38.1 mm.) above the placard horizontal center line. The lowest part of the symbol must be 1 5/8 inches (41.3 mm.) above the placard horizontal center line. The height of the symbol measured from a horizontal line extended from the lowest part of the symbol must be 3 1/4 inches (82.5 mm.) and the width across the widest part must be 7 3/8 inches (187.3 mm.). The upper white area must have a 1/8-inch (3.2 mm.) black solid line border as an extension from the edge of the black area to indicate the outer 1/2-inch (12.7 mm.) white placard border. The placard color must be black and white.

APPENDIX C—DIMENSIONAL SPECIFICATIONS FOR RECOMMENDED PLACARD HOLDER



9. In Part 173, the Part heading and the Table of Sections are revised to read as follows:

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Subpart A—General

Sec.
173.1 Purpose and scope.
173.2 Classification of a material having more than one hazard as defined in this Part.
173.3 Packaging and exceptions.
173.6 Shipments by air.
173.7 U.S. Government material.
173.8 Canadian shipments and packagings.

Subpart B—Preparation of Hazardous Materials for Transportation

173.21 Prohibited packing.
173.22 Shipper's responsibility.
173.23 Previously authorized packaging.
173.24 Standard requirements for all packages.
173.25 Authorized packages in outside containers.
173.26 Quantity limitations.
173.27 Aircraft quantity limitations.
173.28 Reuse of containers.
173.29 Empty packagings, portable tanks, cargo tanks, and tank cars.
173.30 Loading and unloading of transport vehicles.
173.31 Qualification, maintenance, and use of tank cars.
173.32 Qualification, maintenance, and use of portable tanks.
173.33 Qualification, maintenance, and use of cargo tanks.
173.34 Qualification, maintenance, and use of cylinders.

Subpart C—Explosives; Definitions and Preparation

173.50 An explosive.
173.51 Forbidden explosives.
173.52 Acceptable explosives.
173.53 Definition of class A explosives.
173.54 Ammunition for cannon.
173.55 Ammunition, nonexplosive.
173.56 Ammunition, projectiles, grenades, bombs, mines, gas mines, and torpedoes.
173.57 Rocket ammunition.
173.58 Ammunition for small arms.
173.59 Chemical ammunition, explosive.
173.60 Black powder and low explosives.
173.61 High explosives.
173.62 High explosives, liquid.
173.63 High explosives with liquid explosive ingredient.
173.64 High explosives with no liquid explosive ingredient and propellant explosives, Class A.
173.65 High explosives with no liquid explosive ingredient nor any chlorate.
173.66 Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse, and electric blasting caps.
173.67 Blasting caps with safety fuse and blasting caps with metal clad mild detonating fuse.
173.68 Detonating primers.
173.69 Detonating fuzes, Class A, with or without radioactive components, detonating fuze parts containing an explosive, boosters, bursters, or supplementary charges.
173.70 Diazodinitrophenol or lead mononitroresorcinate.
173.71 Fulminate of mercury.
173.72 Guanyl nitrosamino guanylidene hydrazine.
173.73 Lead azide.
173.74 Lead styphnate.
173.75 Nitro mannite.
173.76 Nitrosoguanidine.
173.77 Pentaerythrite tetranitrate.
173.78 Tetrazene.
173.79 Jet thrust units (jato), Class A explosives; rocket motors, Class A explosives; igniters, jet thrust (jato), Class A explosives; and igniters, rocket motor, Class A explosives.
173.80 Charged oil well jet perforating guns.
173.86 New explosives and samples for laboratory examination.
173.87 Explosives in mixed packing.
173.88 Definition of class B explosives.
173.89 Ammunition for cannon with empty projectiles, inert-loaded projectiles, solid projectiles, or without projectiles or shell.
173.90 Rocket ammunition with empty, inert-loaded, or solid projectiles.
173.91 Special fireworks.
173.92 Jet thrust units (jato), Class B explosives, rocket motors, Class B explosives; igniters, jet thrust (jato), Class B explosives; igniters, rocket motor, Class B explosives; and starter cartridges, jet engine, Class B explosives.
173.93 Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, and propellant explosives (liquid).
173.94 Explosive power devices, Class B.
173.95 Rocket engines (liquid), Class B explosives.
173.100 Definition of Class C explosives.
173.101 Small-arms ammunition.
173.101a Cartridges, practice ammunition.
173.102 Explosive cable cutters; explosive power devices, Class C; explosive release devices, or starter cartridges, jet engine, Class C explosives.
173.103 Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse, and electric blasting caps, not exceeding 1,000 caps.
173.104 Cordeau detonant fuse, mild detonating fuse, metal clad or flexible linear shaped charges, metal clad.
173.105 Percussion, tracer, combination, time fuzes and tracers.
173.106 Cartridge bags, empty, with black powder igniters, igniters, safety squibs, electric squibs, delay electric igniters, igniter fuse-metal clad, and fuse lighters or fuse igniters.

Sec.
173.107 Primers, percussion caps, grenades, empty, primed, and cartridge cases, empty, primed.
173.108 Common fireworks, signal flares, hand signal devices, smoke signals, smoke candles, smoke grenades, smoke pots, and Very signal cartridges.
173.109 Toy caps.
173.110 Charged oil well jet perforating guns, total explosive content in guns not exceeding 20 pounds per motor vehicle.
173.111 Cigarette loads, explosive auto alarms, toy propellant devices, toy smoke devices, trick matches, and trick noise makers, explosive.
173.112 Oil well cartridges.
173.113 Detonating fuzes, Class C explosives.
173.114 Actuating cartridges, explosive, fire extinguisher or valve.

Subpart D—Flammable, Combustible, and Pyrophoric Liquids; Definitions and Preparation

173.115 Flammable, combustible, and pyrophoric liquids; definitions.
173.116 Outage.
173.117 Closing and cushioning.
173.118 Limited quantities of flammable liquids.
173.118a Exceptions for combustible liquids.
173.119 Flammable liquids not specifically provided for.
173.120 Automobiles, motorcycles, tractors, or other self-propelled vehicles.
173.121 Carbon bisulfide (disulfide).
173.122 Acrolein, inhibited.
173.123 Ethyl chloride.
173.124 Ethylene oxide.
173.125 Alcohol, n.o.s. (flammable liquid).
173.126 Nickel carbonyl.
173.127 Nitrocellulose or collodion cotton, fibrous, or nitrostarch, wet; nitrocellulose flakes; colloided nitrocellulose, granular, flake, or block; and lacquer base or lacquer chips, wet.
173.128 Paints and related materials (flammable liquids).
173.129 Polishes, (flammable liquids).
173.130 Refrigerating machines.
173.131 Road asphalt, or tar, liquid.
173.132 Cement liquid, n.o.s.; container cement; linoleum cement; pyroxylin cement; rubber cement; tile cement; wallboard cement; coating solution (flammable liquids).
173.133 Spirits of nitroglycerin.
173.134 Pyrophoric liquids, n.o.s.
173.135 Diethyl dichlorosilane, dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane.
173.136 Methyl dichlorosilane and trichlorosilane.
173.137 Lithium aluminum hydride, ethereal.
173.138 Pentaborane.
173.139 Ethylene imine, inhibited, and propylene imine, inhibited.
173.140 Zirconium, metallic, solutions, or mixtures thereof, liquid.
173.141 Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.
173.143 Methylchloromethyl ether, anhydrous.
173.144 Ink (flammable liquid).
173.145 Dimethylhydrazine, unsymmetrical, and methyl hydrazine.
173.146 Heaters for refrigerator cars, flammable liquid fuel type.
173.147 Methyl vinyl ketone, inhibited.

Sec.
173.148 Monoethylamine.
173.149 Methyl magnesium bromide in ethyl ether in concentrations not over 40 percent.
173.149a Nitromethane.

Subpart E—Flammable Solids, Oxidizers, and Organic Peroxides; Definitions and Preparation

173.150 Flammable solid; definition.
173.151 Oxidizer; definition.
173.151a Organic peroxide; definition.
173.152 Packing.
173.153 Limited quantities of flammable solids, oxidizers and organic peroxides.
173.154 Flammable solids and oxidizers not specifically provided for.
173.154a Fusees.
173.155 Bags, nitrate of soda, empty and unwashed.
173.156 Barium peroxide and calcium peroxide.
173.157 Benzoyl peroxide, chlorobenzoyl peroxide (para), cyclohexanone peroxide, dimethylhexane dihydroperoxide, lauroyl peroxide, or succinic acid peroxide, wet.
173.158 Benzoyl peroxide, dry; chlorobenzoyl peroxide (para) dry; cyclohexanone peroxide, dry; lauroyl peroxide, dry; or succinic acid peroxide, dry.
173.159 Burnt cotton.
173.160 Calcium chlorite and sodium chlorite.
173.161 Calcium phosphide.
173.162 Charcoal.
173.163 Chlorate of soda, chlorate of potash, and other chlorates.
173.164 Chromic acid or chromic acid mixture, dry.
173.165 Coal, ground bituminous; sea coal; coal facings.
173.166 Cobalt resinate, precipitated; calcium resinate, and calcium resinate fused.
173.167 Cotton waste, oily.
173.168 Lithium amide, powdered.
173.169 Fiber, burnt.
173.170 Fibers or fabrics impregnated, saturated or coated.
173.171 Fish scrap or fish meal.
173.172 Hair, wet.
173.173 Aluminum dross or magnesium dross.
173.174 Iron sponge, spent oxide, spent iron mass, spent iron sponge.
173.175 Lacquer base, or lacquer chips, dry.
173.176 Matches.
173.177 Motion-picture film and X-ray film.
173.178 Calcium carbide.
173.182 Nitrates.
173.183 Potassium nitrate mixed (fused) with sodium nitrite.
173.184 Nitrocellulose or collodion cotton, wet; or nitrocellulose, colloided, granular, or flake, wet; nitrostarch, wet, or nitroguanidine, wet.
173.185 Paper stock, wet.
173.186 Paper waste, wet.
173.187 Peroxide of sodium.
173.188 Phosphoric anhydride.
173.189 Phosphorus, amorphous, red.
173.190 Phosphorus, white or yellow.
173.191 Phosphorus pentachloride.
173.192 Picrate of ammonia (ammonium picrate), picric acid, trinitrobenzoic acid, and urea nitrate wet.
173.193 Picric acid, trinitrobenzoic acid, or urea nitrate, wet.
173.194 Potassium permanganate.
173.195 Pyroxylin plastic scrap.
173.197 Pyroxylin plastics, in sheets, rolls, rods, or tubes.
173.197a Smokeless powder for small arms.
173.198 Sodium hydride.
173.199 Rags, oily.
173.200 Rags, wet.
173.201 Rubber scrap, rubber buffings, reclaimed rubber, and regenerated rubber.
173.202 Sodium and potassium, metallic liquid alloy.
173.203 Tetranitromethane.
173.204 Sodium hydrosulfite.
173.205 Sodium picramate, wet.
173.206 Sodium or potassium, metallic; sodium amide; sodium potassium alloys; sodium aluminum hydride; lithium metal; lithium silicon; lithium ferro silicon; lithium hydride; lithium borohydridge; lithium aluminum hydride; lithium acetylide-ethylene diamine complex; aluminum hydride; cesium metal; rubidium metal; zirconium hydride, powdered.
173.207 Sulfide of sodium or sulfide of potassium, fused or concentrated, when ground.
173.208 Titanium metal powder, wet or dry.
173.209 Tankage, garbage, and tankage fertilizers.
173.210 Tankages, rough ammoniate.
173.211 Textile waste, wet.
173.212 Trinitrobenzene and trinitrotoluene, wet.
173.213 Wool waste, wet.
173.214 Hafnium metal or zirconium metal, wet, minimum 25 percent water by weight, mechanically produced, finer than 270 mesh particle size; hafnium metal or zirconium metal, dry, in an atmosphere of inert gas, mechanically produced, finer than 270 mesh particle size; hafnium metal or zirconium metal, wet, minimum 25 percent water by weight, chemically produced (See Note 1), finer than 20 mesh particle size; hafnium metal or zirconium metal, dry, in an atmosphere of inert gas, chemically produced (See Note 1), finer than 20 mesh particle size.
173.216 Zirconium picramate, wet.
173.217 Calcium hypochlorite compound, dry; lithium hypochlorite compound, dry; mono-(trichloro) tetra-(monopotassium dichloro)-penta-s-triazinetrione, dry; potassium dichloro-s-triazinetrione, dry; sodium dichloro-s-triazinetrione, dry; trichloro-s-triazinetrione, dry.
173.218 Isopropyl percarbonate, unstabilized.
173.219 Potassium perchlorate.
173.220 Magnesium or zirconium scrap consisting of borings, clippings, shavings, sheets, turnings, or scalpings, and magnesium metallic (other than scrap), powdered, pellets, turnings, or ribbon.
173.221 Liquid organic peroxides, n.o.s., and liquid organic peroxide solutions, n.o.s.
173.222 Acetyl peroxide and acetyl benzoyl peroxide, solution.
173.223 Peracetic acid.
173.224 Cumene hydroperoxide, dicumyl peroxide, diisopropylbenzene hydroperoxide, paramenthane hydroperoxide, and tertiary butylisopropyl benzene hydroperoxide.
173.225 Phosphorus trisulfide, phosphorus sesquisulfide, phosphorus heptasulfide, and phosphorus pentasulfide.

Sec.
173.226 Thorium metal, powdered.
172.227 Urea peroxide.
173.228 Zinc ammonium nitrite.
173.229 Chlorate and borate mixtures or chlorate and magnesium chloride mixtures.
173.230 Sodium, metallic, dispersion in organic solvent.
173.231 Calcium, metallic, crystalline.
173.232 Aluminum, metallic powder.
173.233 Nickel catalyst, finely divided, activated or spent.
173.234 Sodium nitrite and sodium nitrite mixtures.
173.235 Ammonium bichromate (ammonium dichromate).
173.236 Decaborane.
173.237 Chlorine dioxide hydrate, frozen; chloric acid.
173.238 Aircraft rocket engines (commercial) and/or aircraft rocket engine igniters (commercial).
173.239 Barium azide—50 percent or more water wet.
173.239a Ammonium perchlorate.

Subpart F—Corrosive Materials; Definition and Preparation

173.240 Corrosive material; definition.
173.241 Outage.
173.242 Bottles containing corrosive liquids.
173.243 Closing and cushioning.
173.244 Limited quantities of corrosive materials.
173.245 Corrosive liquids not specifically provided for.
173.245a Corrosive liquids n.o.s. shipped in bulk.
173.245b Corrosive solids not specifically provided for.
173.246 Antimony pentafluoride, bromine pentafluoride, iodine pentafluoride, bromine trifluoride, and chlorine trifluoride.
173.247 Acetyl bromide, acetyl chloride, acetyl iodide, antimony pentachloride, benzoyl chloride, boron trifluoride-acetic acid complex, chromyl chloride, dichloroacetyl chloride, diphenylmethyl bromide solution, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), titanium tetrachloride, and trimethyl acetyl chloride.
173.247a Vanadiam tetrachloride and vanadium oxytrichloride.
173.248 Acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid.
173.249 Alkaline corrosive liquids, n.o.s.; alkaline liquids, n.o.s.; alkaline corrosive battery fluid; potassium fluoride solution; potassium hydrogen fluoride solution; sodium aluminate, liquid; sodium hydroxide solution; potassium hydroxide solution; boiler compound, liquid, solution.
173.250 Automobiles or other self-propelled vehicles, engines or other mechanical apparatus.
173.250a Benzene phosphorus dichloride and benzene phosphorus thiodichloride.
173.251 Boron trichloride and boron tribromide.
173.252 Bromine.
173.253 Chloracetyl chloride.
173.254 Chlorosulfonic acid and mixtures of chlorosulfonic acid-sulfur trioxide.
173.255 Dimethyl sulfate.
173.256 Compounds, cleaning, liquid.
173.257 Electrolyte (acid) and alkaline corrosive battery fluid.
173.258 Electrolyte, acid, or alkaline corrosive battery fluid, packed with storage batteries.
173.259 Electrolyte, acid, or alkaline corrosive battery fluid, packed with battery charger, radio current supply device, or electronic equipment and actuating devices.
173.260 Electric storage batteries, wet.
173.261 Fire-extinguisher charges.
173.262 Hydrobromic acid.
173.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution (not exceeding 42 percent sodium chlorite), and cleaning compounds, liquids, containing hydrochloric (muriatic) acid.
173.264 Hydrofluoric acid; white acid.
173.265 Hydrofluosilicic acid.
173.266 Hydrogen peroxide solution in water.
173.267 Mixed acid (nitric and sulfuric acid) (nitrating acid).
173.268 Nitric acid.
173.269 Perchloric acid.
173.270 Phosphorus tribromide.
173.271 Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.
173.272 Sulfuric acid.
173.273 Sulfur trioxide, stabilized.
173.274 Fluosulfonic acid.
173.275 Difluorophosphoric acid, anhydrous; monofluorophosphoric acid, anhydrous; hexafluorophosphoric acid; and mixtures thereof.
173.276 Anhydrous hydrazine and hydrazine solution.
173.277 Hypochlorite solutions.
173.278 Nitrohydrochloric acid.
173.279 Anisoyl chloride.
173.280 Trichlorosilanes.
173.281 Benzyl bromide (bromotoluene, alpha).
173.282 Isopropyl percarbonate, stabilized.
173.283 Fluoboric acid.
173.286 Chemical kits.
173.287 Chromic acid solution.
173.288 Chloroformates.
173.289 Formic acid and formic acid solutions.
173.290 Mixtures of hydrofluoric and sulfuric acid.
173.291 Flame retardant compound, liquid.
173.292 Hexamethylene diamine solution.
173.293 Iodine monochloride.
173.294 Monochloroacetic acid, liquid.
173.295 Benzyl chloride.
173.296 Di iso octyl acid phosphate.
173.297 Titanium sulfate solution containing not more than 45% sulfuric acid.
173.298 Memtetrahydro phthalic anhydride.
173.299 Etching acid liquid, n.o.s.
173.299a Tris-(1-aziridinyl) phosphine oxide.

Subpart G—Compressed Gases; Definition and Preparation

173.300 Definitions.
173.301 General requirements for shipment of compressed gases in cylinders.
173.302 Charging of cylinders with nonliquefied compressed gases.
173.303 Charging of cylinders with compressed gas in solution (acetylene).
173.304 Charging of cylinders with liquefied compressed gas.
173.305 Charging of cylinders with a mixture of compressed gas and other material.
173.306 Limited quantities of compressed gases.
173.307 Exceptions for compressed gases.
173.308 Cigarette lighter or other similar device charged with fuel.
173.314 Requirements for compressed gases in tank cars.
173.315 Compressed gases in cargo tanks and portable tank containers.
173.316 Liquefied hydrogen.

Subpart H—Poisonous Materials, Etiologic Agents, and Radioactive Materials; Definitions and Preparation

173.325 Classes of poisonous materials.
173.326 Poison A.
173.327 General packaging requirements for Poison A materials.
173.328 Poison A materials not specifically provided for.
173.329 Bromacetone; chlorpicrin and methyl chloride mixtures; chlorpicrin and nonflammable, nonliquefied compressed gas mixtures.
173.330 Chemical ammunition.
173.331 Gas identification sets.
173.332 Hydrocyanic acid, liquid (prussic acid) and hyrdocyanic acid liquefied.
173.333 Phosgene or diphosgene.
173.334 Organic phosphates mixed with compressed gas.
173.336 Nitrogen dioxide, liquid; nitrogen peroxide, liquid; and nitrogen tetroxide, liquid.
173.337 Nitric oxide.
173.338 Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide.
173.343 Poison B.
173.344 General packaging requirements for Poison B liquids.
173.345 Limited quantities of Poison B liquids.
173.346 Poison B liquids not specifically provided for.
173.347 Aniline oil.
173.348 Arsenic acid.
173.349 Carbolic acid (phenol) liquid.
173.350 Chemical ammunition.
173.351 Hydrocyanic acid solutions.
173.352 Sodium and potassium cyanide solutions.
173.353 Methyl bromide and methyl bromide mixtures.
173.354 Motor fuel antiknock compound or tetraethyl lead.
173.355 Phenyldichlorarsine.
173.356 Thiophosgene.
173.357 Chloropicrin and chloropicrin mixtures containing no compressed gas or Poison A liquid.
173.358 Hexaethyl tetraphosphate; methyl parathion; organic phosphate compound, n.o.s.; parathion; tetraethyl dithio pyrophosphate; and tetraethyl pyrophosphate, liquid.
173.359 Hexaethyl tetraphosphate mixtures; methyl parathion mixtures; organic phosphate compound mixtures, n.o.s.; parathion mixtures; tetraethyl dithio pyrophosphate mixtures; and tetraethyl pyrophosphate mixtures; liquid, (includes solutions, emulsions, or emulsifiable liquids).
173.360 Perchloro-methyl-mercaptan.
173.361 Aldrin mixtures, liquid, with more than 60 per cent aldrin.
173.362 4-Chloro-o-toluidine hydrochloride.
173.362a Dinitrophenol solutions.
173.363 General packaging requirements for Poison B solids.
173.364 Limited quantities of Poison B solids.

Sec.
173.365 Poison B solids not specifically provided for.
173.366 Arsenic (arsenic trioxide) or arsenic acid (solid).
173.367 Arsenical compounds, n.o.s.; arsenate of lead; calcium arsenate; Paris green; and arsenical mixtures.
173.368 Arsenical dust, arsenical flue dust, and other poisonous noncombustible by-product dusts; also arsenic trioxide, calcium arsenate, and sodium arsenate.
173.369 Carbolic acid (phenol), not liquid.
173.370 Cyanides and cyanide mixtures, dry.
173.371 Dinitrobenzol (dinitrobenzene).
173.372 Mercury bichloride (mercuric chloride).
173.373 Ortho-nitroaniline and para-nitroaniline.
173.374 Nitrochlorbenzene, meta or para.
173.375 Sodium azide.
173.376 Aldrin and aldrin mixtures, dry, with more than 65 percent aldrin.
173.377 Hexaethyl tetraphosphate mixtures; methyl parathion mixtures; organic phosphate compound mixtures, n.o.s.; parathion mixtures; tetraethyl dithio pyrophosphate mixtures; and tetraethyl pyrophosphate mixtures, dry.
173.379 Cyanogen bromide.
173.381 Irritating materials; definition and general packaging requirements.
173.382 Irritating materials, not specifically provided for.
173.383 Chemical ammunition.
173.385 Tear gas grenades, tear gas candles, or similar devices.
173.386 Ethiologic agents; definition and scope.
173.387 Packaging requirements for etiologic agents.
173.388 Labeling of packages containing etiologic agents.
173.389 Radioactive materials; definitions.
173.390 Transport groups of radionuclides.
173.391 Small quantities of radioactive materials and radioactive devices.
173.392 Low specific activity radioactive material.
173.393 General packaging and shipment requirements.
173.393a U.S. Atomic Energy Commission approved packages; standard requirements and conditions.
173.393b International shipments and foreign-made packages; standard requirements and conditions.
173.394 Radioactive material in special form.
173.395 Radioactive material in normal form.
173.396 Fissile radioactive material.
173.397 Contamination control.
173.398 Special tests.

Subpart I—Special Requirements for Certain Rail Shipments or Movements

173.426 Cars, truck bodies or trailers containing lading which has been fumigated or treated with flammable liquids, flammable gases, poisonous liquids or solids, or poisonous gases.
173.432 Tank car shipments.

Subpart J—Other Regulated Material; Definition and Preparation

173.500 Definitions.
173.501 Other Regulated Material (ORM); application.
Sec.
173.505 Exceptions for Other Regulated Material (ORM).
173.510 General packaging requirements.

Subpart K—Other Regulated Material; ORM–A

173.605 Ammonium hydrosulfide solution, ammonium polysulfide solution, bromochloromethane, dibromodifluoromethane, dichlorodifluoroethylene, dichloromethane, methyl chloroform, perfluoro-2-butene, tetrachloroethylene, and trichloroethylene.
173.615 Carbon dioxide, solid (dry ice).
173.620 Carbon tetrachloride, ethylene dibromide (1,2-dibromoethane), and tetrachloroethane.
173.630 Chloroform.
173.635 Ferrophosphorus.
173.645 Ferrosilicon.
173.650 Hexachloroethane.
173.655 Naphthalene or naphthalin.

Subpart L—Other Regulated Material; ORM–B

173.800 Ammonium hydrogen fluoride, ammonium hydrogen sulfate, ammonium fluoride, barium oxide, chloroplatinic acid, copper chloride, ferric chloride, lead chloride, molybdenum pentachloride, potassium hydrogen sulfate, sodium aluminate, sodium hydrogen sulfate, and sodium hydrogen sulfite, (each in solid form).
173.850 Lime, unslaked; quicklime; and calcium oxide.
173.860 Mercury, metallic.

Subpart M—Other Regulated Material; ORM–C

173.910 Ammonium sulfate nitrate.
173.915 Battery parts.
173.920 Bleaching powder.
173.925 Box toe board.
173.930 Burlap bags, used and unwashed or not cleaned.
173.931 Burlap cloth, burlap bags, new, used, and washed, or vacuum cleaned, wheel cleaned, or otherwise mechanically cleaned.
173.945 Calcium cyanamide, not hydrated.
173.948 Camphene.
173.952 Castor beans and Castor pomace.
173.955 Coconut meal pellets.
173.960 Copra.
173.965 Cotton and other fibers.
173.970 Cotton batting, batting dross, wadding, seed hull fiber, shavings, pulp, and cut linters.
173.975 Cotton sweepings; and textile, cotton, felt, or wool waste.
173.980 Excelsior.
173.985 Exothermic ferrochrome, ferromanganese, and siliconchrome.
173.990 Feed, wet, mixed.
173.995 Fish scrap and fish meal.
173.1000 Garbage tankage, rough ammoniate tankage, or tankage fertilizer.
173.1005 Hay or straw.
173.1010 Lead dross or scrap.
173.1020 Magnetized material.
173.1025 Metal borings, shavings, turnings or cuttings.
173.1030 Oakum or twisted jute packing.
173.1035 Oiled material.
173.1040 Pesticide, water-reactive.
173.1045 Petroleum coke, uncalcined.
173.1055 Rags, scrap or clothing, used.
173.1060 Rosin.
173.1065 Rubber curing compound, solid.
173.1070 Sawdust or wood shavings.
173.1075 Scrap paper or waste.
173.1080 Sulfur.
173.1085 Yeast, active (in liquid or compressed form).

Subpart N—Other Regulated Material: ORM–D

Sec.
173.1200 Consumer Commodity.

APPENDIX D—Method of testing corrosion to skin.

AUTHORITY: 18 U.S.C. 834, 46 U.S.C. 170(7), 49 U.S.C. 1472(h)(1), 49 CFR 1.53(f)–(h).

10. Section 173.1 is revised to read as follows:

§ 173.1 Purpose and scope.

(a) This part defines hazardous materials for transportation purposes and prescribes certain requirements to be observed in preparing them for shipment by air, highway, rail, or water, or any combination thereof.

(b) A shipment that is not prepared for shipment in accordance with this subchapter may not be offered for transportation by air, highway, rail, or water. It is the duty of each person who offers hazardous materials for transportation to instruct each of his officers, agents, and employees having any responsibility for preparing hazardous materials for shipment as to applicable regulations in this subchapter.

11. Section 173.2 is revised to read as follows:

§ 173.2 Classification of a material having more than one hazard as defined in this part.

(a) A hazardous material, having more than one hazard as defined in this part or as specified in § 172.101 of this subchapter, must be classed according to the following order of hazards:

(1) Radioactive material.
(2) Poison A.
(3) Flammable gas.
(4) Non-flammable gas.
(5) Flammable liquid.
(6) Oxidizer.
(7) Flammable solid.
(8) Corrosive material (liquid).
(9) Poison B.
(10) Corrosive material (solid).
(11) Irritating materials.
(12) Combustible liquid (in containers having capacities exceeding 110 gallons).
(13) ORM–B.
(14) ORM–A.
(15) Combustible liquid (in containers having capacities of 110 gallons or less.)

(b) *Exceptions.* Paragraph (a) of this section does not apply to—(1) a material specifically identified in § 172.101 of this subchapter;

(2) An explosive required to be classed and approved by § 173.86.

(3) An etiologic agent identified in § 173.386 as those materials listed in 42 CFR 72.25(c); or

(4) An organic peroxide identified and classed in § 172.101 of this subchapter.

12. § 173.3 is revised to read as follows:

§ 173.3 Packaging and exceptions.

(a) The packaging of hazardous materials for transportation by air, highway, rail, or water must be as specified in this part. Methods of container manufacture, packing, and storage, that affect safety in transportation, must be open

to inspection by a duly authorized representative of the initial carrier or a representative of the Department.

(b) The regulations setting forth packaging requirements for a specific material apply to all modes of transportation unless otherwise stated, or unless exceptions from packaging requirements are authorized. For example, the restriction in § 173.249(b) applicable to cargo-only aircraft applies only to quantities in excess of those allowable under § 173.244. Quantities covered under § 173.244 may also be shipped by cargo-only aircraft.

§§ 173.4—173.5 [Reserved]

13. §§ 173.4 and 173.5 are deleted.

14. § 173.6 is revised to read as follows:

§ 173.6 Shipments by air.

(a) *General shipping requirements.* When the regulations indicate a hazardous material is forbidden aboard cargo-only aircraft, the material is also forbidden aboard passenger-carrying aircraft.

(b) *General packaging requirements.*

(1) In addition to the requirements of this part and Parts 175 and 178 of this subchapter, for air shipments each packaging must be designed and constructed to prevent leakage that may be caused by changes in altitude and temperature during air transportation.

(2) Inner containers that are breakable (such as earthenware, glass, or brittle plastic), must be packaged to prevent breakage and leakage under conditions normally incident to transportation. These completed packagings must be capable of withstanding a 4-foot drop on solid concrete in the position most likely to cause damage. Cushioning and absorbent materials must not be capable of reacting dangerously with the contents. Where any plastic packaging is specified in this part, a plastic bag or pouch is not permitted unless specifically authorized.

(3) For any packaging with a capacity of 110 gallons or less containing liquid, sufficient outage (ullage) must be provided to prevent liquid contents from completely filling the packaging at 130° F. The primary packaging (which may include composite packaging), for which retention of the liquid is the basic function, must be capable of withstanding an internal gauge pressure of no less than 11 lbs./sq. in. (0.75 kg/sq. cm.) without leakage. In addition, the primary packaging must be capable of withstanding, without leakage, an internal pressure equivalent to the sum of the absolute vapor pressure of the contents at 130° F. (55° C.) and the atmospheric pressure at sea level.

(4) Stoppers, corks, or other such friction-type closures must be held securely, tightly, and effectively in place with wire, tape, or other positive means. Each screw-type closure on any inside plastic packaging must be secured to prevent the closure from loosening due to vibration or subtantial changes in temperature.

(5) Bags permitted by the regulations as outside packaging for transportation aboard aircraft must be water resistant.

(6) For any cylinder containing hazardous materials incorporating valves, sufficient protection must be provided to prevent operation and damage to such valves during transportation, by one of the following methods:

(i) By equipping each cylinder with securely attached valve caps or protective headrings, or

(ii) By boxing or crating of the cylinder.

(7) Tank cars and tank motor vehicles containing hazardous materials may not be transported aboard aircraft.

(c) *Special labeling requirements.* See "Magnetized materials" in §§ 172.101 and 173.1020 of this subchapter and see § 172.101 for cargo-only aircraft labeling requirements.

15. In § 173.7 paragraph (b) is revised to read as follows:

§ 173.7 U.S. Government material.

* * * * *

(b) Shipments of radioactive materials, made by or under the direction or supervision of the U.S. Energy and Research and Development Administration or the Department of Defense, and which are escorted by personnel specifically designated by or under the authority of those agencies, for the purpose of national security, are not subject to the regulations in Parts 100–189 of this subchapter.

§§ 173.9—173.10 [Reserved]

16. §§ 173.9 and 173.10 are deleted.

17. Subpart B Heading is revised to read as follows:

Subpart B—Preparation of Hazardous Materials for Transportation

18. In § 173.21 paragraphs (a) and (d) are revised to read as follows:

§ 173.21 Prohibited packing.

(a) The offering of packages of hazardous materials in the same packaging, freight container, or overpack with other hazardous materials, the mixture of contents of which would be liable to cause a dangerous evolution of heat or gas or produce corrosive materials, is forbidden except as specified in §§ 173.152(a), 173.242 (a), (b), and 173.301(a).

* * * * *

(d) The offering for transportation of any package containing a cigarette lighter or other similar ignition device charged with fuel and equipped with an ignition element, or any self-lighting cigarette, is forbidden unless the design of the device and its packaging insofar as they affect safety in transportation have been:

(1) Examined and approved by the Bureau of Explosives, and

(2) A report of the results of this examination, together with the Bureau of Explosives' approval, has been sent to and acknowledged by the Office of Hazardous Materials Operations, Materials Transportation Bureau. For lighters containing flammable gas, also see § 173.308.

§ 173.22 [Amended]

19. In § 173.22 paragraph (a) is amended by changing the word "chapter" to read "subchapter."

§ 173.23 [Amended]

20. In § 173.23 paragraphs (a) and (b) are amended by changing the word "chapter" to read "subchapter."

§ 173.24 [Amended]

21. In § 173.24 the word "chapter" is changed to read "subchapter."

22. § 173.25 is revised to read as follows:

§ 173.25 Authorized packages in outside containers.

(a) Authorized packages containing no corrosive liquids may be shipped when tightly packed in a strong outside fiberboard box or drum, wooden box, barrel or crate, metal barrel or drum, or overpack, meeting the requirements of §§ 173.21 and 173.24. The outside container must be marked with the proper shipping name and labeled as required by this subchapter for each hazardous material contained therein unless markings and labels representative of each material in the outside container are visible. Packages required by the regulations in this subchapter to be marked "THIS SIDE UP" or "THIS END UP" must be packed in the outside container with their filling holes up and the outside container marked "THIS SIDE UP" or "THIS END UP" to indicate the upward position of closures. The outside container must also be marked "INSIDE PACKAGES COMPLY WITH PRESCRIBED SPECIFICATIONS" when specification packagings are required unless the specification markings on the inside packaging are visible.

(b) Authorized packages containing acids or other corrosive liquids except nitric acid, perchloric acid, or hydrogen peroxide, solution containing over 52 percent hydrogen peroxide by weight, may be shipped when tightly packed in a strong outside fiberboard or wooden box, wooden crate or overpack, meeting the requirements of §§ 173.21 and 173.24 provided such outside container shall not contain any other hazardous material except under the following conditions:

(1) * * *

(2) * * *

(3) The outside container must be marked with the proper shipping name and labeled as required by this subchapter for each hazardous material contained within unless the markings and labels representative of each material in the outside container are visible. The outside container must be marked "THIS SIDE UP" or "THIS END UP" to indicate the upward position of closures and also marked "INSIDE PACKAGES COMPLY WITH PRESCRIBED SPECIFICATIONS" when specification packagings are required unless the specification markings on the inside packagings are visible.

23. In § 173.26 paragraph (a) is amended by changing the word "chapter" to read "subchapter"; paragraph (b) is revised to read as follows:

§ 173.26 Quantity limitations.

* * * * *

(b) When quantity limitations do not appear in the packaging requirements of this subchapter, the permitted gross weight or capacity authorized for a container to be offered for transportation is as shown in the container specification. (See also § 173.27.)

24. § 173.27 is revised as follows:

§ 173.27 Aircraft quantity limitations.

(a) The maximum quantity of hazardous material that may be offered for transportation by air in a package that is required for the material by this subchapter may not exceed that quantity prescribed for the material in § 172.101 of this subchapter.

(b) When offered for transportation by air, the combined quantity of any one class of materials may not exceed the lowest maximum quantity prescribed in 172.101 of this subchapter for any one of the materials in that class contained in the same package that meets the minimum requirements for the material contained therein.

25. In § 173.28 paragraphs (a), (a)(1), (h), (h)(1)(i), and (j) are amended by changing the word "chapter" to read "subchapter"; paragraph (n) is redesignated paragraph (o); and a new paragraph (n) is added to read as follows:

§ 173.28 Reuse of containers.

* * * * *

(n) A single-trip packaging (STC) may be reused for the shipment of any corrosive solid, ORM-A, ORM-B, ORM-C, or any material not required by this subchapter to be shipped in a DOT specification packaging and paragraph (m) of this section does not apply to these materials.

* * * * *

26. In § 173.29 the Heading is revised; paragraph (g) is added to read as follows:

§ 173.29 Empty packagings, portable tanks, cargo tanks, and tank cars.

* * * * *

(g) An empty portable tank, cargo tank, tank car or multi-unit tank car tank may not be offered for transportation unless—

(i) Each opening is tightly closed and

(ii) Except as otherwise specified in this subchapter it is offered for transportation in the same manner as was required when it previously contained a greater quantity of a hazardous material. This requirement, as well as other provisions in this subchapter, does not apply to any tank that has been cleaned or purged of all hazardous materials residue or when it is reloaded with a material not subject to this subchapter.

27. § 173.30 is revised to read as follows:

§ 173.30 Loading and unloading of transport vehicles.

A person who loads or unloads hazardous materials into or from a transport vehicle or vessel shall comply with the applicable loading and unloading requirements of Parts 174, 175, 176, and 177 of this subchapter.

28. In § 173.31 paragraph (d)(9) is amended by changing the word "chapter" to read "subchapter"; paragraph (b)(5) is added to read as follows:

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

* * * * *

(b) * * *

(5) A tank car is authorized for shipment of a hazardous material by water when in conformance with the requirements of Part 176 of this subchapter and the following limitations:

(i) On carfloats or trainships if the material is permitted aboard a cargo vessel by § 172.101 of this subchapter, or

(ii) On railroad car ferry vessels if the material is permitted aboard a passenger vessel by § 172.101 of this subchapter.

* * * * *

29. In § 173.32 paragraphs (e)(1)(i), (ii), and (iii) and (e)(2)(i) are amended by changing the word "chapter" to read "subchapter"; paragraph (a)(2) is revised; paragraph (a)(4) is added to read as follows:

§ 173.32 Qualification maintenance, and use of portable tanks.

(a) * * *

(2) No portable tank offered for transportation by water may exceed a gross weight of 55,000 pounds.

* * * * *

(4) No portable tank or specification 106A or 110A tank containing a hazardous material may be offered for transportation aboard a passenger vessel unless—

(i) The vessel is operating under a change to its character of vessel certification as defined in § 171.8 of this subchapter; and

(ii) The material is permitted to be transported aboard a passenger vessel in § 172.101 of this subchapter.

* * * * *

30. In § 173.33 paragraphs (b) and (b)(1) are amended by changing the word "chapter" to read "subchapter"; the Heading is revised, and paragraph (a)(1) is added to read as follows:

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

(a) * * *

(1) A cargo tank is authorized for shipment of a hazardous material by water, when in conformance with the requirements of Part 176 of this subchapter and the following limitations:

(i) On carfloats or trailerships if the material is permitted aboard a cargo vessel by § 172.101 of this subchapter, or

(ii) On passenger ferry vessels or railroad car ferry vessels if the material is permitted aboard a passenger vessel by § 172.101 of this subchapter.

* * * * *

31. In § 173.34 paragraphs (a)(1), (d)(1) Note 1, (e)(9), (h), and (i)(4) are amended by changing the word "chapter" to read "subchapter"; the footnote reference is removed from the Heading; paragraph (d)(3) is revised to read as follows:

§ 173.34 Qualification, maintenance, and use of cylinders.

* * * * *

(d) * * *

(3) Safety relief devices are prohibited on cylinders charged with Poison A gas or liquid.

* * * * *

Subpart C—Explosives; Definitions and Preparation

§ 173.50 [Amended]

32. In § 173.50 the word "chapter" is changed to read "subchapter."

33. In § 173.51 paragraph (a) is revised; paragraphs (b) through (r) are redesignated paragraphs (a)(2) through (a)(17) respectively:

§ 173.51 Forbidden explosives.

(a) Unless otherwise provided in this subchapter, the offering of the following explosives for transportation is forbidden.

* * * * *

34. In § 173.52 the introductory test of paragraph (a) is revised to read as follows:

§ 173.52 Acceptable explosives.

(a) For the purposes of this subchapter, acceptable explosives are divided into three classes as follows (acceptable military explosives must be transported on board vessels in accordance with 46 CFR 146.29):

* * * * *

35. In § 173.54 paragraph (b) is revised; paragraph (c) is deleted as follows:

§ 173.54 Ammunition for cannon.

* * * * *

(b) Each outside package must be plainly marked "AMMUNITION FOR CANNON WITH EXPLOSIVE PROJECTILES," "AMMUNITION FOR CANNON WITH SMOKE PROJECTILES," "AMMUNITION FOR CANNON WITH INCENDIARY PROJECTILES," or "AMMUNITION FOR CANNON WITH ILLUMINATING PROJECTILES," as appropriate.

36. In § 173.56 paragraph (g) is revised; paragraph (i) is deleted as follows:

§ 173.56 Ammunition, projectiles, grenades, bombs, mines, gas mines, and torpedoes.

* * * * *

(g) Bombs, projectiles, grenades, ammunition for cannon with gas projectiles, or other packagings loaded with Poison A, and an explosive charge, either boxed

or unboxed (see paragraph (c) of this section) must bear the POISON GAS label in addition to the EXPLOSIVE label.

* * * * *

(i) [Deleted].

37. In § 173.57 paragraph (b) is revised; paragraph (c) is deleted as follows:

§ 173.57 Rocket ammunition.

* * * * *

(b) Each outside package must be plainly marked "ROCKET AMMUNITION WITH EXPLOSIVE PROJECTILES," "ROCKET AMMUNITION WITH GAS PROJECTILES," "ROCKET AMMUNITION WITH SMOKE PROJECTILES," "ROCKET AMMUNITION WITH INCENDIARY PROJECTILES," or "ROCKET AMMUNITION WITH ILLUMINATING PROJECTILES," as appropriate.

(c) [Deleted].

38. In § 173.58 paragraph (c) is deleted as follows:

§ 173.58 Ammunition for small arms.

* * * * *

(c) [Deleted].

39. In § 173.59 paragraph (b) is deleted as follows:

§ 173.59 Chemical ammunition, explosive.

* * * * *

(b) [Deleted].

40. § 173.60 is amended by changing the word "chapter" to read "subchapter"; paragraphs (e)(2) and (f) are deleted as follows:

§ 173.60 Black powder and low explosives.

* * * * *

(e) * * *

(2) [Deleted].

(f) [Deleted].

§ 173.61 [Amended]

41. In § 173.61 the word "chapter" is changed to read "subchapter."

42. In § 173.62 paragraph (a) is amended by changing the word "chapter" to read "subchapter"; paragraph (b) is deleted as follows:

§ 173.62 High explosives, liquid.

* * * * *

(b) [Deleted].

43. In § 173.63 paragraphs (a), (b), (c), (d), and (e) are amended by changing the word "chapter" to read "subchapter"; paragraph (g) is deleted as follows:

§ 173.63 High explosive with liquid explosive ingredient.

* * * * *

(g) [Deleted].

44. In § 173.64 paragraphs (a)(1), (2), (5), and (7) are amended by changing the word "chapter" to read "subchapter"; the Heading is revised; paragraph (c) is deleted as follows:

§ 173.64 High explosives with no liquid explosive ingredient and propellant explosives, Class A.

* * * * *

(c) [Deleted].

* * * * *

45. § 173.65 is amended by changing the word "chapter" to read "subchapter"; the introductory text of paragraph (d) is revised; paragraph (k) is deleted as follows:

§ 173.65 High explosives with no liquid explosive ingredient nor any chlorate.

* * * * *

(d) The following materials may be shipped dry, in quantities not exceeding 4 ounces in one outside package, by rail freight, or highway, as drugs, n.o.s., or medicines, n.o.s., without any other requirements when in securely closed bottles or jars cushioned to prevent breakage:

* * * * *

(k) [Deleted].

§ 173.66 [Amended]

46. § 173.66 is amended by changing the word "chapter" to read "subchapter"; Note 1 following paragraphs (d)(1), and (e)(1), and paragraph (i) are deleted.

§ 173.67 [Amended]

47. § 173.67 is amended by changing the word "chapter" to read "subchapter"; paragraph (c) is deleted.

§ 173.68 [Amended]

48. In § 173.68 paragraph (a)(1) is amended by changing the word "chapter" to read "subchapter"; paragraph (c) is deleted.

49. In § 173.69 the Heading is revised; paragraph (d) is deleted as follows:

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

* * * * *

(d) [Deleted].

50. In § 173.70 paragraph (a) is revised; paragraph (e) is deleted as follows:

§ 173.70 Diazodinitrophenol or lead mononitroresorcinate.

(a) The offering of diazodinitrophenol or lead mononitroresorcinate in a dry condition for transportation is forbidden except as a component of manufactured articles such as percussion caps, detonators, blasting caps, and exploders.

* * * * *

(e) [Deleted].

51. In § 173.71 paragraph (a) is revised; paragraph (e) is deleted as follows:

§ 173.71 Fulminate of mercury.

(a) The offering of fulminate of mercury in a dry condition for transportation is forbidden, except as a component of manufactured articles such as percussion caps, detonators, blasting caps, and exploders.

* * * * *

(e) [Deleted].

52. In § 173.72 paragraph (a) is revised; paragraph (e) is deleted as follows:

§ 173.72 Guanyl nitrosamino guanylidene hydrazine.

(a) The offering of guanyl nitrosamino guanylidene hydrazine in a dry condition for transportation is forbidden, except as a component of manufactured articles such as percussion caps, detonators, blasting caps, and exploders.

* * * * *

(e) [Deleted].

53. In § 173.73 paragraph (a) is revised; paragraph (e) is deleted as follows:

§ 173.73 Lead azide.

(a) The offering of lead azide in a dry condition for transportation is forbidden, except as a component of manufactured articles such as percussion caps, detonators, blasting caps, and exploders.

* * * * *

(e) [Deleted].

54. In § 173.74 paragraph (a) is revised; paragraph (e) is deleted as follows:

§ 173.74 Lead styphnate.

(a) The offering of lead styphnate (lead trinitroresorcinate) in a dry condition for transportation is forbidden, except as a component of manufactured articles such as percussion caps, detonators, blasting caps, and exploders.

* * * * *

(e) [Deleted].

55. In § 173.75 paragraph (b)(1) is amended by changing the word "chapter" to read "subchapter"; paragraph (a) is revised; paragraph (e) is deleted as follows:

§ 173.75 Nitro mannite.

(a) The offering of nitro mannite in a dry condition for transportation is forbidden, except as a component of manufactured articles such as percussion caps, detonator, blasting caps, and exploders.

* * * * *

(e) [Deleted].

56. In § 173.76 paragraph (a) is revised; paragraph (d) is deleted as follows:

§ 173.76 Nitrosoguanidine.

(a) The offering of nitrosoguanidine in a dry condition for transportation is forbidden except as a component of manufactured articles such as percussion caps, detonators, blasting caps, and exploders.

* * * * *

(d) [Deleted].

57. In § 173.77 paragraph (a) is revised; paragraph (e) is deleted as follows:

§ 173.77 Pentaerythrite tetranitrate.

(a) The offering of pentaerythrite tetranitrate in a dry condition for transportation is forbidden, except as a component of manufactured articles such as percussion caps, detonators, blasting caps, and exploders.

* * * * *

(e) [Deleted].

58. In § 173.78 paragraph (a) is revised; paragraph (e) is deleted as follows:

§ 173.78 Tetrazene.

(a) The offering of tetrazene (guanyl nitrosamino guanyl tetrazene) in a dry condition for transportation is forbidden, except as a component of manufactured articles such as percussion caps, detonators, blasting caps, and exploders.

* * * * *

(e) [Deleted].

59. In § 173.79 paragraph (a)(1) is amended by changing the word "chapter" to read "subchapter"; the Heading and the introductory text of paragraph (a) are revised; paragraph (e) is deleted as follows:

§ 173.79 Jet thrust units (jato), Class A explosives; rocket motors, Class A explosives; igniters, jet thrust (jato), Class A explosives; and igniters, rocket motor, Class A explosives.

(a) Jet thrust units (jato), rocket motors, jet thrust (jato) igniters, and rocket motor igniters, which are Class A explosives must be packaged as follows:

* * * * *

(e) [Deleted].

60. In § 173.80 paragraph (a) is revised; paragraph (f) is deleted as follows:

§ 173.80 Charged oil well jet perforating guns.

(a) Charged oil well jet perforating guns may be transported only by highway and only by private carriers engaged in oil well operations. When the total weight of the explosive contents of the shaped charges assembled to guns being transported in the motor vehicle does not exceed 20 pounds, these guns may be classed as Class C explosives. See § 173.110.

* * * * *

(f) [Deleted].

§ 173.86 [Amend].

61. In § 173.86 the word "chapter" is changed to read "subchapter".

§ 173.87 [Amended].

62. In § 173.87 the word "chapter" is changed to read "subchapter".

§ 173.89 [Amended].

63. In § 173.89 paragraph (c) is deleted.

§ 173.90 [Amended].

64. In § 173.90 paragraph (c) is deleted.

§§ 173.91 & 173.92 [Amended].

65. In §§ 173.91 and 173.92 the word "chapter" is changed to read "subchapter".

66. § 172.93 is amended by changing the word "chapter" to read "subchapter"; the introductory text of paragraphs (a) and (g) and paragraph (d)(5) are revised to read as follows:

§ 173.93 Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, and propellant explosives (liquid).

(a) Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, and propellant explosives (liquid) when offered for transportation by carriers by rail freight, highway, or water, must be packed in containers complying with the following specifications (see paragraph (g)(1) of this section for shipments by cargo-only aircraft);

* * * * *

(d) * * *

(5) Propellant explosives (unstable, condemned, or deteriorated smokeless powder for cannon or small arms) may not be offered for transportation by cargo-only aircraft.

* * * * *

(g) Propellant explosives, except as provided in paragraph (d)(5) of this section, when offered for transportation by cargo-only aircraft must be packaged as follows (also authorized for transportation by carriers by rail freight, highway, or water):

* * * * *

§ 173.94 [Amended]

67. In § 173.94 paragraph (a)(1) is amended by changing the word "chapter" to read "subchapter".

68. In § 173.95 paragraph (a)(1) is amended by changing the word "chapter" to read "subchapter"; the introductory text of paragraph (a) is revised; paragraph (e) is deleted as follows:

§ 173.95 Rocket engines (liquid), Class B explosives.

(a) Rocket engines (liquid), Class B explosives must be packaged as follows:

* * * * *

(e) [Deleted].

69. In § 173.101 paragraphs (c) and (d) are revised to read as follows:

§ 173.101 Small-arms ammunition.

* * * * *

(c) Packages containing small-arms ammunition are excepted from the label prescribed in § 172.411 of this subchapter, but the outside of each package must be plainly marked "SMALL ARMS AMMUNITION."

(d) Each package containing cartridges loaded with an Irritating Material must, in addition to marking prescribed herein, be marked "IRRITATING AGENT" and must bear the IRRITANT label.

* * * * *

§ 173.103 [Amended]

70. In § 173.103 paragraph (b) is deleted.

§§ 173.104 thru 173.109 [Amended]

71. §§ 173.104 through 173.109 the word "chapter" is changed to read "subchapter".

72. In § 173.110 paragraph (b) is revised to read as follows:

§ 173.110 Charged oil well jet perforating guns, total explosive content in guns not exceeding 20 pounds per motor vehicle.

* * * * *

(b) Charged oil well jet perforating guns may be offered for transportation and transported only by private carrier by highway.

§§ 173.111 thru 173.114 [Amended]

73. §§ 173.111 through 173.114 the word "chapter" is changed to read "subchapter".

Subpart D—Flammable, Combustible, and Pyrophoric Liquids; Definitions and Preparation

§ 173.115 [Amended]

74. In § 173.115 paragraph (f) is deleted.

75. In § 173.116 paragraphs (a) and (b) are revised to read as follows:

§ 173.116 Outage.

(a) Outage for packings of flammable liquids offered for transportation, except as otherwise provided in this part, must be as prescribed in paragraphs (b) to (h) of this section.

(b) Packagings must not be completely filled. For packagings of a capacity of 110 gallons or less, sufficient outage must be provided so that the packaging will not be liquid full at 130° F. (55° C).

* * * * *

76. In § 173.118 the Heading, the introductory text of paragraph (a) and paragraph (b) are revised; paragraph (e) is deleted; a new paragraph (d) is added to read as follows:

§ 173.118 Limited quantities of flammable liquids.

(a) Limited quantities of flammable liquids that do not meet the definition of another hazard class in this subchapter and for which exceptions are permitted as noted by reference to this section in § 172.101 of this subchapter, are excepted from labeling (except when offered for transportation by air) and specification packaging requirements of this subchapter. In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter, except § 177.817.

* * * * *

(b) A flammable liquid that does not meet the definition of another hazard class and has a flash point of 73° F. or higher is not subject to the specification packaging requirements of this part when in packagings of 110 gallons or less.

The provisions of this paragraph apply only if the flash point, or an indication that its flash point is 73° F. or higher, is marked on the outside package.

* * * * *

(d) Special exceptions for shipment of certain flammable liquids in the ORM–D class are provided in Subpart N of this part.

(e) [Deleted].

77. § 173.118a is added to read as follows:

§ 173.118a Exceptions for combustible liquids.

(a) Unless otherwise stated for a specific material, the regulations in this subchapter do not apply to a material classed as a combustible liquid in a packaging having a rated capacity of 110 gallons or less.

(b) A combustible liquid in a portable tank, cargo tank or tank car is not subject to the requirements of this subchapter except those that pertain to:

(1) Shipping papers, waybills, switching orders, or other billing;

(2) Marking and placarding of portable tank;

(3) Placarding of tank car tanks and motor vehicles;

(4) Carriage aboard aircraft and vessels; and

(5) Reporting incidents as prescribed in §§ 171.15 and 171.16 of this subchapter.

78. In § 173.119 the word "chapter" is changed to read "subchapter"; paragraphs (a), (a)(1), (a)(3), (b), (b)(7), (i), (k)(3), the introductory text of (m), (m)(1), (m)(5), and (m)(8) are revised to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

(a) *Flammable liquids with flash point 20°F. or below.* Flammable liquids with flash point 20° F. or below and having vapor pressure (Reid [1] test) not over 16 pounds per square inch, absolute, at 100° F., other than those for which special requirements are prescribed in this part, must be prepared for shipment in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein, as follows (see paragraphs (c) to (i) of this section for high pressure liquids, paragraphs (j) to (l) of this section for viscous liquids, and paragraph (m) of this section for flammable liquids which are also oxidizers, corrosive liquids, poison B liquids, or organic peroxides and § 173.134 for flammable liquids that are also pyrophoric liquids):

(1) Specification 1A, 1C, or 1D (§§ 178.1, 178.3, 178.4 of this subchapter). Glass carboys, boxed or in barrels or kegs, capacity not over 5 gallons, except capacity not over 6.5 gallons, authorized for Spec. 1D. Not authorized for transportation by air.

* * * * *

(3) Specification 17E (§ 178.116 of this subchapter). Metal drums (single-trip) with openings not over 2.3 inches in diameter. Drums with a marked capacity of more than 5 gallons but not more than 30 gallons must be constructed of 19-gauge body and head sheets. Drums with a marked capacity in excess of 30 gallons must be constructed of 18-gauge body and head sheets. Drums with a marked capacity of more than 5 gallons are not authorized for transportation by air.

* * * * *

(b) *Flammable liquids with flash points above 20° F. to 73° F.* Flammable liquids with flash points above 20° F. to 73° F. and having vapor pressure (Reid [1] test) not over 16 pounds per square inch, absolute, at 100° F. other than those for which special requirements are prescribed in this part, must be packaged in packagings of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein as follows (see paragraphs (c) through (i) of this section for high-pressure liquids and paragraph (m) of this section for flammable liquids which are also oxidizers, poison B liquids, organic peroxides or corrosive liquids):

* * * * *

(7) Specification 37P (§ 178.133 of this subchapter). Steel drums with polyethylene liner (nonreusable container). Authorized only for materials that will not react with polyethylene and result in container failure. Not authorized for transportation by air.

* * * * *

(i) *Bung label.* A flammable liquid as described in paragraph (e) or (f) of this section, shipped in a metal drum or barrel, in addition to the FLAMMABLE LIQUID label, must be labeled near the bung with a white rectangular label or tag measuring 5 by 3 inches, bearing the wording as displayed below:

(Label remains the same.)

* * * * *

(k) * * *

(3) Specification 37A or 37B (§ 178.131, 178.132 of this subchapter). Metal drums (single-trip) not over 5 gallons with welded side seams. Not authorized for transportation by air.

* * * * *

(m) *Flammable liquids which are also organic peroxides, oxidizers, corrosive liquids or poison B liquids.* A flammable liquid which is also an organic peroxide, oxidizer, corrosive liquid, or poison B liquid must be packed as follows:

(1) Specification 1A, 1D, or 1EX single-trip) (§ 178.1, 178.4, 178.6 of this subchapter). Glass carboys, boxed or in plywood drums, capacity not over 5 gallons for specification 1A. Not authorized for transportation by air.

* * * * *

(5) Specification 37P (§ 178.133 of this subchapter). Steel drums, not over 5 gallons capacity, with polyethylene liner (non-reusable container). Drums exceeding 1 gallon capacity must be constructed of at least 24-gauge metal. Authorized only for materials that will not react with polyethylene and result in container failure. Not authorized for transportation by air.

* * * * *

(8) Specification 12P (§ 178.211 of this subchapter). Fiberboard boxes with inside specification 2U (§ 178.24 of this subchapter) polyethylene containers not over 5 gallons capacity each. Authorized only for material which will not react dangerously with or cause decomposition of polyethylene. Not authorized for transportation by air.

* * * * *

79. In § 173.120 paragraphs (a) and (c) are revised; paragraph (d) is added to read as follows:

§ 173.120 Automobiles, motorcycles, tractors, or other self-propelled vehicles.

(a) Automobiles, motorcycles, tractors, or other self-propelled vehicles, equipped with flammable liquid fuel tanks, provided these tanks are securely closed, are not subject to any other requirements for transportation by rail or highway. For transportation by air see paragraph (d) of this section.

* * * * *

(c) *Truck bodies or trailers on flat cars.* Truck bodies or trailers with automatic heating or refrigerating equipment of the flammable liquid type may be shipped with fuel tanks filled and equipment operating or inoperating, when used for the transportation of other freight and loaded on flat cars as part of a joint rail-highway movement, provided the equipment and fuel supply are of a type approved by the Bureau of Explosives. The heating or refrigerating units are not subject to any other requirements of this subchapter and are considered as carriers' equipment, not as shipments.

(d) Except as provided in § 175.305 of this subchapter, each automobile, motorcycle, tractor, or other self-propelled vehicle, powered by an internal combustion engine fueled by a flammable or combustible liquid, when offered for transportation by air, must have the fuel tank drained of all fuel and have the tank opening tightly closed.

§ 173.121 [Amended]

80. In § 173.121 the word "chapter" is changed to read "subchapter"; paragraph (b) is deleted.

81. In § 173.122 the word "chapter" is changed to read "subchapter"; the introductory text of paragraph (a) and paragraph (a)(3) are revised to read as follows:

§ 173.122 Acrolein, inhibited.

(a) Acrolein must be inhibited when shipped, and when offered for transportation must be packaged as follows:

* * * * *

(3) Specification 105A300W (§§ 179.100, 179.101 of this subchapter) tank car.

[1] ASTM Test D323.

[1] ASTM Test D323.

(i) Each tank car must be stenciled DOT–105A200W, and must be equipped with the 150 psig safety relief valve required by that specification.

(ii) Each tank car must be marked "ACROLEIN" in accordance with the requirements of § 172.330 of this subchapter.

* * * * *

82. In § 173.123 the word "chapter" is changed to read "subchapter"; paragraph (c) is added to read as follows:

§ 173.123 Ethyl chloride.

* * * * *

(c) Maximum quantity in one package for cargo-only aircraft is limited to 300 pounds in cylinders and 15 pounds in other packagings.

83. § 173.124 is amended by changing the word "chapter" to read "subchapter"; paragraphs (a)(5)(i) and (b) are added to read as follows:

§ 173.124 Ethylene oxide.

(a) * * *

(5) * * *

(i) Each tank car must be marked "ETHYLENE OXIDE" in accordance with the requirements of § 172.330 of this subchapter.

* * * * *

(b) The maximum quantity in one package for cargo-only aircraft is limited to 300 pounds in cylinders and 15 pounds in other packagings.

84. In § 173.125 paragraphs (a)(5) and (6) are amended by changing the word "chapter" to read "subchapter"; the Heading, the introductory text of paragraph (a) and paragraph (a)(7) are revised; paragraphs (a)(3) and (4) are deleted as follows:

§ 173.125 Alcohol, n.o.s. (flammable liquid).

(a) Except as otherwise provided in this Part, alcohol, n.o.s., which is classed as a flammable liquid must be packaged as follows:

* * * * *

(3) [Deleted].

(4) [Deleted].

* * * * *

(7) Specification 12P (§ 178.211 of this subchapter). Fiberboard box with inside Specification 2U (§ 178.24 of this subchapter) polyethylene container not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples or other projections that could cause failures. Not authorized for transportation by air.

§ 173.126 [Amended]

85. In § 173.126 paragraph (b) is deleted.

§ 173.127 [Amended]

86. In § 173.127 the word "chapter" is changed to read "subchapter".

87. In § 173.128 the Heading, the introductory text of paragraph (a) and paragraphs (a)(2), (a)(3), (a)(4), and (c) are revised; paragraph (c)(1) is deleted as follows:

§ 173.128 Paints and related materials (flammable liquids).

(a) Except as otherwise provided in this Part, a flammable liquid which is a paint, enamel, lacquer, stain, shellac, varnish, liquid aluminum, liquid bronze, liquid gold, liquid wood filler, liquid lacquer base or a thinning, reducing, or removing compound therefor, or a liquid drier therefor, must be packaged as follows:

* * * * *

(2) Specification 37A or 37B (§ 178.131, § 178.132 of this subchapter). Metal drums (single-trip) not over 5 gallons capacity, with welded side seams for drums over 2 gallons capacity, irrespective of flash point or viscosity. Specification 37A metal drums constructed with 26-gauge body sheets, 24-gauge removable heads, and 26-gauge bottom heads are authorized for not over 80 pounds gross weight. Not authorized for transportation by air.

(3) Specifications 52,[1] or 57 (§§ 178.251, 178.253 of this subchapter). Metal portable tank. Not authorized for transportation by water.

(4) Specification 37C (§ 178.135 of this subchapter). Metal drums (non-reusable containers) not over 5 gallons capacity each. Authorized only for materials having flash point above 20° F. Not authorized for transportation by air.

* * * * *

(c) The flammable liquids identified in paragraph (a) of this section, in glass packagings of not over 1 quart capacity each, or in metal packagings of not over 5 gallons capacity each, further overpacked in a strong outside packaging are excepted from the specification packaging requirements of this Part.

(1) [Deleted].

88. In § 73.129 the Heading, the introductory text of paragraph (a), paragraphs (a)(2) and (b) are revised to read as follows:

§ 173.129 Polishes (flammable liquids).

(a) Except as otherwise provided in this Part, a flammable liquid which is a metal, stove, furniture, or wood polish must be packaged as follows:

* * * * *

(2) Specification 37A or 37B (§§ 178.131, 178.132 of this subchapter). Metal (single-trip) not over 5 gallons capacity with welded side seams, irrespective of flash point or viscosity. Not authorized for transportation by air.

(b) Liquid metal, stove, furniture, and wood polish, in glass packagings not over 1 quart capacity each, or metal packagings not over 5 gallons each, further overpacked in a stong outside packaging is excepted from the specification packaging requirements of this part.

[1] Use of existing tanks authorized. Construction not authorized after May 31, 1972.

89. § 173.130 is revised to read as follows:

§ 173.130 Refrigerating machines.

Refrigerating machines assembled for shipment and containing 15 pounds or less of a flammable liquid for their operation are excepted from labeling and the specification packaging requirements of this subchapter (except when offered for transportation by air). In addition, shipments for transportation by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter except § 177.817.

90. In § 173.132 the Heading, the introductory text of paragraph (a), paragraphs (a)(2), (a)(3), and (b) are revised to read as follows:

§ 173.132 Cement liquid, n.o.s.; container cement; linoleum cement; pyroxylin cement; rubber cement; tile cement; wallboard cement; coating solution (flammable liquids).

(a) Except as otherwise provided in this part, a flammable liquid which is a liquid cement, n.o.s. container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement, or coating solution must be packaged as follows:

* * * * *

(2) Specification 52,[1] or 57 (§§ 178.251, 178.153 of this subchapter). Metal portable tank. Authorized for materials irrespective of flash point but only those defined as viscous liquids. Not authorized for transportation by water.

(3) Specification 37C (§ 178.135 of this subchapter). Metal drums (non-reusable container) not over 5 gallons capacity each. Authorized only for materials having flash point above 20° F. Not authorized for transportation by air.

(b) The cements identified in paragraph (a) of this section, except any cement containing carbon bisulfide, in glass or leakproof packagings consisting of a fiberboard body and metal tops and bottoms of not over 1 quart capacity each, or metal packagings of not over 5 gallons capacity each, further overpacked in a strong outside packaging are excepted from the specification packagings requirements of this part.

§ 173.133 [Amended]

91. In § 173.133 the word "chapter" is changed to read "subchapter"; Note 1 following (a)(1) is deleted.

§ 173.134 [Amended]

92. In § 173.134 the word "chapter" is changed to read "subchapter".

93. In § 173.135 the word "chapter" is changed to read "subchapter"; the Heading, the introductory text of paragraph (a), and paragraph (a)(5) are revised to read as follows:

[1] Use of existing tanks authorized. Construction not authorized after May 31, 1972.

§ 173.135 Diethyl dichlorosilane, dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane.

(a) Diethyl dichlorosilane, dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane must be packaged as follows:

* * * * *

(5) Specifications 5, 5B, 5C, and 17E (single-trip) (§§ 178.80, 178.82, 178.83, 178.116 of this subchapter). Metal drums. Not authorized for shipment by air.

* * * * *

94. In § 173.136 the word "chapter" is changed to read "subchapter"; paragraphs (a)(3) and (a)(4) are revised to read as follows:

§ 173.136 Methyl dichlorosilane and trichlorosilane.

(a) * * *

(3) Specification 5A, 5B, or 5C (§§ 178.81, 178.82, 178.83 of this subchapter). Metal drums not over 55 gallons capacity each. Specification 5B drums must have no opening exceeding 2.3 inches in diameter. Not authorized for shipment by air.

(4) Specification 5F (§ 178.85 of this subchapter). Metal drums not over 11 gallons capacity. Not authorized for shipment by air.

* * * * *

§ 173.137 [Amended]

95. In § 173.137 the word "chapter" is changed to read "subchapter".

§ 173.138 [Amended]

96. In § 173.138 paragraph (b) is deleted.

97. In § 173.139 the word "chapter" is changed to read "subchapter"; paragraph (a)(4)(i) is added to read as follows:

§ 173.139 Ethylene imine, inhibited, and propylene imine, inhibited.

(a) * * *

(4) * * *

(i) Each tank car must be marked "ETHYLENE IMINE" in accordance with the requirements of § 172.330 of this subchapter.

* * * * *

§§ 173.140 & 173.141 [Amended]

98. In §§ 173.140 and 173.141 the word "chapter" is changed to read "subchapter".

§ 173.143 [Amended]

99. In § 173.143 paragraphs (a) (1) and (2) are amended by changing the word "chapter" to read "subchapter"; paragraph (b) is deleted.

100. In § 173.144 paragraph (a)(2) is amended by changing the word "chapter" to read "subchapter"; the Heading, the introductory text of paragraph (a), and paragraphs (a)(3) and (b) are revised to read as follows:

§ 173.144 Ink (flammable liquid).

(a) Except as otherwise provided in this part, ink which is classed as a flammable liquid in this subchapter must be packaged as follows:

* * * * *

(3) Specification 37C (§ 178.135 of this subchapter). Metal drums (non-reusable container) not over 5 gallons capacity each. Authorized only for material having flash point over 20° F. Not authorized for transportation by air.

(b) Ink in glass packagings not over 1 quart capacity each, or in metal packagings not over 5 gallons capacity each, further overpacked in a strong outide packaging is excepted from the specification packaging requirements of this part.

101. In § 173.145 the word "chapter" is changed to read "subchapter"; the section; the Heading and paragraph (a)(1) are revised to read as follows:

§ 173.145 Dimethylhydrazine, unsymmetrical, and methyl hydrazine.

(a) * * *

(1) Specification 1D (§ 178.4 of this subchapter). Boxed glass carboys. Not authorized for transportation by air.

* * * * *

102. In § 173.146 the Heading and paragraph (b) are revised to read as follows:

§ 173.146 Heaters for refrigerator cars, flammable liquid fuel type.

* * * * *

(b) Heaters of the liquid fuel type for refrigerator cars must have their flammable liquid fuel tanks completely drained if offered for transportation or transported in less-than-carload or less-than-truckload lots.

103. In § 173.147 paragraph (b) is revised to read as follows:

§ 173.147 Methyl vinyl ketone, inhibited.

* * * * *

(b) Inhibited methyl vinyl ketone, in a glass or metal inside container having a capacity of no more than 4 fluid ounces with no more than one such container securely closed and efficiently cushioned in a strong outside packaging, is excepted from labeling and the specification packaging requirements of this subpart (except that labeling is required for transportation by air). In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter, except § 177.817.

§§ 173.148–173.149 [Amended]

104. In §§ 173.148 and 173.149 the word "chapter" is changed to read "subchapter".

105. § 173.149a is added to read as follows:

§ 173.149a Nitromethane.

Nitromethane must be packaged as specified in § 173.119(b) except that shipment in cargo tanks, tank cars portable tanks, and any container having a capacity greater than 110 gallons is forbidden.

106. Subpart E Heading is revised to read as follows:

Subpart E—Flammable Solids, Oxidizers, and Organic Peroxides; Definitions and Preparation

107. § 173.150 is revised to read as follows:

§ 173.150 Flammable solid; definition.

For the purpose of this subchapter, "Flammable solid" is any solid material, other than one classed as an explosive, which, under conditions normally incident to transportation is liable to cause fires through friction, retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious transportation hazard. Included in this class are spontaneously combustible and water-reactive material.

108. § 173.151 is revised to read as follows:

§ 173.151 Oxidizer; definition.

An oxidizer for the purpose of this subchapter is a substance such as a chlorate, permanganate, inorganic peroxide, nitro carbo nitrate, or a nitrate, that yields oxygen readily to stimulate the combustion of organic matter.

109. § 173.151a is added to read as follows:

§ 173.151a Organic peroxide; definition.

An organic compound containing the bivalent -0-0- structure and which may be considered a derivative of hydrogen peroxide where one or more of the hydrogen atoms have been replaced by organic radicals must be classed as an organic peroxide.

110. § 173.153 is revised to read as follows:

§ 173.153 Limited quantities of flammable solids, oxidizers and organic peroxides.

(a) Limited quantities of flammable solids for which exceptions are permitted as noted by reference to this section in § 172.101 of this subchapter, are excepted from labeling (except when offered for transportation by air) and specification packaging requirements when packed according to the following paragraph. In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter, except § 177.817.

(1) In inside containers not over 1 pound net weight each, in outside containers not exceeding 25 pounds net weight each.

(b) Limited quantities of oxidizers and organic peroxides for which exceptions are permitted as noted by reference to this section in § 172.101 of this subchapter are excepted from labeling (except when offered for transportation by air)

and specification packaging requirements when packed according to the following paragraphs. In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter, except § 177.817.

(1) Oxidizers in inside containers not over 1 pound net weight each, in outside containers not exceeding 25 pounds net weight each.

(2) Organic peroxides, except acetyl benzoyl peroxide and benzoyl peroxide, as follows:

(i) In inside containers which must be securely packed and cushioned with noncombustible cushioning material (except that cushioning material is not required when the liquid is contained in strong, securely closed plastic packagings of not over 1 ounce by volume capacity each), further overpacked in strong outside packagings containing not over 1 pint or 1 pound net weight of the material.

(ii) In not more than 24 inside fiberboard containers each having not more than 70 securely closed tubes having a maximum fluid capacity each of ⅛-ounce and securely packed in non-combustible cushioning material.

(c) Special exceptions for shipment of certain flammable solids, oxidizers and organic peroxides in the ORM–D Class are provided in Subpart N of this part.

111. § 173.154 is amended by changing the word "chapter" to read "subchapter"; the Heading and the introductory text of paragraph (a) are revised to read as follows:

§ 173.154 Flammable solids and oxidizers not specifically provided for.

(a) Flammable solids and oxidizers as defined in §§ 173.150 and 173.151, other than those for which special packing requirements are prescribed, must be packed in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein. Specific packaging requirements are as follows:

* * * * *

§§ 173.154a–173.156 and 173.158 [Amended]

112. In §§ 173.154a, 173.155, 173.156, and 173.158 the word "chapter" is amended to read "subchapter."

113. § 173.159 is revised to read as follows:

§ 173.159 Burnt cotton.

(a) "Burnt cotton" is cotton that has been on fire and from which the burnt portions have not been removed by repicking. It must not be offered for transportation until at least 10 days have elapsed since the last evidence of fire in it.

(b) When burnt cotton is picked and baled, the separated unburnt cotton is subject to the same regulations as cotton that has not been involved in a fire. See § 172.101 of this subchapter.

§§ 173.160–173.161 [Amended]

114. In §§ 173.160 and 173.161 the word "chapter" is changed to read "subchapter."

115. In § 173.162 the introductory text of paragraph (a) and paragraph (a)(9) are revised; the word "chapter" is changed to read "subchapter" in paragraph (i); paragraph (a)(11) is added; paragraph (f)(4) is deleted as follows:

§ 173.162 Charcoal.

(a) Charcoal, as described in this paragraph, is expected from labeling (except when offered for transportation by air) and specification packaging requirements of this subchapter. In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments highway are not subject to Part 177 of this subchapter, except § 177.817.

* * * * *

(9) When offered for transportation by air, charcoal must be packaged in boxes or barrels.

* * * * *

(11) Special exceptions for shipment of charcoal in the ORM–D class are provided in Subpart N of this part.

(4) [Deleted]

* * * * *

§ 173.163 [Amended]

116. In § 173.163 the word "chapter" is changed to read "subchapter."

117. § 173.164 is amended by changing the word "chapter" to read "subchapter"; the Heading and introductory text of paragraph (a) and paragraph (a)(2) are revised to read as follows:

§ 173.164 Chromic acid or chromic acid mixture, dry.

(a) Chromic acid and chromic acid mixture, dry, must be packaged as follows:

* * * * *

(2) Specifications 17H or 37A (§§ 178.118, 178.131 of this subchapter) metal drums. A specification 37A metal drum constructed from 22-gauge steel throughout is authorized for a gross weight of 490 pounds or less when it is shipped in a carload or truckload lot.

* * * * *

§ 173.166 [Amended]

118. 173.166 the word "chapter" is changed to read "subchapter."

§ 173.167 [Amended]

119. In § 173.167 paragraph (b) is deleted.

§ 173.168 [Amended]

120. In § 173.168 the word "chapter" is changed to read "subchapter".

§ 173.169 [Amended]

121. In § 173.169 paragraph (b) is deleted.

§ 173.170 Fibers or fabrics impregnated, saturated or coated.

122. In § 173.170 the Heading is revised; paragraph (b) is deleted.

§ 173.171 [Amended]

123. In § 173.171 paragraph (b) is deleted.

§ 173.172 [Amended]

124. In § 173.172 paragraph (b) is deleted.

§ 173.174 Iron sponge, spent oxide, spent iron mass, spent iron sponge.

125. In § 173.174 the Heading is revised; paragraphs (b) and (d) are deleted as follows:

§ 173.175 [Amended]

126. In § 173.175 the word "chapter" is changed to read "subchapter".

127. § 173.176 is amended by changing the word "chapter" to read "subchapter"; the introductory text of paragraph (d) is revised; paragraph (e), Note 1, and (g)(1) are deleted: paragraph (h) is added to read as follows:

§ 173.176 Matches.

* * * * *

(d) Matches, unless exempted in paragraph (g) or (h) of this section, must be packaged as follows:

* * * * *

(e) [Deleted].

NOTE 1: [Deleted].

* * * * *

(g) * * *

(1) [Deleted].

(h) Matches, strike-on-box, book, and card when packaged in outside fiberboard or wooden boxes may be packed in the same outside packaging with nonflammable materials. They must be compactly packed in tightly closed inside packagings or securely wrapped to prevent accidental ignition. When so packed, they are excepted from labeling (except when offered for transportation by air) and specification packaging requirements of this subchapter. The outside of each package must be marked "BOOK MATCHES," "STRIKE-ON-BOX MATCHES," or "CARD MATCHES," as appropriate. In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter, except § 177.817.

128. § 173.177 is amended by changing the word "chapter" to read "subchapter"; the Note following paragraph (a)(4) is deleted; paragraphs (a) and (b) are revised to read as follows:

§ 173.177 Motion-picture film and X-ray film.

(a) Motion-picture film and X-ray film (nitrocellulose base) must be packed in specification containers as follows:

* * * * *

(4) * * *

NOTE: [Deleted].

* * * * *

(b) Slow burning motion-picture film is excepted from the requirements of this subchapter, except when packed with flammable film.

129. § 173.178 is revised to read as follows:

§ 173.178 Calcium carbide.

(a) Calcium carbide must be packed as follows:

(1) In water-tight metal drums with rolled, folded top and bottom seams and with welded side seams. Closures must be of the friction-type or screw-type. Full open-top closures must be gasketed and equipped with leverlock or bolted clamping ring. Maximum rated capacity may not exceed 55 gallons.

(2) In water-tight, sift-proof, bulk metal containers.

(3) In water-tight, sift-proof, closed-top metal covered hopper rail cars.

(4) In water-tight, sift-proof, closed-top metal covered hopper motor vehicles.

§ 173.179 [Reserved]

130. § 173.179 is deleted.

§ 173.180 [Amended]

131. § 173.180 is amended by changing the word "chapter" to read "subchapter" each time it appears in the section; paragraph (b) is deleted.

132. In § 173.182 paragraph (b)(3) is deleted; paragraphs (a), (b), (b)(1), (2), (4), and (5) through (7) and paragraph (c) are revised to read as follows:

§ 173.182 Nitrates.

(a) Aluminum nitrate, ammonium nitrate (no organic coating), ammonium nitrate (organic coating), ammonium nitrate-carbonate mixture, ammonium nitrate-phosphate, ammonium nitrate fertilizer,[1] (containing no more than 0.2 percent carbon), ammonium nitrate mixed fertilizer, barium nitrate, calcium nitrate (NOTE: The double salt of calcium and ammonium nitrate ($5Ca(NO_3)_2NH_4NO_3 \cdot 10H_2O$) containing not more than 15.5 percent nitrogen and at least 12 percent water is not subject to the regulations in this subchapter), guanidine nitrate, lead nitrate, magnesium nitrate, nitrates, n.o.s., nitrate of soda and potash, nitro carbo nitrate (see Note 1), potassium nitrate, silver nitrate, sodium nitrate, and strontium nitrate must be packaged as follows:

(1) In wooden or fiberboard boxes with glass, metal, or other strong inside containers; in metal or fiber drums; in kegs or barrels; or in strong metal cans. When so packed, they are excepted from the specification packaging requirements of this Part.

(b) Aluminum nitrate, ammonium nitrate (no organic coating), ammonium nitrate-carbonate mixture, ammonium nitrate-phosphate, ammonium nitrate fertilizer[1] (containing no more than 0.2 percent carbon) ammonium nitrate mixed fertilizer, barium nitrate, calcium nitrate, guanidine nitrate, nitrate of soda and potash, potassium nitrate, sodium nitrate, and strontium nitrate, in addition to containers prescribed in paragraph (a) of this section, may be packaged as follows:

(1) In bulk, in tightly closed freight cars.

(2) In bulk, in sift-proof closed or open type motor vehicles.

(3) [Deleted].

(4) In burlap bags not exceeding 200 pounds net weight, water-resistant, made tight against sifting, and made of not less than 7½-ounce burlap.

(5) Multiple-wall paper bags must be constructed as follows:

(i) At least 4-ply including moisture-barrier ply, and made tight against sifting. Maximum authorized net weight is 110 pounds. Completed package, filled to weight with product and closed for shipment, must be capable of withstanding three 4-foot drops on face or back onto solid concrete without rupture.

(ii) At least 3-plies of extensible kraft paper having a minimum total basis weight of 180 pounds including an innermost ply coated with polyethylene to provide a moisture barrier. Maximum authorized net weight is 80 pounds. Completed package, filled to weight with product and closed for shipment, must be capable of withstanding three 4-foot drops on face or back onto solid concrete without rupture.

(6) Plastic bags must be constructed as follows:

(i) Specification 44P (§ 178.241 of this subchapter). All plastic bags. Maximum authorized net weight is 81 pounds. Authorized only for ammonium nitrate mixed fertilizer, and ammonium nitrate fertilizer (containing no more than 0.2 percent carbon).

(ii) Polypropylene bag made of 9 denier polypropylene fibers spun continuously to form a sheet weighing at least 3½ ounces per square yard. Maximum authorized net weight is 100 pounds. Each bag must have an inner liner of polyethylene not less than 4 mils thick. Each bag filled to weight with product and closed for shipment must be capable of withstanding three 4-foot drops on face or back onto solid concrete without rupture. Authorized only for ammonium nitrate (no organic coating) and ammonium nitrate fertilizer; or

(iii) Polyethylene bag made of two plies of high-density polyethylene film laminated together so that the orientation of each ply of film is at right angles to the other. Maximum authorized net weight is 100 pounds. For a net weight not exceeding 50 pounds, the thickness of each bag must be at least 2.5 mils. For a net weight exceeding 50 pounds but not exceeding 100 pounds, the thickness of each bag must be at least 4 mils. Each bag must be capable of withstanding the test requirements of § 178.241–4 and each bag must be in compliance with the requirements of § 178.241–3 of this subchapter for bag closures. Authorized only for ammonium nitrate (no organic coating), ammonium nitrate fertilizer, and sodium nitrate.

(7) Specification 53[1] or 56 (§§ 178.251, 178.252 of this subchapter). Portable tank. Authorized only for sodium nitrate.

(c) Nitro carbo nitrate, in addition to the packagings prescribed in paragraph (a) of this section, may be packaged as follows:

(1) Burlap bags, water-resistant, made tight against sifting and made of not less than 7½-ounce burlap. Maximum authorized net weight is 100 pounds.

(2) In multi-wall paper bags of at least 4-ply construction including moisture-barrier ply, and made tight against sifting. Maximum authorized net weight is 100 pounds. Completed package, filled to weight with product and closed as for shipment, must be capable of withstanding three 4-foot drops on the face or back onto solid concrete without rupture.

§§ 173.183—173.184 [Amended]

133. In §§ 173.183 and 173.184 the word "chapter" is changed to read "subchapter".

134. In § 173.185 paragraph (b) is deleted as follows:

§ 173.185 Paper stock, wet.

* * * * *

(b) [Deleted]

135. In § 173.186, Note 1 following paragraph (a) and paragraph (b) are deleted as follows:

§ 173.186 Paper waste, wet.

(a) * * *

NOTE 1: [Deleted]

(b) [Deleted]

§ 173.187 [Amended]

136. In § 173.187 the word "chapter" is changed to read "subchapter".

137. § 173.188 is amended by changing the word "chapter" to read "subchapter"; Note 1 following paragraph (a)(1) is deleted as follows:

§ 173.188 Phosphoric anhydride.

(a) * * *

(1) * * *

NOTE 1: [Deleted]

* * * * *

§ 173.189 [Amended]

138. In § 173.189 the word "chapter" is changed to read "subchapter".

139. § 173.190 is amended by changing the word "chapter" to read "subchapter"; paragraph (a) and the introductory text of paragraph (c) are revised; the last sentence of paragraph (b)(3) is amended; paragraph (b)(3)(i) is added preceding Note 1, and paragraph (e) is deleted as follows:

§ 173.190 Phosphorus, white or yellow.

(a) Phosphorus, white or yellow, when offered for transportation by rail freight, highway, or water, must be packed in water or dry.

(b) * * *

(3) * * * After unloading, the tank must be filled to its entire capacity with an inert gas or to its entire capacity and the dome to not more than 50 percent of its capacity with water having a temperature not exceeding 140° F. and placarded with "EMPTY—FLAMMABLE" placards as described in §§ 172.525

[1] Applies only to materials tested in accordance with and meeting the definition in The Fertilizer Institute's publication "Definition and Test Procedures for Ammonium Nitrate Fertilizer" dated May 7, 1971.

[1] Use of existing tanks authorized. Construction not authorized after May 31, 1972.

and 172.527 of this subchapter before the car is offered for return movement.

(i) Each tank car must be marked "PHOSPHORUS" in accordance with the requirements of § 172.330 of this subchapter.

* * * * *

(c) Phosphorus, white or yellow, when offered for transportation by air must be packed in water in packaging as follows (also authorized for transportation by rail freight, highway or water):

* * * * *

(e) [Deleted].

140. In §§ 173.191, 173.192, and 173.193 the word "chapter" is changed to read "subchapter".

141. In § 173.194 paragraph (a)(2) is revised to read as follows:

§ 173.194 Potassium permanganate.

(a) * * *

(2) In bulk, in sift-proof, self-clearing, covered hopper or bottom outlet steel cars or in sift-proof all steel flat bottom gondola cars with fixed sides and ends equipped with water-proof and dust-proof wooden or steel covers well secured in place for all openings, or in bulk, in motor vehicles with steel, sift-proof, self-clearing hopper-type or dump-type bodies, with water-proof and dust-proof covers, well secured in place. Such cars, when used exclusively in this service and stencilled "FOR POTASSIUM PERMANGANATE ONLY," are not subject to the requirements of § 174.515 of this subchapter.

142. § 173.195 is amended by changing the word "chapter" to read "subchapter"; the Heading and the introductory text of paragraph (a) are revised; paragraph (a)(4) is deleted as follows:

§ 173.195 Pyroxylin plastic scrap.

(a) Pyroxylin plastic scrap must be packaged as follows:

* * * * *

(4) [Deleted]

* * * * *

§ 173.196 [Reserved]

143. § 173.196 is deleted.

144. § 173.197 is amended by changing the word "chapter" to read "subchapter"; the introductory text of paragraph (a) is revised to read as follows:

§ 173.197 Pyroxylin plastics, in sheets, rolls, rods, or tubes.

(a) Pyroxylin plastics, in sheets, rolls, rods, or tubes containing nitrocellulose are subject to this subchapter only when offered for transportation by air or water and then must be packaged as follows:

* * * * *

§§ 173.197a and 173.198 [Amended]

145. In §§ 173.197a, and 173.198 the word "chapter" is changed to read "subchapter".

146. In § 173.199 paragraph (b) is deleted as follows:

§ 173.199 Rags, oily.

* * * * *

(b) [Deleted].

147. In § 173.200, paragraph (b) is deleted as follows:

§ 173.200 Rags, wet.

* * * * *

(b) [Deleted].

§§ 173.201—173.203 [Amended]

148. In §§ 173.201, 173.202 and 173.203 the word "chapter" is changed to read "subchapter".

149. § 173.204 is amended by changing the word "chapter" to read "subchapter"; paragraph (a)(4) is revised; Note 1 following paragraph (a)(8) is deleted as follows:

§ 173.204 Sodium hydrosulfite.

(a) * * *

(4) Specification 37A or 37B (§§ 178.131, 178.132 of this subchapter). Metal drums (STC). Not authorized for transportation by air or water.

* * * * *

(8) * * *

NOTE 1: [Deleted]

§ 173.205 [Amended]

150. In § 173.205 the word "chapter" is changed to read "subchapter".

151. § 173.206 is amended by changing the word "chapter" to read "subchapter"; the heading, the introductory text of paragraph (a), paragraphs (a)(2), (d), and (e) are revised to read as follows:

§ 173.206 Sodium or potassium, metallic; sodium amide; sodium potassium alloys; sodium aluminum hydride; lithium metal; lithium silicon; lithium ferro silicon; lithium hydride; lithium borohydride; lithium aluminum hydride; lithium acetylide-ethylene diamine complex; aluminum hydride; cesium metal; rubidium metal; zirconium hydride, powdered.

(a) Metallic sodium or potassium, sodium amide, sodium potassium alloys, sodium aluminum hydride, lithium metal, lithium silicon, lithium ferro silicon, lithium hydride, lithium borohydride, lithium aluminum hydride, lithium acetylide-ethylene diamine complex, aluminum hydride, cesium metal, rubidium metal, and powdered zirconium hydride must be packaged as follows:

* * * * *

(2) Specification 5, 6A, 6B, or 6C (§§ 178.80, 178.97, 178.98, 178.99 of this subchapter). Metal barrels or drums. Not authorized for lithium aluminum hydride or aluminum hydride.

* * * * *

(d) Lithium metal in cartridges or rubidium metal in cartridges is excepted from labeling and (except when offered for transportation by air) and specification packaging requirements, when packaged and described as follows:

(1) In inside hermetically sealed metal cartridges not exceeding 18 grams net weight each, packed in strong outside packagings with net weight of lithium or rubidium metal not exceeding one pound; which outside packagings may be further overpacked in strong wooden boxes or fiber drums, provided total net weight of lithium or rubidium metal in one outside box or drum does not exceed one pound.

(e) Lithium metal or rubidium metal in cartridges, containing more than 18 grams but not more than 120 grams of lithium or rubidium, must be packed in specification packagings as follows:

(1) Specification 15A or 15B (§§ 178.168, 178.169 of this subchapter). Wooden boxes, not over 75 pounds gross weight, with air-tight inside copper cartridges. Cartridges having less than 0.022-inch wall thickness must be separated or securely cushioned in the boxes. Each cartridge must have a minimum wall thickness of 0.02-inch.

§§ 173.207—173.208 [Amended]

152. In §§ 173.207 and 173.208 the word "chapter" is changed to read "subchapter".

153. In §§ 173.209, 173.210, and 173.211, paragraph (b) is deleted as follows:

§ 173.209 Tankage, garbage, and tankage fertilizers.

* * * * *

(b) [Deleted].

§ 173.210 Tankages rough ammoniate.

* * * * *

(b) [Deleted].

§ 173.211 Textile waste, wet.

* * * * *

(b) [Deleted].

154. In § 173.213, paragraph (b) is deleted as follows:

§ 173.213 Wool waste, wet.

* * * * *

(b) [Deleted].

§§ 173.214 and 173.216 [Amended]

155. In §§ 173.214 and 173.216 the word "chapter" is changed to read "subchapter".

156. § 173.217 is amended by changing the word "chapter" to read "subchapter"; the heading and the introductory text of paragraph (a) and paragraph (b) are revised to read as follows:

§ 173.217 Calcium hydrochlorite compound, dry; lithium hypochlorite compound, dry; mono-(trichloro) tetra - (monopotassium dichloro) - penta-s-triazinetrione, dry; potassium dichloro-s-triazinetrione, dry; sodium dichloro-s-triazinetrione, dry; trichloro-s-triazinetrione, dry.

(a) Calcium hypochlorite compound, dry, lithium hypochlorite compound, dry, mono-(trichloro) tetra-(monopotassium dichloro) - penta-s-triazinetrione, dry, potassium dichloro-s-triazinetrione, dry, sodium dichloro-s-triazinetrione, dry, and trichloro-s-triazinetrione, dry, each containing more than 39 percent available chlorine must be packaged as follows:

* * * * *

(b) Strong outside wooden or fiberboard packages with inside packagings of glass not over five pounds capacity each, or with inside metal packagings or plastic bottles not over ten pounds capacity each, are excepted from labeling and (except labeling is required for transportation by air) and the specification packaging requirements of this subchapter. In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter, except § 177.817.

§§ 173.218—173.219 [Amended]

157. In §§ 173.218 and 173.219 the word "chapter" is changed to read "subchapter".

158. In § 173.220 paragraphs (a)(2) and (b)(1) are revised to read as follows:

§ 173.220 Magnesium or zirconium scrap consisting of borings, clippings, shavings, sheets, turnings, or scalpings, and magnesium metallic (other than scrap), powdered, pellets, turnings, or ribbon.

(a) * * *

(2) Magnesium or zirconium scrap consisting of clippings, scalpings, or scrap sheets in closed metal drums, wooden barrels, or wooden boxes, unless otherwise provided, is excepted from labeling (except when offered for transportation by air) and specification packaging requirements of this subchapter. In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter, except § 177.817.

(b) * * *

(1) Magnesium metallic (other than scrap), pellets, turnings, or ribbon in fiberboard boxes with inside glass bottles not over 1 pound capacity each, with not more than 25 pounds net weight of product in each outside fiberboard box, in closed metal drums, metal pails, fiber drums, or wooden boxes with inside packagings are, unless otherwise provided, excepted from labeling (except labeling is required for transportation by air) and the specification packaging requirements of this subchapter. In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter, except § 177.817.

§§ 173.221—173.222 [Amended]

159. In § 173.221 and 173.222 the word "chapter" is changed to read "subchapter".

160. In § 173.223 paragraph (b) is revised to read as follows:

§ 173.223 Peracetic acid.

* * * * *

(b) Peracetic acid solutions not exceeding 40 percent strength packed in strong wooden or fiberboard boxes, with not more than one inside glass packaging not exceeding 1 pint capacity, cushioned with sterile absorbent cotton or other cushioning material which will not react with the contents to generate heat, and with such cushioning material in sufficient quantity to completely absorb the contents of the bottle, are excepted from labeling (except labeling is required for transportation by air) and the specification packaging requirements of this subchapter. In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter, except § 177.817.

§ 173.224 [Amended]

161. In § 173.224 the word "chapter" is changed to read "subchapter".

162. § 173.225 is amended by changing the word "chapter" to read "subchapter"; the heading and introductory text of paragraph (a) are revised to read as follows:

§ 173.225 Phosphorus trisulfide; phosphorus sesquisulfide; phosphorus heptasulfide; phosphorus pentasulfide.

(a) Phosphorus trisulfide, phosphorus sesquisulfide, and phosphorus heptasulfide must be packaged as follows:

* * * * *

163. § 173.226 paragraph (a)(1) is amended by changing the word "chapter" to read "subchapter;" the introductory text of paragraph (b) is revised to read as follows:

§ 173.226 Thorium metal, powdered.

* * * * *

(b) Thorium metal powder packed in tightly and securely closed metal cans, cushioned with incombustible material in strong outside wooden or fiberboard boxes, and not exceeding 4 ounces net weight in one outside packaging, is excepted from labeling (except labeling is required for transportation by air) and the specification packaging requirements of this subchapter. In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter, except § 177.817.

§§ 173.227—173.228 [Amended]

164. In §§ 173.227, 173.228 the word "chapter" is changed to read "subchapter".

165. § 173.229 paragraph (b)(5) is amended by changing the word "chapter" to read "subchapter;" the introductory text of paragraph (b) is revised to read as follows:

§ 173.229 Chlorate and borate mixtures or chlorate and magnesium chloride mixtures.

* * * * *

(b) Chlorate and borate mixtures or chlorate and magnesium chloride mixtures containing no other hazardous additives and containing less than 50 percent chlorate are excepted from labeling (except labeling is required for transportation by air) and the specification packaging requirements of this subchapter. In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter, except § 177.817.

* * * * *

§§ 173.230—173.231 [Amended]

166. In §§ 173.230 and 173.231 the word "chapter" is changed to read "subchapter".

167. § 173.232 is revised to read as follows:

§ 173.232 Aluminum, metallic powder.

(a) Polished aluminum powder which has been treated with oil or waxes for printing or paint purposes is not subject to the requirements of this subchapter.

(b) Metallic aluminum powder, other than the powder described in paragraph (a) of this section in earthenware, glass, metal, or plastic inside packagings of not more than 5 pounds capacity each, in strong outside packaging of not over 25 pounds net weight, is excepted from labeling (except that labeling is required for transportation by air) and the specification packaging requirements of this subchapter. In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter, except § 177.817.

(c) Metallic aluminum powder, other than the powder described in paragraph (a) of this section, when not packed in accordance with paragraph (b) of this section, must be packaged as follows:

(1) Steel barrel or drum, not over 500 pounds gross weight.

(2) Wooden barrel or keg, not over 350 pounds gross weight.

(3) Wooden box, not over 125 pounds gross weight.

(4) Moisture and sift-proof bag, not over 55 pounds weight.

(5) Fiber drum, not over 450 pounds gross weight.

(6) Fiberboard box, not over 75 pounds gross weight.

§§ 173.233—173.236 [Amended]

168. In §§ 173.233, 173.234, 173.235, and 173.236 the word "chapter" is changed to read "subchapter".

169. § 173.237 is revised to read as follows:

§ 173.237 Chlorine dioxide hydrate, frozen; chloric acid.

(a) Chlorine dioxide hydrate, frozen, and chloric acid must be packed in specification packaging as follows:

(1) Specification 12B (§ 178.205 of this subchapter). Fiberboard boxes, with inside packages of polyethylene or other suitable material. Fiberboard boxes must be reinforced and insulated and sufficient dry ice must be used to maintain the hydrate or acid in a frozen state during transportation. Shipments are authorized for transportation by private or contract carrier by motor vehicle only.

(2) Containers and means of refrigeration providing equal efficiency, when approved by the Bureau of Explosives, are authorized for shipments by private carrier by motor vehicle.

170. § 173.238 paragraph (a)(1) is amended by changing the word "chap-

ter" to read "subchapter"; the introductory text of paragraph (a) is revised to read as follows:

§ 173.238 Aircraft rocket engines (commercial) and/or aircraft rocket engine igniters (commercial).

(a) Aircraft rocket engines (commercial) and their igniters may be offered for transportation when of a type approved by the Bureau of Explosives to be so described and classed, and when packaged as follows:

* * * * *

§§ 173.239–173.239a [Amended]

171. In §§ 173.239 and 173.239a the word "chapter" is changed to read "subchapter".

172. In § 173.240 the heading is revised; the introductory text of paragraph (a) is amended by changing the word "chapter" to read "subchapter"; paragraphs (a)(1) and (2) are revised to read as follows:

§ 173.240 Corrosive material; definition.

(a) For the purpose of this subchapter, a corrosive material is a liquid or solid that causes visible destruction or irreversible alterations in human skin tissue at the site of contact, or in the case of leakage from its packaging, a liquid that has a severe corrosion rate on steel.

(1) A material is considered to be destructive or to cause irreversible alteration in human skin tissue if when tested on the intact skin of the albino rabbit by the technique described in Appendix A to this part, the structure of the tissue at the site of contact is destroyed or changed irreversibly after an exposure period of 4 hours or less.

* * * * *

(2) A liquid is considered to have a severe corrosion rate if its corrosion rate exceeds 0.250 inch per year (IPY) on steel (SAE 1020) at a test temperature of 130° F. An acceptable test is described in NACE Standard TM–01–69.

* * * * *

173. In § 173.241, the introductory text of paragraph (a), paragraphs (a)(1) and (a)(2) are revised to read as follows:

§ 173.241 Outage.

(a) The outage (ullage) for packagings containing corrosive liquids, when offered for transportation, must be in accordance with the following requirements:

(1) *General outage requirements.* Packagings must not be completely filled. The proper vacant space (outage) in a tank car or other shipping container depends on the coefficient of expansion of the liquid and the maximum increase of temperature to which it will be subjected in transit. Outage must be calculated to the total capacity of the container.

(2) *Outage requirements for packagings of 110 gallons or less.* Sufficient outage must be provided so that the packaging will not be liquid full at 130° F. (55° C.).

* * * * *

174. In § 173.242 paragraph (c) is revised to read as follows:

§ 173.242 Bottles containing corrosive liquids.

* * * * *

(c) Corrosive liquid solutions in securely closed bottles, in quantities necessary for preparing photographic processing mixtures and efficiently cushioned, may be packed in the same outside shipping container with required amounts of packaged dry chemicals not classed as hazardous materials by these regulations, provided no dangerous reaction would occur should the contents of bottles be mixed with the dry chemicals. Marking prescribed in Part 172 of this subchapter is not required.

175. In §173.244 the heading and paragraphs (a) and (b) are revised to read as follows:

§ 173.244 Limited quantities of corrosive materials.

(a) Limited quantities of corrosive materials for which exceptions are permitted as noted by reference to this section in § 172.101 of this subchapter are excepted from labeling (except when offered for transportation by air) and specification packaging requirements when packed according to the following paragraphs. In addition shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter except § 177.817.

(1) Corrosive liquids in bottles having a rated capacity not over 16 ounces by volume each enclosed in a metal can packed in strong outside packaging.

(2) Corrosive liquids in metal or plastic containers having a rated capacity not over 16 ounces by volume in strong outside packaging.

(3) Corrosive solids in earthenware, glass, plastic, or paper containers of not more than 5 pounds capacity each packed in metal, wooden or fiberboard outside packaging not exceeding 25 pounds net weight each.

(4) Corrosive solids in metal, rigid fiber or composition cans or cartons or rigid plastic containers; of not more than 10 pounds capacity each, overpacked in metal, wooden or fiberboard outside containers not exceeding 25 pounds net weight each.

(b) Special exceptions for shipment of certain corrosive materials in the ORM–D class are provided in Subpart N of this Part.

176. § 173.245 is amended by changing the word "chapter" to read "subchapter"; paragraphs (a) (1), (3), (17), (19), (20), (21), (22), and paragraph (b) are revised to read as follows:

§ 173.245 Corrosive liquids not specifically provided for.

(a) * * *

(1) Specification 1A, 1B, 1C, or 1E (§§ 178.1, 178.2, 178.3, 178.7 of this subchapter). Glass carboys in boxes, kegs, or plywood drums. Not authorized for transportation by air.

* * * * *

(3) Specification 1D (§ 178.4 of this subchapter). Boxed glass carboys of not over 6.5 gallons nominal capacity which must be closed, and when reused must be reconditioned and tested, as provided in the specification; means must be provided so that accumulated pressure in bottles may not exceed 10 pounds per square inch gauge at 130°F(55°C), or will vent at a pressure not to exceed 10 pounds per square inch gauge. Not authorized for transportation by air.

* * * * *

(17) Specification 17H, 37A, or 37B (§§ 178.118, 178.131, or 178.132 of this subchapter), metal drums (single-trip), with welded side seams, not over 5 gallons capacity each. Drums must be lined throughout with a pliable plastic material impervious to the lading. Specification 37A and 37B metal drums must be at least 24 gauge steel. Not authorized for transportation by air.

* * * * *

(19) Specification 37P (§ 178.133 of this subchapter). Steel drum with polyethylene liner (non-reusable container). Authorized only for materials that will not react with polyethylene and result in container failure. Not authorized for transportation by air.

(20) Specification 16D (§ 178.187 of this subchapter). Wirebound wooden overwrap, with inside specification 2T, 2TL, 2S, or 2SL (§§ 178.21, 178.27, 178.35, 178.35a of this subchapter) polyethylene container. Not authorized for transportation by air.

(21) Specification 12P (§ 178.211 of this subchapter). Fiberboard boxes with inside specification 2U (§ 178.24 of this subchapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples or other projections that could cause failures. Not authorized for transportation by air.

(22) Specification 16A (§ 178.185 of this subchapter). Wirebound wooden box (§ 178.185–22 of this subchapter) with inside specification 2U (§ 178.24 of this subchapter) polyethylene container. The polyethylene container must be separated from the wooden box by a complete corrugated fiberboard liner and top and bottom pads. Not authorized for transportation by air.

* * * * *

(b) Except when transportation by aircraft or vessel is involved, a material classed as a corrosive material that is corrosive only to steel and does not meet the definition of any other hazard class defined in this subchapter, is not subject to the requirements of this subchapter for rail or highway when transported in a portable tank, cargo tank, or tank car constructed of materials that will not react dangerously with or be degraded by the material being transported.

§ 173.246 [Amended]

177. In § 173.246 the word "chapter" is changed to read "subchapter".

178. § 173.247 is amended by changing the word "chapter" to read "subchapter"; the Heading, paragraphs (a)(3) and (a)(16) are revised to read as follows:

§ 173.247 Acetyl bromide, acetyl chloride, acetyl iodide, antimony pentachloride, benzoyl chloride, boron trifluoride-acetic acid complex, chromyl chloride, dichloroacetyl chloride, diphenylmethyl bromide solution, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), titanium tetrachloride, and trimethyl acetyl chloride.

(a) * * *

(3) Specification 1A, 1C, 1D, 1E, or 1K (§§ 178.1, 178.3, 178.4, 178.7, 178.14 of this subchapter). Glass carboys in boxes, kegs or plywood drums (not permitted for antimony pentachloride or tin tetrachloride, anhydrous). Not authorized for transportation by air.

* * * * *

(16) Specification 106A500X or 110A500W (§§ 179.300, 179.301) tanks. Authorized only for antimony pentachloride and titanium tetrachloride (anhydrous). Tanks containing titanium tetrachloride (anhydrous) must not be equipped with safety devices. (See § 177.834(m) of this subchapter for special requirements for highway shipments.)

* * * * *

§ 173.247a [Amended]

179. In § 173.247a the word "chapter" is changed to read "subchapter".

180. § 173.248 is amended by changing the word "chapter" to read "subchapter"; the introductory text of paragraph (a) and paragraph (a)(1) are revised to read as follows:

§ 173.248 Acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid.

(a) Acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid, resulting from the use of sulfuric acid in various processes, not containing hydrofluoric acid, must be packaged as follows:

(1) Specification 1A, 1D, or 1E (§§ 178.1, 178.4, 178.7 of this subchapter). Carboys in boxes or plywood drums. Authorized only for spent sulfuric acid. Not authorized for transportation by air.

* * * * *

181. § 173.249 is amended by changing the word "chapter" to read "subchapter"; the Heading, paragraphs (a)(3), (b)(1), (c), and the introductory text of paragraph (b) are revised; paragraph (a)(9) is deleted; and paragaph (d) is added to read as follows:

§ 173.249 Alkaline corrosive liquids, n.o.s.; alkaline liquids, n.o.s.; alkaline corrosive battery fluid; potassium fluride solution; potassium hydrogen floride solution; sodium aluminate liquid; sodium hydroxide solution; potassium hydroxide solution, boiler compound, liquid; solution.

(a) * * *

(3) Specification 5 (§ 178.80 of this subchapter) metal drums. Openings must not exceed 2.3 inches in diameter.

* * * * *

(9) [Deleted].

* * * * *

(b) Alkaline corrosive liquids, n.o.s., alkaline liquids, n.o.s., alkaline corrosive battery fluids, and liquid sodium aluminate, when offered for transportation by cargo-only aircraft, must be packaged as follows (also authorized for transportation by rail freight, highway, or water):

(1) In packagings as prescribed in paragraphs (a)(8), (10), and (11) of this section and § 173.245(a)(7) and (12).

* * * * *

(c) Alkaline corrosive liquids, n.o.s., alkaline liquids, n.o.s., alkaline corrosive battery fluids, and liquid sodium aluminate in inside packagings of not more than 8 fluid ounces capacity each, packed in strong outside packagings, and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in the event of breakage, are excepted from labeling (except labeling is required for transportation by air) and specification packaging requirements of this subchapter. In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter, except § 177.817.

(d) Special exceptions for shipment of certain alkaline in the ORM–D class are provided in Subpart N of this part.

182. In § 173.250 paragraph (a) is revised to read as follows:

§ 173.250 Automobiles, other self-propelled vehicles, engines or other mechanical apparatus.

(a) Automobiles and other self-propelled vehicles equipped with electric storage batteries, wet, and electric storage batteries, wet when included in carload or truckload shipments of automobile parts or assembled material in accordance with paragraphs (a) (1) and (3) of this section are excepted from any other requirements of this subchapter unless other hazardous materials are being transported on the vehicle. In this case, the regulations covering these other materials apply.

(1) When batteries are removed from automobiles and loaded into car or motor vehicle therewith, the batteries must be so loaded, blocked, and braced in car as to prevent movement therein during transit, and the load must be so arranged that loose articles cannot come into contact with the batteries.

(2) When wet batteries or batteries shipped dry in the same container with electrolyte (acid) are shipped with automobile parts or assembly material, the batteries must be boxed or crated and so loaded, blocked, and braced in the car or motor vehicle as to prevent movement therein during transit, and the load must be so arranged that loose articles cannot come in contact with the batteries.

(3) When batteries are installed in the vehicle, they must be completely protected so that short circuits will be prevented and so secured that leakage of acid will not occur under conditions normal to transportation.

* * * * *

§ 173.251 [Amended]

183. In § 173.251 the word "chapter" is changed to read "subchapter".

184. § 173.252 is amended by changing the word "chapter" to read "subchapter"; paragraph (a)(3)(ii) is added; paragraphs (g) (2) and (3) are revised to read as follows:

§ 173.252 Bromine.

(a) * * *

(3) * * *

(ii) Each tank car must be marked "BROMINE" in accordance with the requirements of § 172.330 of this subchapter.

* * * * *

(g) * * *

(2) Specification 12A (§ 178.210 of this subchapter). Fiberboard boxes, constructed of at least 275 pound test (Mullen or Cady) double-wall corrugated fiberboard having not more than six inside glass bottles of not over 1 quart capacity. Each inside glass bottle must be surrounded by a sheet of polyethylene foam at least 7/16 inch thick (see Note 1), and approximately the same height as the bottle, and must also be separated by partitions made of corrugated fiberboard at least 275-pound test (Mullen or Cady). The box must be provided with inside top and bottom pads of polyethylene foam at least 1⅛ inches thick (see Note 1). Shipper must have established that the completed package closed as for shipment, with inside packagings filled with liquid of same specific gravity as bromine, is capable of withstanding tests prescribed by § 178.210–10 of this subchapter. Not authorized for transportation by air.

(NOTE 1: remains the same)

(3) Specification 12A (§ 178.210 of this subchapter). Fiberboard box with inside glass bottles having a capacity not exceeding one quart with closures meeting the requirements of paragraph (d) of this section. Each bottle must be enclosed in a tinplate slipcover metal can surrounded by non-combustible cushioning material. Each box may not contain more than four bottles with each having a capacity not exceeding 1 quart or 12 bottles with each having a capacity not exceeding 8 fluid ounces. The shipper must have established that the completed package closed for shipment, with inside bottles filled with a liquid of the same specific gravity and similar viscosity as bromine, is capable of withstanding the tests prescribed in § 178.210–10 of this subchapter. Not authorized for transportation by air.

185. § 173.253 is amended by changing the word "chapter" to read "subchapter"; paragraph (a)(4) is deleted as follows:

§ 173.253 Chloroacetyl chloride.

(a) * * *

(4) [Deleted].

* * * * *

§§ 173.254—173.255 [Amended]

186. In §§ 173.254 and 173.255 the word "chapter" is changed to read "subchapter".

187. § 173.256 is amended by changing the word "chapter" to read "subchapter"; paragraph (a)(4) is revised to read as follows:

§ 173.256 Compounds, cleaning, liquid.

(a) * * *

(4) Specification 16A (§ 178.185 of this subchapter). Wirebound wooden box (§ 178.185–22 of this subchapter) with inside specification 2U (§ 178.24 of this subchapter) polyethylene container. The polyethylene container must be separated from the wooden box by a complete corrugated fiberboard liner and top and bottom pads. Not authorized for transportation by air.

* * * * *

188. § 173.257 is amended by changing the word "chapter" to read "subchapter"; the heading, the introductory text of paragraph (a) and paragraphs (a)(8) and (12) are revised to read as follows:

§ 173.257 Electrolyte (acid) and alkaline corrosive battery fluid.

(a) Electrolyte (acid) may not be over 47 percent strength (39° Baume). Electrolyte or alkaline corrosive battery fluid must be packaged as follows (packaging utilizing a bag to contain the electrolyte or battery fluid is not authorized for transportation by air):

* * * * *

(8) Specification 1EX (§ 178.6 of this subchapter). Carboys in plywood drums. Not authorized for transportation by air.

* * * * *

(12) Specification 37P (§ 178.133 of this subchapter). Steel drums with polyethylene liner (non-reusable container). Not authorized for transportation by air.

* * * * *

189. § 173.258 is amended by changing the word "chapter" to read "subchapter"; paragraph (a)(3) is revised to read as follows:

§ 173.258 Electrolyte, acid, or alkaline corrosive battery fluid, packed with storage batteries.

(a) * * *

(3) Specification 12B (§ 178.205 of this subchapter). Fiberboard boxes with not more than 12 inside packagings of polyethylene or other material resistant to the lading, not over 64-ounce capacity each. Polyethylene packagings that are not rigid or semi-rigid in nature must be contained in other strong inside packagings; minimum thickness of polyethylene or other plastic material may be not less than 0.003-inch for any film sheet for multi-wall packagings or not less than 0.006-inch for single-wall packagings. Inside packagings must be adequately separated from the storage battery. Authorized gross weight not over 56 pounds. (See § 178.205–33 of this subchapter.) Not authorized for transportation by air.

§ 173.259 [Amended]

190. In § 173.259 the word "chapter" is changed to read "subchapter".

191. § 173.260 is amended by changing the word "chapter" to read "subchapter"; paragraphs (e)(1) and (e)(2) are deleted, and paragraphs (e)(2)(i), (ii), (iii), and (iv), (2), (3), and (4) are redesignated (e)(1), (2), (3), and (4); paragraphs (d), (f) and (e) are revised to read as follows:

§ 173.260 Electric storage batteries, wet.

* * * * *

(d) Electric storage batteries, containing electrolyte or corrosive battery fluid, of the nonspillable type, must be protected against short circuits, and if completely and securely boxed are not subject to any other requirements of this subchapter.

(e) Electric storage batteries containing electrolyte or corrosive battery fluid are not subject to the requirements of this subchapter for carriage by highway if:

(1) No other hazardous materials are transported in the same vehicle,

(2) The batteries are loaded or braced so as to prevent damage and short circuits in transit,

(3) Any other material loaded in the same vehicle is blocked, braced, or otherwise secured to prevent contact with or damage to the batteries, and

(4) The transport vehicle is carrying no material shipped by any person other than the shipper of the batteries.

* * * * *

(f) Electric storage batteries containing electrolyte or corrosive battery fluid, other than those of the nonspillable type, when shipped in less-than-carload and less-than-truckload lots, must be marked and labeled as prescribed in Part 172 of this subchapter.

* * * * *

192. § 173.261 is amended by changing the word "chapter" to read "subchapter"; the introductory text of paragraph (b) is revised to read as follows:

§ 173.261 Fire-extinguisher charges.

* * * * *

(b) Fire-extinguisher charges as described in paragraphs (b)(1) through (3) of this section are excepted from labeling (except labeling is required for transportation by air) and the specification packaging requirements. In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter, except § 177.817.

* * * * *

193. § 173.262 is amended by changing the word "chapter" to read "subchapter"; paragraphs (a)(1) and (8) are revised to read as follows:

§ 173.262 Hydrobromic acid.

(a) * * *

(1) Specification 1A, 1C, 1D, or 1E (§§ 178.1, 178.3, 178.4, 178.7 of this subchapter). Carboys in boxes, kegs, or plywood drums. Not authorized for transportation by air.

* * * * *

(8) Specification 37P (§ 178.133 of this subchapter). Steel drum, not over 5 gallons capacity, with polyethylene liner (non-reusable container). A drum exceeding 1 gallon capacity must be constructed of at least 24 gauge metal. Not authorized for transportation by air.

* * * * *

194. § 173.263 is amended by changing the word "chapter" to read "subchapter"; Note 1 following paragraph (a)(9) is deleted; paragraphs (a)(5), (7), (14), (18), (23), (24), and (b)(2) are revised to read as follows:

§ 173.263 Hydrochloric (muriatic) acid; hydrochloric (muriatic) acid mixtures; hydrochloric (muriatic) acid solution, inhibited; sodium chlorite solution (not exceeding 42 percent sodium chlorite); and cleaning compounds, liquids, containing hydrochloric (muriatic) acid.

(a) * * *

(5) Specification 1A, 1C, or 1K (§ 178.1, 178.3, 178.14 of this subchapter). Carboys in boxes or kegs. Not authorized for transportation by air.

* * * * *

(7) Specification 1D, 1E, or 1EX (single-trip) (§§ 178.4, 178.6, 178.7 of this subchapter). Glass carboys in boxes or plywood drums, of not over 6.5 gallon nominal capacity. Means must be provided so that accumulated total pressure in bottle may not exceed 10 p.s.i.g. at 130° F. (55° C.) or will vent at a pressure not to exceed 10 p.s.i.g. Not authorized for transportation by air.

* * * * *

NOTE 1: [Deleted]

* * * * *

(14) Specifications 17H, 37A, or 37B (§§ 178.118, 178.131, 178.132, of this subchapter). Metal drums (single-trip) not over 5 gallons capacity each. Authorized only for 15 percent or less, inhibited hydrochloric (muriatic) acid solution. Drums must be lined throughout with a pliable plastic material impervious to the solution. Specifications 37A and 37B metal drums must be at least 24 gauge steel. Not authorized for transportation by air.

* * * * *

(18) Specification 37p (§ 178.133 of this subchapter). Steel drums constructed of at least 24-gauge metal for drums exceeding 1 gallon capacity, with polyethylene liner (nonreusable container). Not authorized for transportation by air.

* * * * *

(23) Specification 12p (§ 178.211 of this subchapter). Fiberboard boxes with inside specification 2U (§ 178.24 of this subchapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when poly-

ethylene container is completely enclosed in inside boxes free of wire staples or other projections that could cause failures. Not authorized for transportation by air.

(24) Specification 16A (§ 178.185 of this subchapter). Wirebound wooden box (§ 178.185–22 of this subchapter) with inside specification 2U (§ 178.24 of this subchapter) polyethylene container. The polyethylene container must be separated from the wooden box by a complete corrugated fiberboard liner and top and bottom pads. Not authorized for transportation by air.

* * * * *

(b) * * *

(2) Inside packaging of not more than 8 fluid ounces capacity each, packed in strong outside packagings, and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in the event of breakage, are excepted from labeling (except labeling is required for transportation by air) and the specification packaging requirements of this subchapter. In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter, except § 177.817.

* * * * *

195. § 173.264 is amended by changing the word "chapter" to read "subchapter"; Note 4 following paragraph (a)(7) and paragraph (b)(5) are deleted; Note 1 following paragraph (a)(8) is redesignated paragraph (a)(8)(i), a new paragraph (a)(8)(ii) is added; paragraph (i) is added following paragraph (b)(2); Note 3 following paragraph (a)(10), paragraphs (a)(8) and (b)(6) are revised to read as follows:

§ 173.264 Hydrofluoric acid; White acid.

(a) * * *

(7) * * *

NOTE 4 [Deleted]

* * * * *

(8) Specification 103A,[1] 103W, 105A100, 105A100W, 111A100F2, 111A100W2, 111A100W4, or ARA–IV[1] (§§ 179.100, 179.-101, 179.200, 179.201 of this subchapter). Unlined metal tanks which have been subjected to adequate passivity or neutralization process. (See Note 1 to paragraph (a)(7) of this section.) Authorized only for hydrofluoric acid of 60 to 80 percent strength. If tanks are washed out with water they must be resubjected to passivity before reshipment.

(i) Hydrofluoric acid solutions and concentrations of 60 percent up to 65 percent when shipped in unlined metal tank cars must be inhibited so that the corrosive effect on steel must not be greater than that of hydrofluoric acid of 65 percent concentration.

(ii) Each tank car must be marked "HYDROFLUORIC ACID" in accordance with the requirements of § 172.330 of this subchapter.

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

(10) * * *

NOTE 3: Drums must be lined with material at least as thick as the sample material tested.

(b) * * *

(2) * * *

(i) Each tank car must be marked "HYDROGEN FLUORIDE" in accordance with the requirements of § 172.330 of this subchapter.

(5) [Deleted]

(6) Specification 106A500X or 110A-500W (§§ 179.300, 179.301 of this subchapter) tanks. Tanks may not be equipped with safety devices of any type and valves must be protected by metal caps. Tanks may not be filled to a density in excess of 85 percent of the water weight capacity of the tank. (See § 177.834(m) of this subchapter for special requirements for highway shipments.)

196. § 173.265 is amended by changing the word "chapter" to read "subchapter"; paragraphs (a)(4), (c)(1) and (d)(4) are revised to read as follows:

§ 173.265 Hydrofluosilicic acid.

(a) * * *

(4) Specification 16A (§ 178.185 of this subchapter). Wirebound wooden box (§ 178.185–22 of this subchapter) with inside specification 2U (§ 178.24 of this subchapter) polyethylene container. The polyethylene container must be separated from the wooden box by a complete corrugated fiberboard liner and top and bottom pads. Not authorized for transportation by air.

* * * * *

(c) * * *

(1) Specification 1A, 1C, 1D, or 1E (§§ 178.1, 178.3, 178.4, 178.7 of this subchapter). Carboys in boxes, in kegs, or plywood drums, for which the use of rubber stoppers and gaskets is also authorized. Not authorized for transportation by air.

(d) * * *

(4) Specification 37P (§ 178.133 of this subchapter). Steel drums, not over 5-gallons capacity, with polyethylene liner (non-reusable container). Not authorized for transportation by air.

* * * * *

197. § 173.266 is amended by changing the word "chapter" to read "subchapter"; paragraph (f)(1)(i) is added; the introductory text of paragraphs (b) and (d), paragraphs (c), (c)(1) and (3) are revised to read as follows:

§ 173.266 Hydrogen peroxide solution in water.

* * * * *

(b) Hydrogen peroxide solution in water containing 52 percent or less hydrogen peroxide by weight must be packaged as prescribed in paragraph (a) of this section or as follows (vented packagings are not permitted aboard aircraft):

(c) Hydrogen peroxide solution in water containing over 8 percent hydrogen peroxide by weight and not exceeding 37 percent must be packaged as prescribed in paragraph (a) or (b) of this section or as follows (vented packagings are not permitted aboard aircraft):

(1) Specification 1A (§ 178.1 of this subchapter). Class carboys. The cushioning must be non-combustible mineral material, elastic wooden-strip packing, or large elastic cushions such as corks fastened securely in position. The use of hay, excelsior, ground cork, or similar material, whether treated or untreated, is prohibited. The carboy stoppers must be vented so as to prevent accumulation of internal pressure; use of cork gasket impregnated with paraffin is authorized. Not authorized for transportation by air.

* * * * *

(3) Specification 1D or 1E (§ 178.4, 178.7 of this subchapter). Glass carboys in boxes or plywood drums of not over 6.5 gallons nominal capacity. Means must be provided so that accumulated pressure in bottle may not exceed 10 pounds p.s.i.g. at 130° F. or will vent at a pressure not to exceed 10 pounds p.s.i.g. The cushioning must be non-combustible mineral material, elastic wooden-strip packaging, or large elastic cushions such as corks fastened securely in position. The use of hay, excelsior, ground cork, or similar material, whether treated or untreated, is prohibited. Not authorized for transportation by air.

(d) Hydrogen peroxide solution in water containing over 8 percent hydrogen peroxide by weight and not exceeding 10 percent must be packaged as prescribed in paragraph (a), (b), or (c) of this section or as follows (vented packagings are not permitted aboard aircraft):

* * * * *

(f) * * *

(1) * * *

(i) Each tank car must be marked "HYDROGEN PEROXIDE" in accordance with the requirements of § 172.330 of this subchapter.

* * * * *

198. § 173.267 is amended by changing the word "chapter" to read "subchapter"; the introductory text of paragraph (c) and (c)(4) are revised to read as follows:

§ 173.267 Mixed acid (nitric and sulfuric acid) (nitrating acid).

* * * * *

(c) Mixed acid (nitric and sulfuric acid) (nitrating acid), when offered for transportation by air must be packaged as follows:

* * * * *

(4) Not more than 1 quart of mixed acid may be shipped in one outside packaging.

199. § 173.268 is amended by changing the word "chapter" to read "subchapter"; paragraph (a)(1) is added; the introductory text of paragraphs (i) and (j), and paragraph (b)(4) are revised to read as follows:

§ 173.268 Nitric acid.

* * * * *

(a) * * *

(1) Each tank car must be marked "NITRIC ACID" in accordance with the

requirements of § 172.330 of this subchapter.

(b) * * *

(4) Specification 5C (§ 178.83 of this subchapter). Metal barrels or drums. Authorized for concentrations of nitric acid as limited by § 178.83–3(c) of this subchapter. Containers weighing less than 85 percent of their original marked weight are not authorized.

* * * * *

(i) Nitric acid of any concentration, when offered for transportation by air, must be packaged as follows:

* * * * *

(j) Nitric acid of 50 percent or less concentration, when offered for transportation by air, may in addition to the provisions of paragraph (i) of this section be packaged as follows:

* * * * *

200. § 173.269 as amended by changing the word "chapter" to read "subchapter"; paragraph (a)(2) is revised to read as follows:

§ 173.269 Perchloric acid.

(a) * * *

(2) Specification 1A, 1C, 1D, 1E, or 1K (§§ 178.1, 178.3, 178.4, 178.7, 178.14 of this subchapter). Glass carboys in boxes, kegs, or plywood drums. Not authorized for transportation by air.

* * * * *

§§ 173.270—173.271 [Amended]

201. In §§ 173.270 and 173.271 the word "chapter" is changed to read "subchapter".

202. § 173.272 is amended by changing the word "chapter" to read "subchapter" paragraphs (b), (i) (10), (11), (15), and (16) are revised to read as follows:

§ 173.272 Sulfuric acid.

* * * * *

(b) Sulfuric acid solutions in concentrations of 25 percent of less, in inside packagings of not over 8 fluid ounces capacity each, packed in strong outside packagings and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in event of breakage, are excepted from labeling (except when offered for transportation by air) and the specification packaging of this subchapter. In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter except § 177.817.

* * * * *

(i) * * *

(10) Specification 16A (§ 178.185 of this subchapter). Wirebound wooden box (§ 178.185–22 of this subchapter) with an inside specification 2U (§ 178.24 of this subchapter) polyethylene container. The polyethylene container must be separated from the wooden box by a complete corrugated fiberboard liner and top and bottom pads. Not authorized for transportation by air.

(11) Specification 12P (§ 178.211 of this subchapter). Fiberboard boxes with an inside specification 2U (§ 178.24 of this subchapter) polyethylene container not over 5-gallon capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in an inside box free of wire staples or other projections that could cause failures. Not authorized for transportation by air.

* * * * *

(15) Specification 1A, 1C, or 1K (§§ 178.1, 178.3, 178.14 of this subchapter). Carboys in boxes or kegs. Not authorized for transportation by air.

(16) Specification 1D or 1E (§§ 178.4, 178.7 of this subchapter). Glass carboys in boxes or plywood drums of not over 6.5 gallons nominal capacity. Not authorized for transportation by air.

* * * * *

203. § 173.273 is amended by changing the word "chapter" to read "subchapter"; paragraph (a)(4)(i) is added to read as follows:

§ 173.273 Sulfur trioxide, stabilized.

(a) * * *

(4) * * *

(i) Each tank car must be marked "SULFUR TRIOXIDE" in accordance with the requirements of § 172.330 of this subchapter.

* * * * *

§§ 173.274–173.275 [Amended]

204. In §§ 173.274 and 173.275 the word "chapter" is changed to read "subchapter".

205. § 173.276 is amended by changing the word "chapter" to read "subchapter" paragraph (a)(1) is revised to read as follows:

§ 173.276 Anhydrous hydrazine and hydrazine solution.

(a) * * *

(1) Specification 1D (§ 178.4 of this subchapter). Boxed glass carboys. Not authorized for transportation by air.

* * * * *

206. § 173.277 is amended by changing the word "chapter" to read "subchapter"; paragraphs (a) (2) and (5), (e) and the introductory text of paragraph (d) are revised; paragraphs (f) and (g) are added to read as follows:

§ 173.277 Hyprochlorite solutions.

(a) * * *

(2) Specification 1A, 1C, 1D, or 1E (§§ 178.1, 178.3, 178.4, 178.7 of this subchapter). Glass carboys in boxes, kegs or plywood drums. Not authorized for transportation by air.

* * * * *

(5) Specification 12P (§ 178.211 of this subchapter). Fiberboard boxes with inside specification 2U (§ 178.24 of this subchapter) polyethylene container not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples or other projections that could cause failures. Not authorized for transportation by air.

* * * * *

(d) Glass inside packaging of not more than 4 fluid ounces capacity each, packed in strong outside packaging, and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in the event of breakage, are excepted from labeling (except when offered for transportation by air) and the specification packaging requirements of this subchapter. In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter, except § 177.817.

* * * * *

(e) Polyethylene pouches not over 2½ ounces capacity each, heat sealed, and formed of polyethylene, or other suitable plastic, not less than 0.0035-inch in thickness to which must be laminated a 0.0015-inch, 25-pound basis weight white sulphate paper, when securely packed not more than 144 pouches in a strong fiberboard box, are excepted from labeling (except when offered for transportation by air) and the specification packaging requirements, of this subchapter. In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter, except § 177.817.

(f) Special exceptions for shipment of certain hypochlorite solutions in the ORM–D class are provided in Subpart N of this part.

(g) Shipments by tank motor vehicle are not subject to any requirements of this subchapter.

207. § 173.278 is amended by changing the word "chapter" to read "subchapter"; paragraph (b)(2) is revised to read as follows:

§ 173.278 Nitrohydrochloric acid.

* * * * *

(b) * * *

(2) Specification 1A, 1D, or 1E (§§ 178.1, 178.4, 178.7 of this subchapter). Glass carboys in boxes or plywood drums, not over 5 gallons nominal capacity for specification 1A and not over 6.5 gallons nominal capacity for specifications 1D and 1E. Not authorized for transportation by air.

208. § 173.279 is amended by changing the word "chapter" to read "subchapter"; paragraph (b) is revised to read as follows:

§ 173.279 Anisoyl chloride.

* * * * *

(b) Inside packagings of not over 8 fluid ounces capacity each, packed in strong outside packaging, and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in the event of breakage, are excepted from labeling (except that labeling is required for transportation by air) and specification packaging requirements of this subchapter. In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter except § 177.817.

209. § 173.280 is amended by changing the word "chapter" to read "subchap-

ter"; the heading, introductory text of paragraph (a) and paragraph (a)(5) are revised to read as follows:

§ 173.280 Trichlorosilanes.

(a) Allyl trichlorosilane, amyl trichlorosilane, butyl trichlorosilane, chlorophenyl trichlorosilane, cyclohexenyl trichlorosilane, cyclohexyl trichlorosilane, dichlorophenyl trichlorosilane, diphenyl dichlorosilane, dodecyl trichlorosilane, ethyl phenyl dichlorosilane, hexadecyl trichlorosilane, hexyl trichlorosilane, nonyl trichlorosilane, octadecyl trichlorosilane, octyl trichlorosilane, phenyl trichlorosilane, and propyl trichlorosilane must be packaged as follows:

* * * * *

(5) Specification 5, 5B, 5C, and 17E single-trip (§§ 178.80, 178.82, 178.83, 178.116 of this subchapter). Metal drums. Not authorized for shipment by air.

* * * * *

§§ 173.281—173.283 [Amended]

210. In §§ 173.281, 173.282, and 173.283 the word "chapter" is changed to read "subchapter".

211. § 173.286 is amended by changing the world "chapter" to "subchapter"; the introductory text of paragraph (b) is revised to read as follows:

§ 173.286 Chemical kits.

* * * * *

(b) Chemical kits containing corrosive liquids in inside packagings of not over 6 fluid ounces capacity each are excepted from labeling (except when offered for transportation by air) and the specification packaging requirements of this subchapter if all of the following requirements are complied with. In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter, except § 177.817.

* * * * *

212. § 173.287 is amended by changing the word "chapter" to read "subchapter"; the introductory text of paragraph (b) and paragraph (b)(1) are revised to read as follows:

§ 173.287 Chromic acid solution.

* * * * *

(b) Chromic acid solutions must be packaged in specification containers as follows:

(1) Specification 1A (§ 178.1 of this subchapter), Glass carboy in a box. Not authorized for transportation by air.

* * * * *

213. § 173.288 is amended by changing the word "chapter" to read "subchapter"; the heading, the introductory text of paragraph (a) and paragraph (a)(2) are revised to read as follows:

§ 173.288 Chloroformates.

(a) Ally chloroformate, benzyl chloroformate, ethyl chloroformate, and methyl chloroformate must be packaged as follows:

* * * * *

(2) Specification 1A (§ 178.1 of this subchapter). Boxed carboys. Glass bottles having nominal capacity of 3 gallons also authorized when packed and tested in accordance with requirements of specification 1A (§ 178.1 of this subchapter); necks must be protected during shipment. Not authorized for transportation by air.

* * * * *

214. § 173.289 is amended by changing the word "chapter" to read "subchapter"; paragraphs (a) (2), (7) and (9) are revised; paragraph (a)(2)(i) is added to read as follows:

§ 173.289 Formic acid and formic acid solutions.

(a) * * *

(2) Specification 103CW or 103EW (§§ 179.200 and 179.201 of this subchapter). Tank cars. Specification 103EW tanks must be of Type 316 stainless steel.

(i) Each tank car must be marked "FORMIC ACID" in accordance with requirements in § 172.330 of this subchapter.

* * * * *

(7) Specification 17H (§ 178.118 of this subchapter). Metal drums (single-trip) equipped with bag type liners of material and construction approved by the Department. Each drum must have two diametrically opposite vent holes ¼ inch diameter in the side wall at each end in close proximity to the top curl and bottom chime. Interior of welded side seam must be covered or otherwise treated to provide a nonabrasive surface. Not authorized for transportation by air.

* * * * *

(9) Specification 1EX (§ 178.6 of this subchapter). Carboys in plywood drums. Not authorized for transportation by air.

* * * * *

§ 173.290 [Amended]

215. In § 173.290 the word "chapter" is changed to read "subchapter".

216. § 173.291 is amended by changing the word "chapter" to read "subchapter"; the intro text of paragraph (a), (a)(1) and (2) are revised to read as follows:

§ 173.291 Flame retardant compound, liquid.

(a) Flame retardant compound, liquid, must be packaged as follows:

(1) Specification 1A, 1B, or 1C (§§ 178.1, 178.2, 178.3 of this subchapter). Carboys in boxes or kegs which must be closed, and when reused must be reconditioned and tested, as provided in the specifications. Not authorized for transportation by air.

(2) Specification 1D or 1E (§§ 178.4, 178.7 of this subchapter). Glass carboys in boxes or plywood drums of not over 6.5 gallons nominal capacity. Means must be provided so that accumulated pressure in bottle may not exceed 10 pounds per square inch gauge at 130° F. (55° C.), or will vent at a pressure not to exceed 10 psig. Not authorized for transportation by air.

* * * * *

§§ 173.292–173.294 [Amended]

217. In §§ 173.292, 173.293, and 173.294 the word "chapter" is changed to read "subchapter".

218. § 173.295 is amended by changing the word "chapter" to read "subchapter"; paragraph (a)(3) is revised to read as follows:

§ 173.295 Benzyl chloride.

(a) * * *

(3) Specification 1A, 1C, 1D, or 1E (§§ 178.1, 178.3, 178.4, 178.7 of this subchapter). Glass carboys in boxes, kegs or plywood drums. Not authorized for transportation by air.

* * * * *

§§ 173.296–173.297 [Amended]

219. In §§ 173.296 and 173.297 the word "chapter" is changed to read "subchapter".

220. § 173.298 is amended by changing the word "chapter" to read "subchapter"; paragraph (a)(4) is revised to read as follows:

§ 173.298 Memtetrahydro phthalic anhydride.

(a) * * *

(4) Specification 37P (§ 178.133 of this subchapter). Steel drums with polyethylene liner (non-reusable container). Authorized only for materials that will not react with polyethylene and result in a packaging failure. Not authorized for transportation by air.

§§ 173.299—173.299a [Amended]

221. In §§ 173.299 and 173.299a the word "chapter" is changed to read "subchapter".

Subpart G—Compressd Gases; Definition and Preparation

§ 173.300 [Amended]

222. In § 173.300 the word "chapter" is changed to read "subchapter".

§§ 173.302—173.303 [Amended]

223. In §§ 173.302 and 173.303 the word "chapter" is changed to read "subchapter".

224. In § 173.304 the word "chapter" is changed to read "subchapter".

§ 173.304 [Amended]

§ 173.305 [Amended]

225. § 173.305 the word "chapter" is changed to read "subchapter".

226. § 173.306 is revised to read as follows:

§ 173.306 Limited quantities of compressed gases.

(a) Limited quantities of compressed gases for which exceptions are permitted as noted by reference to this section in § 172.101 of this subchapter are excepted from labeling (except when offered for transportation by air) and, unless required as a condition of the exception, specification packaging requirements of this subchapter when packed in accordance with the following paragraphs. In addition, shipments by rail are not subject to Part 174 of this subchapter, except § 174.24 and

shipments by highway are not subject to Part 177 of this subchapter, except § 177.817.

(1) When in containers of not more than 4 fluid ounces capacity (7.22 cubic inches or less) except cigarette lighters. Special exceptions for shipment of certain compressed gases in the ORM–D class are provided in Subpart N of this part.

(2) When in metal containers filled with a material that is not classed as a hazardous material to not more than 90 percent of capacity at 70° F. then charged with nonflammable, nonliquefied gas. Each container must be tested to three times the pressure at 70° F. and, when refilled, be retested to three times the pressure of the gas at 70° F. Also, one of the following conditions must be met:

(i) Container is not over 1 quart capacity and charged to not more than 170 psig at 70° F. and must be packed in a strong outside packaging, or

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

(3) When in a metal container charged with a solution of materials and compressed gas or gases which is nonpoisonous, provided all of the following conditions are met. Special exceptions for shipment of aerosols in the ORM–D class are provided in Subpart N of this part.

(i) Capacity must not exceed 50 cubic inches (27.7 fluid ounces).

(ii) Pressure in the container must not exceed 180 psig at 130° F. If the pressure exceeds 140 psig at 130° F., but does not exceed 160 psig at 130° F., a specification DOT 2P (§ 178.33 of this subchapter) inside metal container must be used; if the pressure exceeds 160 psig at 130° F., a specification DOT 2Q (§ 178.33a of this subchapter) inside metal container must be used. In any event, the metal container must be capable of withstanding without bursting a pressure of one and one-half times the equilibrium pressure of the content at 130° F.

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

(iv) The container must be packed in strong outside packagings.

(v) Each completed container filled for shipment must have been heated until the pressure in the container is equivalent to the equilibrium pressure of the content at 130° F. (55° C.) without evidence of leakage, distoration, or other defect.

(vi) Each outside packaging must be marked "INSIDE CONTAINERS COMPLY WITH PRESCRIBED REGULATIONS."

(b) *Exemptions for foodstuffs, soap, biologicals, electronic tubes, and audible fire alarm systems.* Compressed gases, (except poisonous gases as defined by § 173.326) for which exceptions are provided as indicated by reference to this section in § 172.101 of this subchapter, when in accordance with one of the following paragraphs are excepted from labeling (except when offered for transportation by air) and the specification packaging requirements of this subchapter. In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter, except § 177.817. Special exceptions for shipment of certain compressed gases in the ORM–D class are provided in Subpart N of this part.

(1) Foodstuffs or soaps in a nonrefillable metal container not exceeding 50 cubic inches capacity (27.7 fluid ounces), with double or emulsified compressed gas, provided the pressure in the container does not exceed 140 p.s.i.g. at 130° F. The metal container must be capable of withstanding without bursting a pressure of one and one-half times the equilibrium pressure of the content at 130° F.

(i) Containers must be packed in strong outside packagings.

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

(iii) Each outside packaging must be marked "INSIDE CONTAINERS COMPLY WITH PRESCRIBED REGULATIONS."

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

(3) Nonrefillable metal containers charged with a solution containing biological products or a medical preparation which could be deteriorated by heat, and compressed gas or gases, which is nonpoisonous and nonflammable. The capacity of each container may not exceed 35 cubic inches (19.3 fluid ounces). The pressure in the container may not exceed 140 psig at 130° F., and the liquid content of the product and gas must not completely fill the containers at 130° F. One completed container out of each lot of 500 or less, filled for shipment, must be heated, until the pressure in the container is equivalent to equilibrium pressure of the content at 130° F. There must be no evidence of leakage, distortion, or other defect. Container must be packed in strong outside packagings.

(4) Electronic tubes, each having a volume of not more than 30 cubic inches and charged with gas to a pressure of not more than 35 psig and packed in strong outside packagings.

(5) Audible fire alarm systems powered by a compressed gas contained in an inside metal container when shipped under the following conditions:

(i) Each inside container must have contents which are not flammable, poisonous, or corrosive as defined under this part;

(ii) Each inside container may not have a capacity exceeding 35 cubic inches (19.3 fluid ounces);

(iii) Each inside container may not have a pressure exceeding 70 psig at 70° F. and the liquid portion of the gas may not completely fill the inside container at 130° F., and

(iv) Each nonrefillable inside container must be designed and fabricated with a burst pressure of not less than four times its charged pressure at 130° F. Each refillable inside container must be designed and fabricated with a burst pressure of not less than five times its charged pressure at 130° F.

(c) *Fire extinguishers.* Fire extinguishers charged with a compressed gas to not more than 240 psig at 70° F. are excepted from labeling (except when offered for transportation by air) and the specification packaging requirements of this subchapter when shipped under the following conditions. In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter, except § 177.817. Special exceptions for shipments of fire extinguishers in the ORM–D class are provided under Subpart N of this part.

(1) Each fire extinguisher must be shipped as an inside packaging;

(2) Each fire extinguisher must have contents which are not flammable, poisonous, or corrosive as defined under this Part;

(3) Each fire extinguisher under stored pressure may not have an internal volume exceeding 1,100 cubic inches. For fire extinguishers not exceeding 35 cubic inches capacity, the liquid portion of the gas plus any additional liquid or solid must not completely fill the container at 130° F. Fire extinguishers exceeding 35 cubic inches capacity may not contain any liquefied compressed gas;

(4) Each fire extinguisher manufactured on and after January 1, 1976, must be designed and fabricated with a burst pressure of not less than six times its charged pressure at 70° F. when shipped.

(5) Each fire extinguisher must be tested, without evidence of failure or damage, to at least three times its charged pressure at 70° F. but not less than 120 psig before initial shipment. For any subsequent shipment, each fire extinguisher must be in compliance with the retest requirements of the Occupational Safety and Health Administration Regulations of the Department of Labor, 29 CFR 1910.157(d), and;

(6) Each fire extinguisher must be marked to indicate the year of the test (within 90 days of the actual date of the original test) and "MEETS DOT REQUIREMENTS." This marking will be considered a certification that the fire extinguisher was manufactured in accordance with the requirements of this section.

NOTE: The words "This extinguisher meets all requirements of 49 CFR 173.306" may be displayed in place of "MEETS DOT REQUIREMENTS" on extinguishers manufactured prior to January 1, 1976.

(7) When specification 2P or 2Q packagings are used, paragraphs (c) (4) through (6) of this section are not applicable provided each packaging meets

the requirements of paragraph (a) of this section.

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

(2) Automobiles, motorcycles, tractors, or other self-propelled vehicles equipped with liquefied petroleum gas or other compressed gas fuel tanks, provided such tanks are securely closed, are not subject to any other requirements for transportation by rail or highway. For transportation by water, see section 176.328 and 176.78(k) of this subchapter. For transportation by air, the fuel tank must be removed or emptied and securely closed.

(e) *Refrigerating machines.* (1) New (unused) refrigerating machines or components thereof are excepted from the specification packaging requirements of this part if they meet the following conditions. In addition shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter, except § 177.817.

(i) Each pressure vessel may not contain more than 1,000 pounds of Group I refrigerant as classified in American National Standard B9.1 or not more than 50 pounds of refrigerant other than Group I.

(ii) Machines or components having two or more charged vessels may not contain an aggregate of more than 2,000 pounds of Group I refrigerant or more than 100 pounds of refrigerant other than Group I.

(iii) Each pressure vessel must be equipped with a safety device meeting the requirements of American National Standard B9.1.

(iv) Each pressure vessel must be equipped with a shut-off valve at each opening except openings used for safety devices and with no other connection. These valves must be closed prior to and during transportation.

(v) Pressure vessels must be manufactured, inspected and tested in accordance with American National Standard B9.1, or when over 6 inches internal diameter, in accordance with the ASME Code.

(vi) All parts subject to refrigerant pressure during shipment must be tested in accordance with American National Standard B9.1.

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

(viii) The amount of refrigerant, if liquefied, may not exceed the filling density prescribed in § 173.304.

(f) *Hydraulic accumulators.* The following applies to hydraulic accumulators containing nonliquefied, nonflammable gas, and nonflammable liquids, fabricated from materials which will not fragment upon rupture:

(1) Hydraulic accumulators installed in motor vehicles, construction equipment, and assembled machinery and designed and fabricated with a burst pressure of not less than five times their charged pressure at 70° F., when shipped, are not subject to the requirements of this subchapter.

(2) Hydraulic accumulators charged to not more than 200 p.s.i.g. at 70° F. are excepted from labeling (except when offered for transportation by air) and the specification packaging requirements of this subchapter when shipped under the following conditions. In addition, shipments by rail are not subject to Part 174 of this subchapter except § 174.24 and shipments by highway are not subject to Part 177 of this subchapter, except § 177.817.

(i) Each accumulator must be shipped as an inside packaging;

(ii) Each accumulator may not have a gas space exceeding 2,500 cubic inches under stored pressure, and

(iii) Each accumulator must be tested, without evidence of failure or damage, to at least three times its charged pressure of 70° F., but not less than 120 p.s.i. before initial shipment and before each refilling and reshipment.

(3) Hydraulic accumulators with a charging pressure exceeding 200 p.s.i.g. at 70° F. are excepted from labeling (except when offered for transportation by air) and the specification packaging requirements of this subchapter when shipped under the following conditions:

(i) Each accumulator must be in compliance with the requirements stated in paragraph (a)(2), (i), (ii), and (iii) of this section, and

(ii) Each accumulator must be designed and fabricated with a burst pressure of not less than five times its charged pressure at 70° F. when shipped.

227. § 173.307 is added to read as follows:

§ 173.307 Exceptions for compressed gases.

(a) The following materials are not subject to the requirements of this subchapter:

(1) Carbonated beverages.

(2) Inflated tires. (maximum pressure of 100 psig at 70°F)

(3) Balls used for sports.

(4) Refrigerating machines including dehumidifiers and air conditioners, and components thereof such as precharged tubing containing 25 pounds or less of nonflammable liquefied gas.

228. § 173.308 is added to read as follows:

§ 173.308 Cigarette lighter or other similar device charged with fuel.

(a) In addition to the requirements of § 173.21(d), a cigarette lighter or other similar device charged with butane or a flammable gas having similar properties must be shipped in accordance with the following:

(1) No more than 2.3 fluid ounces of liquefied gas may be loaded into each device;

(2) The liquid portion of the gas may not exceed 85 percent of the volumetric capacity of each fluid chamber at 60° F.

(3) Each device, including closures, must be capable of withstanding without leakage or rupture an internal pressure of at least two times the vapor pressure of the fuel at 130° F; and

(4) Devices must be overpacked in packaging that is designed or arranged to prevent movement of the device itself.

229. § 173.314 is amended by changing the word "chapter" to read "subchapter" in paragraph (b)(4); the second entry in the first column of the table in paragraph (c) is changed to read "Ammonia solution"; paragraphs (b) (5) and (6) are added to read as follows:

§ 173.314 Requirements for compressed gases in tank cars.

* * * * *

(b) * * *

(5) Each tank car, except series 106A*** or 110A***, containing a flammable compressed gas or flammable compressed gas mixture must be marked with the name of contents (§ 172.101 of this subchapter) in accordance with the requirements of § 172.330 of this subchapter or as otherwise approved by the Department.

(6) Each tank car containing anhydrous ammonia or chlorine must be marked "ANHYDROUS AMMONIA" or "CHLORINE," as appropriate, in accordance with the requirements of § 172.330 of this subchapter.

* * * * *

§ 173.315 [Amended]

230. § 173.315 is amended by changing the word "chapter" to read "subchapter"; the fifth entry in the first column of the table in paragraph (a)(2) is changed to read "Ammonia solution."

§ 173.316 [Amended]

231. In § 173.316 the word "chapter" is changed to read "subchapter".

232. Subpart H heading is revised to read as follows:

Subpart H—Poisonous Materials, Etiologic Agents, and Radioactive Materials; Definitions and Preparation

233. § 173.325 is revised to read as follows:

§ 173.325 Classes of poisonous materials.

(a) Poisonous materials for the purpose of this subchapter are divided into three groups according to the degree of hazard in transportation.

(1) Poison A.

(2) Poison B.

(3) Irritating material.

234. In § 173.326, the Heading is revised to read as follows:

§ 173.326 Poison A.

* * * * *

235. In § 173.327 the Heading is revised; paragraphs (e) and (f) are added to read as follows:

§ 173.327 General packaging requirements for Poison A materials.

* * * * *

(e) Unless otherwise specified in this subchapter, packaging used for the transportation of any Poison A material may be completely filled at 130° F.

(f) Each tank car, except series 106A*** and 110A***, containing Poison A materials must be marked with the name of contents (§ 172.101 of this subchapter) in accordance with the requirements of § 172.330 of this subchapter.

236. In § 173.328 the heading and the introductory text of paragraph (a) are revised to read as follows:

§ 173.328 Poison A materials not specifically provided for.

(a) Poison A materials, as defined in § 173.326, other than those for which special packaging requirements are prescribed in this part, must be packaged as follows:

* * * * *

§ 173.329 [Amended]

237. In § 173.329 the word "chapter" is changed to read "subchapter".

238. In § 173.330 paragraph (a) is revised to read as follows:

§ 173.330 Chemical ammunition.

(a) Projectiles, shells, bombs, and grenades containing Poison A materials but not equipped or packaged with ignition elements, bursting charges, detonating fuzes, or explosive components, may be shipped only by, for, or to the Department of Defense. Each shipment must be packaged, marked, and labeled as required by their regulations. Each package must be labeled with POISON GAS label marked "NONEXPLOSIVE" and also marked with the proper shipping name. (See §§ 173.53(r) and 173.59 for explosive chemical ammunition.)

* * * * *

239. § 173.331 is revised to read as follows:

§ 173.331 Gas identification sets.

(a) Gas identification sets containing Poison A materials, irritating materials, and chlorine must be packaged in specification 15A or 15B (§§ 178.168, 178.169 of this subchapter). Wooden boxes, under the following conditions:

(1) Gas identification sets containing Poison A materials and irritating materials may be shipped in amounts not exceeding 6 cubic centimeters, if a liquid, or 5 grams, if a solid, when mixed with or absorbed in activated charcoal or silica gel, or other absorbent medium, and packed in strong glass bottles of not less than 4 fluid ounces capacity. The Poison A materials and chlorine may be shipped if the gas itself is absorbed in activated charcoal or silica gel, or other absorbent medium, and packed in the same type 4-ounce bottles as described above. Each bottle as herein specified must be surrounded with appropriate absorbent cushioning material, and enclosed in a hermetically sealed metal can. Each can must be surrounded on all sides by at least 1 inch of dry, fine sawdust or wood pulp. The cans must be packed in an outside wooden box, specification 15A or 15B (§§ 178.168, 178.169 of this subchapter). The bottles must be closed with ground-in glass stoppers securely fastened. The cushioning material around the bottle must be at least 1 inch thick. The cans must be made from metal of thickness not less than 30 gauge, United States standard. There must be not more than a total of 100 grams or cubic centimeters or a combination of both, in each outside wooden box.

(b) Gas identification sets containing Poison A materials and irritating materials must be packaged as follows:

(1) The liquids or liquefied gases in hermetically sealed glass tubes containing not to exceed 40 cubic centimeters each. Each tube must be securely cushioned and packed in an individual mailing tube with screw-thread metal cover. Not more than 12 such mailing tubes, cushioned with corrugated fiberboard, may be packed in a closed fiberboard container, not to exceed 4 such fiberboard containers, containing an aggregate of not to exceed 48 glass tubes cushioned and packed in an outside steel cylinder of not less than 0.145-inch wall thickness, which is closed by a plate, bolted to a flange welded to cylinder wall. Suitable gasket must be placed between flange and head plate, and closure must prevent leakage of any gas.

(c) Gas identification training sets containing Poison A materials and irritating materials must be packaged as follows:

(1) The Poison A materials and irritating material, in amounts not exceeding 5 cubic centimeters, if a liquid, or 20 grams, if a solid, when mixed with or absorbed in activated charcoal, silica gel, crepe rubber, or other absorbent medium, must be packed in strong glass bottles of not less than 2 fluid ounces capacity, equipped with a polyethylene liner; each bottle as herein specified must have a metal screw-cap closure, equipped with a built-in compression type spring and an insert in the opening of the bottle to match so that when tightened an airtight seal is obtained. Twelve bottles, containing articles as described in this paragraph and not exceeding 100 cubic centimeters or grams, or a combination of both, must be placed in a modified styrene plastic carrying case, in three rows of four bottles each and fitted with a fiberboard cell or separator. The void space around the individual bottles, and around all interior sides of the carrying case, must be filled with dry, fine sawdust or vermiculite. A sheet of sponge rubber must be fitted to the inside of the top and bottom of the carrying case to provide additional cushioning and insure a snug fit of the bottles when the top is secured. The carrying case must be fitted into a snug fitting fiberboard box, domestic type. The case must then be packed in a nailed wooden box, specification 15A or 15B (§§ 178.168, 178.169 of this subchapter), which must be fitted with a waterproof case liner.

§ 173.332 [Amended]

240. In § 173.332 the word "chapter" is changed to read "subchapter".

241. In § 173.333 paragraph (a)(2) is revised to read as follows:

§ 173.333 Phosgene or diphosgene.

(a) * * *

(2) Specification 106A500X (§§ 179.300, 179.301 of this subchapter) tanks. Authorized only for phosgene. Each tank must be approved by the Bureau of Explosives. Tanks must not be equipped with safety devices of any type. Outage must be sufficient to prevent tanks from becoming liquid full at 130° F. (55° C.). (See §§ 174.200 and 177.834(m) of this subchapter for special requirements for rail and highway shipments.)

* * * * *

242. In § 173.334 the heading and paragraph (a) are revised to read as follows:

§ 173.334 Organic phosphates mixed with compressed gas.

(a) Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, tetraethyl pyrophosphate, or other Poison B organic phosphate, n.o.s. (including a compound or mixture), may be mixed with a compressed gas which must be nonflammable. This mixture must not contain more than 20 percent by weight of organic phosphate and must be packaged as follows:

(1) Specification 3A240, 3AA240, 3B240, 4A240, 4BA240, or 4BW240 (§§ 178.36, 178.37, 178.38, 178.49, 178.50, 178.51, 178.61, of this subchapter) cylinders meeting the following requirements;

(i) Each cylinder may be charged with not more than 10 pounds of the mixture, to a maximum filling density of not more than 80 percent of the water capacity;

(ii) Each cylinder must be charged in compliance with § 173.301 (e) and (f);

(iii) No cylinder may be equipped with an eduction tube or a fusible plug;

(iv) No cylinder may be equipped with any valve unless the valve is a type approved by the Department for this installation.

(v) Cylinders must be overpacked in a box so arranged to protect each valve or other closing device from damage. No more than four cylinders may be packed in a box except that in a wooden box, up to 12 cylinders may be so packed. Each box with its closing device protection must be sufficiently strong to protect all parts of each inside cylinder from deformation or breakage if the completed package were dropped six feet onto solid concrete, impacting at the weakest point.

* * * * *

§ 173.335 [Reserved]

243. § 173.335 is deleted.

244. § 173.336 paragraph (a)(2) is amended by changing the word "chapter" to read "subchapter"; paragraph (a)(3) is revised to read as follows:

§ 173.336 Nitrogen dioxide, liquid; nitrogen peroxide, liquid; and nitrogen tetroxide, liquid.

(a) * * *

(3) Specification 106A500X (§§ 179.300, 179.301 of this subchapter) tanks. Each tank must be equipped with gas-

tight valve protection caps which must be approved by the Bureau of Explosives. Tanks must not be equipped with safety devices of any type. Outage must be sufficient to prevent tanks from becoming liquid full at 130° F. (55° C.). (See §§ 174.200 and 177.834(m) of this subchapter for special requirements for rail and highway shipments.)

* * * * *

§ 173.337 [Amended]

245. In § 173.337 the word "chapter" is changed to read "subchapter".

246. In § 173.338 is amended by changing the word "chapter" to read subchapter" paragraph (a)(3) is revised to read as follows:

§ 173.338 Nitrogen tetroxide—nitric oxide mixtures containing up to 33.2 percent weight nitric oxide.

(a) * * *

(3) Specification 106A500X (§§ 179.300, 179.301 of this subchapter) tanks. Each tank must be equipped with gastight valve protection caps which must be approved by the Bureau of Explosives. Tanks must not be equipped with safety devices of any type. Outage must be sufficient to prevent tanks from becoming liquid full at 130° F. (55° C). (See §§ 174.200 and 177.834(m) of this subchapter for special requirements for rail and highway shipments.)

* * * * *

247. In 173.343 is amended by changing the word "chapter" is changed to read "subchapter"; the heading is revised to read as follows:

§ 173.343 Poison B.

* * * * *

248. In § 173.344 the heading, introductory text of paragraph (b) and paragraph (b)(1) are revised to read as follows:

§ 173.344 General packaging requirements for Poison B liquids.

* * * * *

(b) Packagings containing liquid material may not be completely filled. Outage must be as follows:

(1) For packagings of 110 gallons or less, sufficient outage must be provided so that the packaging will not liquid full at 130° F. (55° C.).

* * * * *

249. § 173.345 is revised to read as follows:

§ 173.345 Limited quantities of Poison B liquids.

(a) Limited quantities of Poison B liquids for which exceptions are permitted as noted by reference to this section in § 172.101 of this subchapter or as provided in § 173.359(c), in tightly closed inside packagings, securely cushioned when necessary to prevent breakage, are excepted from the specification packaging requirements of this part, when packaged as follows:

(1) In glass packagings not over 1 quart capacity each, or in metal containers or polyethylene bottles not over 1 gallon capacity each, packed in strong outside wooden boxes or barrels.

(2) In glass packagings not over 1 pint capacity each, or in metal or polyethylene packagings (other than bags) not over 1 quart capacity each, packed in strong outside fiberboard boxes.

(b) Special exceptions for shipment of certain drugs in the ORM–D class are prescribed in Subpart N of this part.

250. § 173.346 is amended by changing the word "chapter" to read "subchapter"; the heading, introductory text of paragraph (a) and paragraphs (a) (3), (13), (19), (24), and (25) are revised to read as follows:

§ 173.346 Poison B liquids not specifically provided for.

(a) Poison B liquid, as defined in § 173.343, other than those for which special requirements are prescribed, must be packaged as follows:

* * * * *

(3) Specification 37B (§ 178.132 of this subchapter). Metal drums (single-trip containers), welded side seams, openings not over 2.3 inches in diameter, capacity not over 10 gallons. Not authorized for transportation by air.

* * * * *

(13) Specification 1A, 1D, or 1E (§§ 178.1, 178.4, 178.7 of this subchapter). Glass carboys in wooden boxes or plywood drums. Not authorized for transportation by air.

* * * * *

(19) Specification 37P (§ 178.133 of this subchapter). Steel drums, not over 5 gallons capacity, with polyethylene liner (non-reusable container). Drums exceeding 1 gallon capacity must be constructed of at least 24-gauge metal. Hole in steel drum body must be suitably plugged. Authorized only for materials that will not react with polyethylene and result in container failure. Not authorized for transportation by air.

* * * * *

(24) Specification 12P (§ 178.211 of this subchapter). Fiberboard boxes with inside specification 2U (§ 178.24 of this subchapter) polyethylene containers not over 5 gallons capacity each. Wire staples are not authorized for assembly or closure of boxes, except when polyethylene container is completely enclosed in inside boxes free of wire staples or other projections that could cause failures. Not authorized for transportation by air.

(25) Specification 16A (§ 178.185 of this subchapter). Wirebound wooden box (see § 178.185–22 of this subchapter) with inside specification 2U (§ 178.24 of this subchapter) polyethylene container. The polyethylene container must be separated from the wooden box by a complete corrugated fiberboard liner and top and bottom pads. Not authorized for transportation by air.

* * * * *

251. § 173.347 is amended by changing the word "chapter" to read "subchapter"; Note 1 following paragraph (a)(1) is deleted as follows:

§ 173.347 Aniline oil.

(a) * * *

(1) * * *

Note 1: [Deleted]

* * * * *

252. § 173.348 is amended by changing the word "chapter" to read "subchapter" in paragraph (a)(3); paragraph (a)(2) is revised to read as follows:

§ 173.348 Arsenic acid.

(a) * * *

(2) Specification 1A, 1C, or 1D (§§ 178.1, 178.3, 178.4 of this subchapter). Glass carboys in boxes or kegs. Not authorized for transportation by air.

* * * * *

253. § 173.349 is amended by changing the word "chapter" to read "subchapter"; paragraph (a)(2) is revised to read as follows:

§ 173.349 Carbolic acid (phenol) liquid.

(a) * * *

(2) Specification 1A, 1C, or 1D (§§ 178.1, 178.3, 178.4 of this subchapter). Glass carboys in boxes or kegs. Not authorized for transportation by air.

* * * * *

254. § 173.350 paragraph (a) is revised to read as follows:

§ 173.350 Chemical ammunition.

(a) Chemical ammunition consisting of projectiles, shells, bombs, grenades and other containers filled with Poison B materials, without ignition elements, bursting charges, detonating fuzes, or other explosive components, must be packed for shipment in strong outside wooden or metal boxes. Boxes must be marked with proper shipping name and labeled as prescribed by this Part for gases, liquids, or chemicals contained therein.

* * * * *

255. § 173.351 is revised to read as follows:

§ 173.351 Hydrocyanic acid solutions.

(a) Hydrocyanic acid solutions must be packed in glass bottles not over 1 pound capacity each for solutions of not over 5 percent hydrocyanic acid and not over 5 pints capacity each for solutions of not over 2 percent strength and must be packaged as follows:

(1) Specification 15A, 15B, 15C, 16A, or 19A (§§ 178.168, 178.169, 178.170, 178.185, 178.190 of this subchapter). Wooden boxes. Completed package, with glass packaging filled with water, must be capable of withstanding six four-foot drops onto solid concrete in the following order; bottom, four sides, and top, without breakage.

256. § 173.352 is amended by changing the word "chapter" to read "subchapter" in paragraphs (a) (1) and (2); the heading, the introductory text of paragraph (a) and paragraph (a)(2) are revised to read as follows:

§ 173.352 Sodium and potassium cyanide solutions.

(a) Sodium and potassium cyanide solutions must be packed in specification containers as follows:

* * * * *

(2) Specification 17E or 37B (§ 178.116, 178.132 of this subchapter). Metal drums (single-trip), with welded side seams, with openings not exceeding 2.3 inches in diameter. Specification 37B not authorized for transportation by air.

* * * * *

257. § 173.353 is amended by changing the word "chapter" to read "subchapter"; the heading and intro text of paragraph (a), (a)(1), (a)(2), (a)(6), and (c) are revised to read as follows:

§ 173.353 Methyl bromide and methyl bromide mixtures.

(a) Methyl bromide, liquid (bromomethane); methyl bromide and ethylene dibromide mixture, liquid; methyl bromide and more than 2% chloropicrin mixture, liquid; or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid; must be packed in specification containers as follows:

(1) Specification 5A (§ 178.81 of this subchapter). Metal drums not exceeding 30 gallons capacity or metal drums of bilge type not exceeding 33 gallons capacity and with openings not exceeding 2.3 inches in diameter. Not authorized for mixtures containing any compressed gas.

(2) Specification 15A, 15B, 15C, 16A, 19A, or 12B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.205 of this subchapter). Wooden, wire-bound wooden, or fiberboard boxes, with inside metal cans containing not over 1 pound each; outage is required so the can will not become liquid full at 130° F. (55° C.). Cans must be of tinplate or lined with suitable material and must have concave or pressure ends. Cans must be able to withstand an interior pressure of 130 pounds per square inch gauge without evidence of leakage or permanent distortion. Pressure of contents must not exceed 130 psig at 130° F. (55° C.)

* * * * *

(6) Specification 106A500X (§§ 179.300, 179.301 of this subchapter) tanks. Outage must be sufficient to prevent tanks from becoming liquid full at 130° F. (55° C.). (See §§ 174.200 and 177.834 (m) of this subchapter for special requirements for rail and highway shipments.)

* * * * *

(c) Outage must be sufficient to prevent cylinders or spheres from becoming entirely filled with liquid at 130° F. (55° C.) and when the vacant space (outage) is charged with a nonflammable nonliquefied compressed gas, the pressure in the cylinder or sphere at 130° F. (55° C.) must not exceed 5/4 the marked service pressure of the cylinder or sphere.

* * * * *

§§ 173.354–173.356 [Amended]

258. In §§ 173.354, 173.355, and 173.356 the word "chapter" is changed to read "subchapter".

259. § 173.357 is amended by changing the word "chapter" to read "subchapter"; the heading, the introductory text of paragraphs (b) and (c) and paragraph (b)(4) are revised; Note 1 following paragraph (b)(2) is deleted as follows:

§ 173.357 Chloropicrin and chloropicrin mixtures containing no compressed gas or Poison A liquid.

* * * * *

(b) *Chloropicrin and mixtures of chloropicrin containing no compressed gas or Poison A liquid.* Chloropicrin and mixtures of chloropicrin containing no compressed gas or Poison A liquid, in addition to containers prescribed in paragraph (a) of this section, when offered for transportation by carriers by rail freight, highway, or water, may be shipped in specification containers as follows:

* * * * *

(2) * * *

NOTE 1: [Deleted.]

* * * * *

(4) Specification 106A500X (§§ 179.300, 179.301 of this subchapter) tanks. Valves must be protected by metal caps. Tanks must not be equipped with safety devices of any type. Outage must be sufficient to prevent tanks from becoming liquid full at 130° F. (55° C.). (See § 177.834(m) of this subchapter for special requirements for highway shipments.)

(c) Chloropicrin and mixtures of chloropicrin containing no compressed gas or Poison A liquid, must be packaged as follows:

* * * * *

260. In § 173.358 is amended by changing the word "chapter" to read "subchapter"; the Heading and paragraph (a) are revised to read as follows:

§ 173.358 Hexaethyl tetraphosphate, methyl parathion, organic phosphorous compound, n.o.s., parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid.

(a) Hexaethyl tetraphosphate, methyl parathion, organic phosphorous compound, n.o.s., parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid must be packed in specification containers as follows:

261. § 173.359 is amended by changing the word "chapter" to read "subchapter", the heading and paragraph (c) are revised to read as follows:

§ 173.359 Hexaethyl tetraphosphate mixtures; methyl parathion mixtures; organic phosphorus compound mixtures, n.o.s.; organic phosphate compound mixtures n.o.s.; parathion mixtures; tetraethyl dithio pyrophosphate mixtures; and tetraethyl pyrophosphate mixtures, liquid (includes solutions, emulsions, or emulsifiable liquids).

* * * * *

(c) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphorus compound mixtures, n.o.s., organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures (solutions, emulsions, or emulsifiable liquids) containing not more than 25 percent hexaethyl tetraphosphate, methyl parathion, organic phosphate compound mixtures, n.o.s., parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate by weight, in inside metal containers not over 8 fluid ounces capacity each, packed in strong outside containers together with sufficient absorbent material to completely absorb the liquid in the event of leakage, are expected from specification packaging requirements of this Part.

§ 173.360 [Amended]

262. In § 173.360 the word "chapter" is changed to read "subchapter".

263. § 173.361 is amended by changing the word "chapter" to read "subchapter"; paragraph (b) is deleted as follows:

§ 173.361 Aldrin mixtures, liquid, with more than 60 percent aldrin.

* * * * *

(b) [Deleted]

§§ 173.362—173.362a [Amended]

264. In §§ 173.362 and 173.362a the word "chapter" is changed to read "subchapter".

265. In § 173.363 the heading is revised to read as follows:

§ 173.363 General packaging requirements for Poison B solids.

* * * * *

266. § 173.364 is revised to read as follows:

§ 173.364 Limited quantities of Poison B solids.

(a) Unless otherwise excluded by paragraph (3) of this section, limited quantities of Poison B solids for which exceptions are permitted as noted by reference to this section in § 172.101 of this subchapter are excepted from specification packaging requirements of this part if in tightly closed, inside packaging securely cushioned when necessary to prevent breakage as follows:

(1) In inside glass, earthenware, or composition bottles or jars, or metal containers, or lock-corner sliding-lid wooden boxes, of not over 5 pounds capacity each; or chipboard, pasteboard, or fiber cartons, cans, boxes, or tightly closed strong plastic bags or bottles compatible with product of not over 1 pound capacity each, packed in outside wooden or fiber board boxes, or wooden barrels or kegs. Net weight of contents of outside container not over 100 pounds.

(2) In inside chipboard, pasteboard, or fiber cartons, cans, or boxes, of not over 5 pounds capacity each, packed in outside fiberboard or wooden boxes. Not more than 6 of these cartons may be packed in any outside container.

(3) The following materials are excluded from this exemption: cyanides

(other than as specified in 173.370 (b) and (d)), hexaethyl tetraphosphate mixtures, methyl parathion mixtures, and organic phosphate mixtures, n.o.s.

(b) Special exceptions for shipment of certain drugs in the ORM–D class are prescribed in Subpart N of this part.

267. § 173.365 is amended by changing the word "chapter" to read "subchapter". The heading, the introductory text of paragraph (a) and paragraph (a)(15) are revised to read as follows:

§ 173.365 Poison B solids not specifically provided for.

(a) Poison B solids, as defined in § 173.343, other than those for which special requirements are prescribed, must be packaged as follows:

* * * * *

(15) Specification 12B (§ 178.205 of this subchapter). Fiberboard boxes constructed of at least 275-pound test double-faced fiberboard and provided with a perimeter liner and bottom pad of at least 200-pound test fiberboard. Boxes constructed of at least 350-pound fiberboard having top and bottom pads need not have a perimeter liner. Product must be contained within a tightly closed polyethylene or other equally efficient plastic bag constructed of material having a minimum thickness of 0.004-inch. Not more than 25 pounds net weight of product may be packed in one outside box. Not authorized for transportation by air.

* * * * *

268. In § 173.367 paragraphs (a)(2) through (a)(6) and paragraph (b)(2) are revised to read as follows:

§ 173.367 Arsenical compounds, n.o.s.; arsenate of lead; calcium arsenate; Paris green; and arsenical mixtures.

(a) * * *

(2) Specification 36A or 36B (§§ 178.230, 178.233 of this subchapter). Triplex bags. Authorized only for arsenical insecticides and fungicides containing 10 percent or less of arsenic trioxide. Not authorized for transportation by air.

(3) Specification 44B (§ 178.236 of this subchapter). Multiwall paper bags with inside paper bags, specification 2D (§ 178.23 of this subchapter). Net weight not over 50 pounds each. Not authorized for transportation by air.

(4) Specification 44C (§ 178.237 of this subchapter). Multiwall paper bags. For carload and truckload shipments only. Net weight not over 50 pounds each.

(5) Specification 44D (§ 178.238 of this subchapter). Multiwall paper bags. Where extensible Kraft is used the minimum total basis weight must be 260 pounds and the outer wall may be no less than 60 pounds basis weight. Net weight not over 50 pounds each. Not authorized for transportation by air.

(6) Specification 44E (§ 178.239 of this subchapter). Multi-wall paper bags constructed with minimum total basis weight of 160 pounds. For carload or truckload shipments only by rail or highway transportation; loaded by the consignor and unloaded by the consignee or his duly authorized agent. Net weight not over 50 pounds each. Where extensible Kraft is used, the minimum total basis weight for 40-pound net weight bags must be 190 pounds and for 20-pound net weight bags it must be 150 pounds. Not authorized for transportation by air or water.

(b) * * *

(2) Specification 44B (§ 178.236 of this subchapter). Paper bags with two added inside thicknesses of No. 1 Kraft paper one sheet having a Mullen test of 50 and the other sheet having a Mullen test of 40. Net weight not over 50 pounds each. Not authorized for transportation by air.

269. In § 173.368 paragraphs (a) and (b) are revised to read as follows:

§ 173.368 Arsenical dust, arsenical flue dust, and other poisonous noncombustible by-product dusts; also arsenic trioxide, calcium arsenate, and sodium arsenate.

(a) Arsenic dust, arsenical flue dust, and other poisonous noncombustible by-product dusts from metal recovery operations not subject to dangerous spontaneous heating, and arsenic trioxide, calcium arsenate, or sodium arsenate, when delivery is made to plants with private sidings only, may, in addition to packagings prescribed in § 173.367, be shipped in bulk in the following kinds of cars, if those cars are assigned exclusively to this type of service;

(1) Sift-proof; self-clearing, hopper or bottom outlet steel cars.

(2) Sift-proof, all steel flat bottom gondola cars with fixed sides and ends equipped with waterproof and dustproof wooden or steel covers well secured in place for all openings, and;

(3) Sift-proof box cars of all steel construction.

(b) Cars assigned exclusively to this service must be marked "ARSENICAL SERVICE ONLY," in addition to other required markings, and are not subject to § 174.615 of this subchapter while in that service.

270. § 173.369 is amended by changing the word "chapter" to read "subchapter"; paragraph (a)(11) and the introductory text of paragraph (b) are revised to read as follows:

§ 173.369 Carbolic acid (phenol), not liquid.

(a) * * *

(11) Specification 37A or 37B (§§ 178.131, 178.132 of this subchapter). Metal drums (single-trip). Not authorized for transportation by air.

* * * * *

(b) Carbolic acid (phenol), not liquid, in tightly closed inside packagings, securely cushioned when necessary to prevent breakage and packaged as follows, is excepted from the specification packaging requirements of this part.

* * * * *

271. § 173.370 is amended by changing the word "chapter" to read "subchapter"; the heading, the introductory text of paragraphs (a), (b) and (d) and paragraphs (a)(8) and (12), and (b)(3) are revised to read as follows:

§ 173.370 Cyanides and cyanide mixtures, dry.

(a) Cyanides and cyanide mixtures, dry, except cyanide of calcium and mixtures thereof, unless otherwise provided for in this section, if containing the cyanide equivalent of 10 percent or more of potassium cyanide, must be packaged as follows:

* * * * *

(8) Specification 45B (§ 178.240 of this subchapter). Bags, cloth, and paper, lined. Authorized only for sodium cyanides of globular or pellet form, diameter not less than ¾-inch. Net weight not over 100 pounds. Not authorized for transportation by air.

* * * * *

(12) Specification 12B (§ 178.205 of this subchapter). Fiberboard boxes constructed of at least 275-pound test double-faced fiberboard and provided with a perimeter liner and bottom pad of at least 200-pound test fiberboard. Boxes constructed of at least 350-pound fiberboard having top and bottom pads may not require perimeter liner. Products must be contained within a tightly closed polyethylene or other equally efficient plastic container constructed of material having minimum thickness of 0.004-inch. Not more than 25 pounds net weight of product may be packed in one outside box. Not authorized for transportation by air.

* * * * *

(b) *Exceptions for cyanides, and cyanide mixtures, except cyanide of calcium and mixtures thereof.* Cyanides and cyanide mixtures, except cyanide of calcium and mixtures thereof, when described and packaged as follows, are excepted from the specification packaging requirements of this Part:

* * * * *

(3) Cyanides of copper, zinc, lead, and silver are excepted from all packaging requirements except §§ 173.24 and 173.363.

* * * * *

(d) *Exceptions for cyanide of calcium and mixtures thereof.* Cyanide of calcium and mixtures thereof, when described and packaged as follows, are excepted from the specification packaging requirements of this Part.

* * * * *

272. § 173.371 is revised to read as follows:

§ 173.371 Dinitrobenzol (dinitrobenzene).

(a) Dinitrobenzol must be packaged as follows:

(1) As prescribed in § 173.346 or 173.365 according to its physical form at 130° F. (55° C.).

§ 173.372 [Amended]

273. In § 173.372 the word "chapter" is changed to read "subchapter".

274. In § 173.373 the heading and paragraph (a)(4) are revised to read as follows:

§ 173.373 Ortho-nitroaniline and para-nitroaniline.

(a) * * *

* * * * *

(4) In addition to specification containers prescribed in this section, paranitroaniline may be shipped by highway in bulk in strong, water-tight, metal bodied covered hopper motor vehicles.

§ 173.374 [Amended]

275. In § 173.374 the word "chapter" is changed to read "subchapter".

276. § 173.375 is amended by changing the word "chapter" to read "subchapter"; Note 1 following paragraph (a)(1) is deleted as follows:

§ 173.375 Sodium azide.

(a) * * *

(1) * * *

NOTE 1: [Deleted].

277. In § 173.376 paragraph (b) is deleted as follows:

§ 173.376 Aldrin and aldrin mixtures, dry, with more than 65 percent aldrin.

* * * * *

(b) [Deleted.]

278. § 173.377 is amended by changing the word "chapter" to read "subchapter"; the heading and the intro text of paragraphs (a), (b) and paragraphs (f), (g), (h) and (i) are revised to read as follows:

§ 173.377 Hexaethyl tetraphosphate mixtures; methyl parathion mixtures; organic phosphorus compound mixtures, n.o.s.; organic phosphate compound mixtures, n.o.s.; parathion mixtures; tetraethyl dithio pyrophosphate mixtures; and tetraethyl pyrophosphate mixtures, dry.

(a) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphorus compound mixtures, n.o.s. organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures in which the liquid is absorbed in concentrations greater than 2 percent but not exceeding 27 percent in an inert dry material so as to form a dry mixture, must be packed in specification containers as follows:

* * * * *

(b) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphorus compound mixtures, n.o.s., organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures in which the liquid is absorbed in concentrations greater than 27 percent in an inert dry material so as to form a dry mixture, must be packed in specification containers as follows:

* * * * *

(f) Dry mixtures containing not more than 2 percent by weight of hexaethyl tetraphosphate, methyl parathion, organic phosphorus compound mixtures, n.o.s., organic phosphate compound mixtures, n.o.s., parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophasphate and in which the liquid is absorbed in an inert material, are excepted from specification packaging requirements of this part.

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

(1) Spec. 44B (§ 178.236 of this chapter). Multiwall paper bags with inside paper bags, spec. 2D (§ 178.23 of this chapter), not over 5 pounds capacity each. Net weight of material in outside container not over 30 pounds each. Not authorized for transportation by air.

* * * * *

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

(1) Spec. 44D (§ 178.238 of this chapter). Multiwall paper bags not over 50 pounds net weight each. Where extensible kraft is used the minimum total basis weight shall be 260 pounds. Not authorized for transportation by air.

(i) Dry mixtures containing more than 2 percent but not exceeding 12 percent by weight of hexaethyl tetraphosphate, methyl parathion mixtures, organic phosphorus compound mixtures, n.o.s., organic phosphate compound mixtures, n.o.s., parathion, tetraethyl dithio pyrophosphate or tetraethyl pyrophosphate, and in which the liquid is absorbed in an inert material, in addition to containers prescribed in paragraphs (a), (b), and (g) of this section, may be packed in specification containers as follows:

(1) Spec. 44D (§ 178.238 of this chapter). Multiwall paper bags not over 50 pounds net weight each. Outer ply to be not less than 60 pounds basis weight. Not authorized for transportation by air.

279. § 173.379 is revised to read as follows:

§ 173.379 Cyanogen bromide.

Cyanogen bromide must be packaged in tightly closed metal inside containers not over 1-pound capacity each, securely cushioned and packaged in an outside wooden box. Net weight may not exceed 25 pounds in one outside packaging.

280. In § 173.381 the heading and paragraph (b) are revised; paragraph (c) is redesignated as paragraph (d); a new paragraph (c) and paragraph (e) are added to read as follows:

§ 173.381 Irritating materials; Definition and general packaging requirements.

* * * * *

(b) *Cushioning.* All packagings must be hermetically closed. Inside packagings must be cushioned as prescribed when necessary to prevent breakage or leakage.

(c) *Outage.* No packaging used for the transportation of any liquid irritating material may be completely filled. For packagings with a capacity of 110 gallons or less, sufficient outage must be provided so the packaging will not be liquid full at 130° F. (55° C.).

(d) The transportation of an irritating material is not permitted if there is any type of interconnection between packagings.

(e) Any pressure in a cylinder at 130° F. (55° C.) must not exceed ¾ the marked service pressure of the cylinder.

281. § 173.382 is amended by changing the word "chapter" to read "subchapter"; the introductory text of paragraph (a) and paragraph (b) are revised to read as follows:

§ 173.382 Irritating materials, not specifically provided for.

(a) Irritating materials, as defined in § 173.381 for which special packaging is not otherwise prescribed, except as provided in paragraph (b) of this section, must be packaged as follows:

* * * * *

(b) Chloroacetophene, diphenylaminechloroarsine, irritating material, n.o.s., or xylyl bromide, charged with a nonflammable gas exceeding 25 psig at 70° F. must be packaged as specified in paragraph (a)(4) of this section.

§ 173.384 [Reserved]

282. § 173.384 is deleted.

§§ 173.385–173.387 [Amended]

283. In §§ 173.385, 173.386 and 173.387 the word "chapter" is changed to read "subchapter".

§§ 173.389–173.398 [Amended]

284. In §§ 173.389 through 173.398 the word "chapter" is changed to read "subchapter".

§ 173.399 [Reserved]

285. § 173.399 is deleted.

286. Subpart I Heading is revised to read as follows:

Subpart I—Special Requirements for Certain Rail Shipments or Movements

§§ 173.400–173.417 and §§ 173.420–173.422 [Removed]

287. §§ 173.400 through 173.417 and §§ 173.420 through 173.422 are deleted.

§ 173.425 [Reserved]

288. § 173.425 is deleted.

289. § 173.426 is revised (except the placard) to read as follows:

§ 173.426 Cars, truck bodies or trailers containing lading which has been fumigated or treated with flammable liquids flammable gases, poisonous liquids or solids, or poisonous gases.

(a) Delivery of rail cars, freight container, or trailers containing lading, fumigated or treated with flammable liquid or flammable gas for transportation by rail carrier is prohibited until 48 hours have elapsed after such fumigation or treatment, or until cars, truck bodies or trailers have been ventilated so as to remove danger of fire or explosion due to the pressure of flammable vapors.

(b) Rail cars, truck bodies or trailers containing lading which has been fumigated or treated with poisonous liquid, solid, or gas, such as carbolic acid, liquid or solid, chlorpicrin, hydrocyanic acid, methyl bromide, etc., must be placarded on each door or near thereto with placard as described below (for cleaning cars see section 174.615 of this subchapter):

(PLACARD REMAINS THE SAME)

§§ 173.427, 173.430 and 173.431 [Reserved]

290. §§ 173.427, 173.430, and 173.431 are deleted.

291. § 173.432 is amended by changing the word "chapter" to read "subchapter"; paragraphs (a) and (e) are revised to read as follows:

§ 173.432 Tank car shipments.

(a) Tank cars containing any flammable poison gas or flammable liquid, except liquid road asphalt or tar, must not be offered for shipment unless originally consigned or subsequently reconsigned to parties having private-siding (see Note 1 of this section) or to parties using railroad siding facilities which have been equipped for piping the liquid from tank cars to permanent storage tanks of sufficient capacity to receive contents of car.

* * * * *

(e) Flammable liquids and flammable compressed gases may not be loaded into tank cars on carrier property from tank trucks, or drums.

* * * * *

292. Subpart I is deleted.

293. A new Subpart J is added to read as follows:

Subpart J—Other Regulated Material; Definition and Preparation

§ 173.500 Definitions.

(a) For the purpose of this subchapter, an Other Regulated Material (ORM) A, B, or C is any material that does not meet the definition of a hazardous material, other than a combustible liquid in packagings having a capacity of 110 gallons or less, and is specified in § 172.101 as an ORM material or that possesses one or more of the characteristics described in the following groups.

NOTE 1: An ORM with a flash point of 100° to 200° F. when transported with more than 110 gallons in one container shall be classed as a combustible liquid.

(1) An ORM–A material is a material which has an anesthetic, irritating, noxious, toxic, or other similar property and which can cause extreme annoyance or discomfort to passengers and crew in the event of leakage during transportation.

(2) An ORM–B material is a material (including a solid when wet with water) capable of causing significant damage to a transport vehicle or vessel from leakage during transportation. Materials meeting one or both of the following criteria are ORM–B materials:

(i) A liquid substance that has a corrosion rate exceeding 0.250 inch per year (IPY) on aluminum (nonclad 7075–T6) at a test temperature of 130° F. An acceptable test is described in NACE Standard TM–01–69.

(ii) Specifically designated by name in § 172.101 of this subchapter.

(3) An ORM–C material is a material which has other inherent characteristics not described as an ORM–A or ORM–B but which make it unsuitable for shipment, unless properly identified and prepared for transportation. Each ORM–C material is specifically named in § 172.101 of this subchapter.

(4) An ORM–D material is a material such as a consumer commodity which, though otherwise subject to the regulations of this subchapter, presents a limited hazard during transportation due to its form, quantity and packaging. They must be materials for which exceptions are provided in § 172.101 of this subchapter. A shipping description applicable to each ORM–D material or category of ORM–D materials is found in § 172.101 of this subchapter.

§ 173.501 Other Regulated Material (ORM); application.

Persons offering materials classed as ORM–A, B, C, or D for transportation are subject to the regulations in this subchapter when they offer these materials for transportation.

§ 173.505 Exceptions for Other Regulated Material (ORM).

(a) The following ORM materials, unless otherwise provided in § 172.101 of this subchapter, are not subject to the requirements of this subchapter, except §§ 173.6 and 173.24 and Subparts C and D of Part 172, when packages as follows:

(1) ORM—A, B, or C liquid, not over one pint in one packaging;

(2) ORM—A or B solid, not over five pounds in one packaging;

(3) ORM—C solid, not over twenty-five pounds in one packaging.

§ 173.510 General packaging requirements.

(a) Except as provided in § 173.505, ORM materials must be prepared for shipment in compliance with the following:

(1) Each material must be offered for transportation and transported in compliance with Subparts B, C, and D of Part 172 of this subchapter and Subpart A of Part 173.

(2) For packagings of 110 gallon capacity or less, sufficient outage (ullage) must be provided so the packaging will not be liquid full at 130° F. (55° C.).

(3) When a liquid or solid has an absolute vapor pressure exceeding 16 p.s.i. at 100° F. (38° C.), the primary packaging must be capable of withstanding the inside vapor pressure at 130° F. without leakage.

(4) Any material classed as an ORM material, which may cause a hazard in transportation due to its reaction with water, must be packaged with either an inner or outer water proof packaging.

294. A new Subpart K is added to read as follows:

Subpart K—Other Regulated Material; ORM–A

§ 173.605 Ammonium hydrosulfide solution, ammonium polysulfide solution, bromochloromethane, dibromodifluoromethane, dichlorodifluoroethylene; dichloromethane, methyl chloroform, perfluoro-2-butene, tetrachloroethylene, and trichloroethylene.

(a) Ammonium hydrosulfide solution, ammonium polysulfide solution, bromochloromethane, dibromodifluoromethane, dichlorodifluoroethylene, dichloromethane, methyl chloroform, perfluoro-2-butene, tetrachloroethylene, and trichloroethylene, when offered for transportation on a passenger-carrying aircraft, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) Wooden box with inside earthenware, glass, metal, or plastic packagings of not more than 2 gallons capacity each, with sufficient cushioning and absorbent material to prevent breakage and leakage.

(2) Fiberboard box with inside earthenware, glass, metal, or plastic packagings of not more than 1 gallon capacity each, with sufficient cushioning and absorbent material to prevent breakage and leakage.

(3) Metal drum of not more than 10 gallons capacity.

(4) Outside packaging with inside earthenware, glass, plastic, or metal packagings of not more than 4 fluid ounces capacity each, with sufficient cushioning and absorbent material to prevent breakage and leakage. The maximum amount that may be shipped in any one outside packaging is 5 gallons.

§ 173.615 Carbon dioxide, solid (dry ice).

(a) Solid carbon dioxide, when offered for transportation by aircraft or water, must be packed in packaging designed and constructed to permit the release of carbon dioxide gas to prevent a build-up of pressure that could rupture the packaging. For each shipment by air, advance arrangements between the shipper and each carrier must be made.

(b) Railroad cars and motor vehicles containing solid carbon dioxide, when accepted for transportation on board ocean vessels, must be conspicuously

marked on two sides "WARNING—CO_2 SOLID (DRY ICE)."

(c) Other packagings, when accepted for transportation on board ocean vessels, must be marked "CARBON DIOXIDE. SOLID—DO NOT STOW BELOW DECKS."

(d) Not more than 440 pounds of solid carbon dioxide may be transported in any one cargo pit or bin on any aircraft except by specific and special arrangement between the shipper and the aircraft operator.

§ 173.620 Carbon tetrachloride, ethylene dibromide (1,2-dibromoethane), and tetrachloroethane.

(a) Carbon tetrachloride, ethylene dibromide, and tetrachloroethane, when offered for shipment by cargo-only aircraft and water, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) As prescribed in §§ 173.344, 173.345 or 173.346, meeting the packaging requirements applicable to Poison B liquids.

(2) Uniform Freight Classification (UFC), Rule 40, Section 5. Metal barrel or drum, not over 55 gallons capacity. Not authorized for transportation by air.

(3) Wooden box with inside containers, not over 200 pounds gross weight. Not authorized for transportation by air.

(4) Uniform Freight Classification (UFC), Rule 41, Sections 2 and 3. Fiberboard box, with inside containers, not over 90 pounds gross weight. Not authorized for transportation by air.

(5) Tank cars or motor vehicle tank trucks. Not authorized for transportation by air.

(b) Carbon tetrachloride, ethylene dibromide, and tetrachloroethane, when offered for shipment by passenger-carrying aircraft, must be prepared for shipment in compliance with § 173.510 and must be packaged to meet the packaging requirements of § 173.345.

§ 173.630 Chloroform.

(a) Chloroform, when offered for transportation by aircraft, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) Wooden box with inside earthenware, glass, metal, or plastic packaging of not more than 2 gallons capacity each.

(2) Fiberboard box with inside earthenware, glass, metal, or plastic packaging of not more than 1 gallon capacity each.

(3) Metal drum, not over 55 gallons capacity.

(4) Outer packaging with inside earthenware, glass, metal, or plastic packagings of not more than 4 fluid ounces capacity each, not exceeding 5 gallons total content.

(b) Chloroform, when offered for shipment by water, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) As prescribed in § 173.344, 173.345 or 173.346 meeting the packaging requirements applicable to Poison B liquids,

(2) Uniform Freight Classification (UFC), Rule 40, Section 5. Metal barrel or drum, not over 55 gallons capacity.

(3) Wooden box with inside containers, not over 200 pounds gross weight.

(4) Uniform Freight Classification (UFC), Rule 41, Section 2 and 3. Fiberboard box with inside containers, not over 90 pounds gross weight.

§ 173.635 Ferrophosphorus.

(a) Ferrophosphorus, when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) Steel barrel or drum;

(2) Wooden barrel or keg;

(3) Wooden box with inside container; or

(4) Sift-proof railroad freight car.

§ 173.645 Ferrosilicon.

(a) Ferrosilicon, containing 30 percent or more but not more than 70 percent silicon, when offered for shipment by water, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) Steel barrel or drum;

(2) Wooden barrel or keg; or

(3) Wooden box, not over 500 pounds gross weight.

(b) Ferrosilicon, containing 30 percent or more but not more than 70 percent silicon, when offered for shipment by cargo-only aircraft must be prepared for shipment in compliance with §§ 173.510 and 173.154.

§ 173.650 Hexachloroethane.

(a) Hexachloroethane, when offered for shipment by water, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) As prescribed in §§ 173.344, 173.345 or 173.346, meeting the packaging requirements applicable to Poison B liquids.

(2) Uniform Freight Classification (UFC), Rule 40, Section 5. Metal barrel or drum, not over 55 gallons capacity each.

(3) Wooden box with inside containers, not over 200 pounds gross weight.

(4) Uniform Freight Classification (UFC), Rule 41, Sections 2 and 3. Fiberboard box with inside containers, not over 90 pounds gross weight.

§ 173.655 Naphthalene or naphthalin.

(a) Naphthalene or naphthalin, when offered for shipment by water, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) Wooden barrel or keg;

(2) Wooden box;

(3) Fiberboard box;

(4) Metal barrel or drum; or

(5) Burlap (jute) bag, not over 224 pounds net weight. Authorized only when the melting point is 167° F. or higher.

(b) Naphthalene or naphthalin, when offered for shipment by cargo-only aircraft, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) As prescribed for passenger-carrying aircraft in paragraph (c) of this section, or

(2) As prescribed in § 173.154.

(c) Naphthalene or naphthalin, when offered for transportation by passenger-carrying aircraft, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) Earthenware, glass, metal, or plastic inside packagings of not more than 5 pounds capacity each, in strong outside packaging not over 25 pounds net weight.

295. A new Subpart L is added to read as follows:

Subpart L—Other Regulated Material; ORM–B

§ 173.800 Ammonium hydrogen fluoride, ammonium hydrogen sulfate, ammonium fluoride, barium oxide, chloroplatinic acid, copper chloride, ferric chloride lead chloride, molybdenum pentachloride, potassium hydrogen sulfate, sodium aluminate, sodium hydrogen sulfate, and or sodium hydrogen sulfite, (each in solid form).

(a) Ammonium hydrogen fluoride, ammonium hydrogen sulfate, ammonium fluoride, barium oxide, chloroplatinic acid, copper chloride, ferric chloride, lead chloride, molybdenum pentachloride, potassium hydrogen sulfate, sodium aluminate, sodium hydrogen sulfate, or sodium hydrogen sulfite, when offered for transportation by passenger-carrying aircraft, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) Earthenware, glass, metal, or plastic inside packagings of not more than 5 pounds net capacity each. Inside packagings must be packed in strong outside packaging, containing not more than 25 pounds net weight.

§ 173.850 Lime, unslaked; quicklime; and calcium oxide.

(a) Unslaked lime, quicklime, or calcium oxide when offered for transportation by cargo-only aircraft or water, must be prepared for shipment in compliance with § 173.510 and must be packed in waterproof packaging as follows:

(1) Steel barrel or drum;

(2) Wooden barrel or keg;

(3) Wooden box;

(4) Multi-wall paper bag, not over 100 pounds net weight;

(5) Paper-lined burlap bag, not over 100 pounds net weight; or

(6) Sift-proof railroad freight car.

(b) Unslaked lime, quicklime, or calcium oxide, when offered for transportation by passenger-carrying aircraft, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) Earthenware, glass, metal, or plastic inside packagings, of not more than 5 pounds net capacity each. Inside packagings must be packed in strong outside packaging, containing not more than 25 pounds net weight.

§ 173.860 Mercury, metallic.

(a) Except as limited by paragraphs (b) and (c) of this section, metallic mercury, when offered for transportation by aircraft, must be prepared for shipment

in compliance with § 173.510 and must be packaged as follows:

(1) Earthenware, glass, or plastic inside packagings of not more than 5 pounds capacity each packed in strong outside packagings. Either the inside or the outside packaging must have complete enveloping inner linings or bags of strong, leak-tight, and puncture resistant material impervious to mercury.

(2) Iron or steel flasks packed in outside packagings. Either the inside or the outside packaging must have completely enveloping inner linings or bags of strong, leak-tight, and puncture resistant material impervious to mercury.

(b) Manufactured devices of which mercury is a component part (except tubes as described in paragraph (c) of this section) packed in outside packagings having completely enveloping inner linings or bags of strong, leak-tight, and puncture resistant material impervious to mercury, may be transported by aircraft if prepared for shipment in compliance with § 173.510.

(1) Mercurial barometers, complying with this paragraph, which are loaded and unloaded from an aircraft under the supervision of and are accompanied in flight by a United States Weather Bureau official, or similar United States agency official are excepted from any other requirements of this subchapter.

(c) Electron tubes, vapor tubes, and similar tubes of which mercury is a component part, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) In outside packaging with all seams and joints sealed with self-adhesive, pressure-sensitive tape which will prevent the escape of mercury from the outside packagings; authorized only if the item contains not over one pound (454 grams) of mercury.

(2) In outside packaging having completely enveloping inner linings or bags of strong, leak-tight, and puncture resistant material impervious to mercury.

(3) In manufacturer's original packaging if each item does not contain more than 0.18-ounce (5 grams) of mercury per tube, and if the outside package does not contain more than 1.1 ounces (30 grams) total net quantity.

(4) In the manufacturer's original packagings if tubes are completely jacketed in sealed leak-tight metal cases.

296. A new Subpart M is added to read as follows:

Subpart M—Other Regulated Material; ORM–C

§ 173.910 Ammonium sulfate nitrate.

(a) Ammonium sulfate nitrate, when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) Steel barrel or drum;

(2) Wooden barrel or keg;

(3) Wooden box with inside packagings;

(4) Fiberboard box with inside packagings, not over 90 pounds gross weight;

(5) Fiber drum, not over 150 pounds gross weight; or

(6) Paper bag, not over 200 pounds net weight, moisture, and sift-proof, of strength not less than the equivalent of bags made of 8-ounce burlap.

§ 173.915 Battery parts.

Battery parts, when exhausted and unwashed, when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packed in a metal or wooden barrel with sufficient absorbent material to absorb any liquid present in the parts.

§ 173.920 Bleaching powder.

(a) Bleaching powder (or chlorinated lime) containing less than 39 percent available chlorine, when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) Steel barrel or drum;

(2) Wooden barrel or keg;

(3) Wooden or fiberboard box, with inside containers; or

(4) Fiber drum with inside metallic or polyethylene liner, not over 275 pounds gross weight.

§ 173.925 Box toe board.

(a) Box toe board, nitrocellulose base, when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) Wooden box, not over 350 pounds gross weight;

(2) Fiber tube, not over 25 pounds gross weight;

(3) Fiber drum, not over 200 pounds gross weight; or

(4) Fiberboard box, not over 90 pounds gross weight.

§ 173.930 Burlap bags, used and unwashed or not cleaned.

(a) Burlap bags, used and not cleaned, when offered for shipment by water, must be packed in tight bales bound with rope, wire, or other similar means.

(b) Burlap bags used for the shipment of any hazardous material and not cleaned may not be transported by air.

§ 173.931 Burlap cloth, burlap bags, new, used, and washed, or vacuum cleaned, wheel cleaned, or otherwise merchanically cleaned.

(a) Burlap cloth or new, used, and washed, or cleaned burlap bags when offered for transportation by air or by water, must be packaged as follows:

(1) In tight bales, bound with wire, metal hoops, rope, rattan, or withes.

(2) Tight bundles, bound with rope, wire, or other similar means.

(3) Wooden barrel or box.

§ 173.945 Calcium cyanamide, not hydrated.

(a) Calcium cyanamide, not hydrated, when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) Steel barrel or drum; or

(2) Wooden barrel or keg:

(b) Calcium cyanamide, not hydrated, when offered for transportation by cargo-only aircraft, must be prepared for shipment in compliance with §§ 173.510 and 173.154.

(c) Calcium cyanamide, not hydrated, when offered for transportation by passenger-carrying aircraft, must be prepared for shipment in compliance with § 173.510 and must be packed in earthenware, glass, metal, or plastic inside packagings of not over 1 pound each, adequately cushioned to prevent breakage and leakage. Inside packagings must be packed in a strong outside package containing not more than 25 pounds each.

§ 173.948 Camphene.

(a) Camphene, when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packaged in a wooden barrel, keg, or box.

(b) Camphene, when offered for transportation by air, must be prepared for shipment in compliance with § 173.510 and must be packaged as prescribed in § 173.154.

§ 173.952 Castor beans and castor pomace.

(a) Castor beans and castor pomace, when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) Sift-proof, five-ply paper bag, not over 100 pounds net weight.

(2) Sift-proof, paper or plastic lined burlap bag, not over 100 pounds net weight.

(3) Sift-proof, paper or plastic lined cotton bag, not over 100 pounds net weight.

§ 173.955 Coconut meal pellets.

(a) Coconut meal pellets which contain at least 6 percent water, when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) Burlap (jute) bag;

(2) Multi-wall paper bag; or

(3) Polyethylene-lined burlap or paper bag.

§ 173.960 Copra.

Copra, when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packaged in a burlap bag.

§ 173.965 Cotton and other fibers.

Cotton and the fibers jute, hemp, flax, sisal, coir, kapok, or similar vegetable fibers, when offered for transportation by water, must be packaged in bales, securely and tightly bound with rope, wire, or other similar means.

§ 173.970 Cotton batting, batting dross, wadding, seed hull fiber, shavings, pulp, and cut linters.

(a) Except as provided in paragraphs (b) and (c) of this section, cotton batting, batting dross, wadding, seed hull fiber, shavings, pulp, and cut linters, when offered for transportation by water, must be packaged as follows:

(1) Bales, covered with bagging on at least three-fourths of the bales surface, including both ends;
(2) Wooden barrel;
(3) Wooden box; or
(4) Burlap bag, tightly compressed.

(b) Cotton batting, batting dross, and wadding, when packaged in a wooden, fiberboard, or metal packaging, are not subject to any other requirements of this subchapter.

(c) Cut cotton linters may be packed in a bale, covered on the soft sides only, if the bale is compressed to a density of not less than 32 pounds per cubic foot and is bound with six or more bands.

§ 173.975 Cotton sweepings; and textile, cotton, felt, or wool waste.

(a) Cotton sweepings, and textile, cotton felt, or wool waste, when offered for transportation by water, must be packaged as follows:

(1) Bales, covered with bagging on at least three-fourths of the bale surface, including both ends.

(2) Burlap bag, tightly compressed.

§ 173.980 Excelsior.

Excelsior, when offered for transportation by water, must be packaged in a bale, tightly bound with wire or metal hoops.

§ 173.985 Exothermic ferrochrome, ferromanganese, and silicon-chrome.

Exothermic ferrochrome, ferromanganese, and silicon-chrome, when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packaged in a steel barrel or drum, not over 750 pounds gross weight.

§ 173.990 Feed, wet, mixed.

Mixed, wet feed, when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packaged in a burlap (jute) bag or in bulk, in a rail car.

§ 173.995 Fish scrap and fish meal.

(a) Except as provided in paragraph (b) of this section, fish scrap and fish meal, containing at least 6 percent but not more than 12 percent water, when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) Burlap (jute) bag;
(2) Multi-wall paper bag;
(3) Polyethylene-lined burlap or paper bag; or
(4) Rail car.

(b) Fish scrap and fish meal may not be offered for transportation if the temperature of the material exceeds 120° F. (49° C.).

§ 173.1000 Garbage tankage, rough ammoniate tankage, or tankage fertilizer.

Garbage tankage containing 8 percent or more water, rough ammoniate tankage containing 7 percent or more water, or tankage fertilizer containing 8 percent or more water, when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packaged in a burlap (jute) bag or in bulk, in a rail car.

§ 173.1005 Hay or straw.

Hay or straw, when offered for transportation by water, must be packaged in a tightly bound bale.

§ 173.1010 Lead dross or scrap.

(a) Lead dross or scrap, when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) Steel barrel or drum;
(2) Wooden barrel or keg; or
(3) Wooden box.

§ 173.1020 Magnetized material.

(a) For the purpose of this subchapter, a substance is considered to be a magnetized material if, when packaged for transportation by air, it has a magnetic field strength of 0.002 gauss or more at a distance of 7 feet, from any point on the surface of the package, or which is of such mass that it could affect the aircraft instruments, particularly the compasses. When offered for transportation by air, magnetized material must be packaged as follows:

(1) Devices, such as magnetrons and light meters, must be packed so that the polarities of each unit oppose one another.

(2) Permanent magnets must have keeper bars installed, must be shielded, or the shipper specifically may arrange with the carrier for special stowage to prevent the magnetic field from causing compass deviation.

(3) Each package containing magnetized material must be marked "ORM–C", and bear the label described in § 172.446 of this subchapter.

(b) Any package which has a measurable magnetic field greater than 0.00525 gauss, when measured from any surface at a distance of 15 feet, must be shielded to reduce the reading to not greater than 0.00525 gauss before offering for shipment by air.

(c) For loading magnetized material aboard aircraft, see § 175.85 of this subchapter.

§ 173.1025 Metal borings, shavings, turnings or cuttings.

Metal borings, shavings, turnings, or cuttings, when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packaged in a metal barrel or drum.

§ 173.1030 Oakum or twisted jute packing.

Oakum or twisted jute packing (treated or untreated), when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packaged in a bale, tightly bound with wire, rope, or other similar means, or in a fiberboard box.

§ 173.1035 Oiled material.

(a) Oiled material, when offered for transportation by air or water, must be properly dried to prevent spontaneous heating, including carbon paper treated with oxidizable oil, oiled clothing, oil, impregnated or coated with 5 percent or less of animal or vegetable oil, and must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) When the nature of the material permits, it must be tightly rolled or coiled, and wrapped or sealed with heavy paper.

(2) Fabricated articles not suitable for packagings as described in paragraph (a) (1) of this section, must be packed in sealed metal boxes or metal lined wooden boxes.

(3) Wooden or fiberboard box. Not authorized for transportation by air.

§ 173.1040 Pesticide, water-reactive.

Water reactive pesticide not otherwise subject to this subchapter, and including fungicides, herbicides, etc., which contain manganese ethylene bis-dithio carbamate, when offered for transportation by water, must be packaged in water resistant packaging in compliance with § 173.510.

§ 173.1045 Petroleum coke, uncalcined.

Uncalcined petroleum coke, when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packaged in metal barrels or drums.

§ 173.1060 Rosin.

(a) Rosin (colophony), when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) Steel barrel or drum;
(2) Wooden barrel or keg;
(3) Wooden box;
(4) Fiberboard box;
(5) Fiber drum;
(6) Burlap bag of at least 7½ ounces burlap, with water-proofed paper lining, not over 100 pounds net weight;
(7) Multi-wall paper bag, of at least 4-ply for not over 50 pounds net weight, or of at least 6-ply for not over 100 pounds net weight; or
(8) Uniform Freight Classification (UFC), Rule 40, Section 10. Multi-paper bag, at least 4-ply, not over 100 pounds net weight.

§ 173.1065 Rubber curing compound, solid.

(a) Solid rubber curing compounds, when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) Metal barrel or drum;
(2) Fiber drum;
(3) Wooden barrel or keg;
(4) Wooden or fiberboard box;
(5) Sift-proof multi-wall paper bag; or
(6) Sift-proof lined burlap bag.

§ 173.1070 Sawdust or wood shavings.

(a) Sawdust or wood shavings, when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:

(1) Steel barrel or drum;

(2) Wooden barrel or keg;
(3) Wooden or fiberboard box;
(4) Bag; or
(5) Bales, slatted and compactly bound with wire or metal bands.

§ 173.1075 Scrap paper or waste.

Scrap paper or waste, when offered for transportation by water, must be packaged in tight bales.

§ 173.1080 Sulfur.

(a) Sulfur, flowers of sulfur (sulfur flower), when offered for transportation by water, must be prepared for shipment in compliance with § 173.510 and must be packaged as follows:
(1) Metal barrel or drum;
(2) Wooden barrel or keg;
(3) Wooden or fiberboard box;
(4) Sift-proof multi-wall paper bag;
(5) Sift-proof paper-lined burlap bag; or
(6) Tight rail car.

§ 173.1085 Yeast, active (in liquid or compressed form).

(a) Yeast which will not generate gas in transit, or which is shipped in packagings where any gas which may develop can readily escape, is not subject to any other requirements of this subchapter.

(b) Any pressure vessel used must be equipped with a safety vent set to release gas at a maximum pressure of 25 p.s.i.g. when transported by air.

(c) Except for a material covered under paragraph (a) of this section, each shipping paper involving shipment by aircraft must indicate to the aircraft operator any special handling and refrigeration conditions necessary for safe transportation including instructions to the operator for handling and refrigeration in the event of delay en route.

297. A new Subpart N is added to read as follows:

Subpart N—Other Regulated Material; ORM–D

§ 173.1200 Consumer Commodity.

(a) In order to be transported under the proper shipping name of "consumer commodity," a material must meet that definition. It may be reclassed and offered for shipment as ORM–D material (See § 173.500) provided that a special exception is authorized in the specific section applicable to the material and that it is prepared in accordance with the following paragraphs. (The gross weight of each package must not exceed 65 pounds and each package offered for transportation aboard aircraft must meet the requirements of § 173.6).

(1) *Flammable Liquids must be:* (i) In inside metal containers, each having a rated capacity of 1 quart or less, packed in strong outside packagings;

(ii) In inside containers, each having a rated capacity of 1 pint or less, packed in strong outside packagings.

(iii) In inside containers, each having a rated capacity of one gallon or less, packed in strong outside packagings. The provisions of this exception apply only if the flash point of the material is 73° F. or higher.

(2) *Corrosive liquids must be:* (i) In bottles, each having a rated capacity of 1 pint or less, each enclosed in a metal can, packed in strong outside packagings.

(ii) In metal or plastic containers, each having a rated capacity of 1 pint or less, packed in strong outside packagings.

(3) *Corrosive solids* must be: (i) In earthenware, glass, plastic or paper containers each having a net weight of 5 pounds or less, packed in strong metal, wooden, or fiberboard outside packagings, each having a net weight of 25 pounds or less.

(ii) In metal, rigid fiber, or composition cans or cartons or rigid plastic containers each having a net weight of 10 pounds or less, packed in strong metal, wooden, or fiberboard outside packagings each having a net weight of 25 pounds or less.

(4) *Flammable solids* must be in inside containers each having a net weight of 1 pound or less, packed in strong outside packagings each having a net weight of 25 pounds or less.

(5) *Oxidizers* must be in inside containers each having a rated capacity of 1 pint or less for liquids or a net weight of 1 pound or less for solids, packed in strong outside packaging each having a net weight of 25 pounds or less.

(6) *Organic peroxides* must be; (i) In inside containers which must be securely packed and cushioned with noncombustible cushioning material. However, cushioning material is not required when the liquid is contained in strong, securely closed, plastic packagings, each having a rated capacity of 1 ounce or less by volume or of 1-ounce or less net weight.

(ii) In strong outside packagings of 24 or less inside fiberboard containers, each having 70 or less securely closed tubes having a maximum fluid capacity of ⅛-ounce each and securely packed in noncombustible cushioning material. Each fiberboard container may not contain more than 1 pint of liquid.

(7) *Poison B liquids or solids* must be in inside containers, each having a rated capacity of 8 ounces or less by volume for liquids or of 8-ounces or less net weight for solids packed in strong outside packagings.

(8) *Compressed gases* must be: (i) In inside containers, each having a water capacity of 4-fluid ounces or less (7.22 cubic inches or less), packed in strong outside packagings.

(ii) In inside container charged with a solution of materials and compressed gas or gases which is non-poisonous, meeting all of the following:

(A) Capacity may not exceed 50 cubic inches (27.7 fluid ounces);

(B) Pressure in the container may not exceed 180 p.s.i.g. at 130° F. (55° C.). If the pressure exceeds 140 p.s.i.g. at 130° F., (55° C.) but does not exceed 160 p.s.i.g. at 130° F., (55° C.) a specification DOT 2P (§ 178.33 of this subchapter) inside metal container must be used; if the pressure exceeds 160 p.s.i.g. at 130° F., (55° C.), a specification DOT 2Q (§ 178.33a of this subchapter) inside metal container must be used. In any event the metal container must be capable of withstanding, without bursting, a pressure of one and one-half times the equilibrium pressure of the contents at 130° F. (55° C.);

(C) Liquid content of the material and gas not completely fill the container at 130° F. (55° C.);

(D) The containers must be packed in strong outside packagings; and

(E) Each completed container filled for shipment must have been heated until the pressure in the container is equivalent to the equilibrium pressure of the content at 130° F. (55° C.) without evidence of leakage, distortion, or other defect.

(iii) In a non-refillable inside metal container of 50 cubic-inch capacity or less (27.7 fluid ounces), with foodstuffs or soaps and with soluble or emulsified compressed gas, provided the pressure in the container does not exceed 140 p.s.i.g. at 130° F. (55° C.). The metal container must be capable of withstanding, without bursting, a pressure of one and one-half times the equilibrium pressure of the contents at 130° F. (55° C.) and must comply with the following provisions:

(A) Containers must be packed in strong outside packagings, and

(B) Liquid content of the material and gas may not completely fill the container at 130° F. (55° C.).

(iv) In refillable inside metal containers with cream and soluble or emulsified compressed gas packed in strong outside packagings. Containers must be of such design that they will hold pressure without permanent deformation up to 375 p.s.i.g. and must be equipped with a device designed so as to release pressure without bursting of the container or dangerous projection of its parts at higher pressures.

(v) In non-refillable inside metal containers charged with a solution, containing biological products or a medical preparation which could be deteriorated by heat, and compressed gas or gasses which is nonpoisonous and nonflammable. The capacity of each container may not exceed 35 cubic inches (19.3 fluid ounces). The pressure in the container may not exceed 140 p.s.i.g. at 130° F. (55° C.), and the liquid content of the product and gas may not completely fill the container at 130° F. (55° C.). One completed container out of each lot of 500 or less, filled for shipment, must be heated, until the pressure in the container is equivalent to the equilibrium pressure of the content at 130° F. (55° C.). There may not be no evidence of leakage, distortion, or other defect. Container must be packed in strong outside packagings.

(vi) In electronic tubes, each having a volume of not more than 30 cubic inches and charged with gas to a pressure of not more than 35 p.s.i.g. and packed in strong outside packagings.

(vii) In an inside metal container as a component of an audible fire alarm system powered by a compressed gas meeting the following provisions:

(A) Each inside container must have contents which are not flammable, poisonous, or corrosive as defined under this Part;

(B) Each inside container may not have a capacity exceeding 35 cubic inches (19.3 fluid ounces);

(C) Each inside container may not have a pressure exceeding 70 p.s.i.g. at 70° F. (21° C.) and the liquid portion of the gas may not completely fill the inside container at 130° F. (55° C.);

(D) Each inside container must be designed and fabricated with a burst pressure of not less than five times its charged pressure or more at 130° F. (55° C.); and

(E) Each fire alarm system must be packed in a strong outside packaging.

298. A new Appendix D is added to Part 173 to read as follows:

APPENDIX D—METHOD OF TESTING CORROSION TO SKIN

1. Corrosion to the skin is measured by patch-test technique on the intact skin of the albino rabbit, clipped free of hair. A minimum of six subjects are to be used in this test.

2. Introduce under a square cloth patch, such as surgical gauze measuring 1 inch by 1 inch and two single layers thick, 0.5 milliliter (in the case of liquids) or 0.5 gram (in the case of solids and semisolids) of the substance to be tested.

3. Immobilize the animals with patches secured in place by adhesive tape.

4. Wrap the entire trunk of each animal with an impervious material, such as rubberized cloth, for the 4 hour period of exposure. This material is to aid in maintaining the test patches in position and retards the evaporation of volatile substances. It is not applied for the purpose of occlusion.

5. After 4 hours of exposure, the patches are to be removed and the resulting reactions are to be evaluated for corrosion.

6. Readings are again to be made at least at the end of a total of 48 hours (44 hours after the first reading).

7. Corrosion will be considered to have resulted if the substance in contact with the rabbit skin has caused destruction or irreversible alternation of the tissue. Tissue destruction is considered to have occurred if, at any of the readings, there is ulceration or necrosis. Tissue destruction does not include merely sloughing of the epidermis, or erythema, edema, or fissuring.

299. Part 174 is revised to read as follows:

PART 174—CARRIAGE BY RAIL

Subpart A—General Requirements

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174.1 Purpose and scope.
174.3 Unacceptable hazardous materials shipments.
174.5 Carrier's materials and supplies.
174.7 Responsibility for compliance.
174.8 Inspection.
174.9 Inspection of tank cars.
174.10 Inspection of cars at interchange.
174.11 Canadian shipments and packages.
174.12 Intermediate shippers and carriers.
174.14 Movements to be expedited.
174.16 Removal and disposition of hazardous materials at destination.
174.18 Astray shipments.
174.20 Local or carrier restrictions.

Subpart B—General Operating Requirements

174.24 Shipping papers.
174.25 Additional information on waybills, switching orders and other billings.
174.26 Notice to train crews of placarded cars.
174.33 Lost or destroyed labels and placards.
174.45 Reporting hazardous materials incidents.
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174.49 Flammable vapors.
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Subpart C—General Handling and Loading Requirements

174.55 General requirements.
174.56 Drums.
174.57 Cleaning cars.
174.59 Marking and placarding of rail cars.
174.61 Truck bodies, trailers or containers on flatcars.
174.63 Portable containers and portable tanks.
174.67 Tank car unloading.
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174.81 Segregation and separation requirements for hazardous materials in rail cars.

Subpart D—Handling of Placarded Cars

174.83 Switching of cars containing hazardous materials.
174.84 Switching of flatcars carrying placarded trailers or containers.
174.85 Placement of freight cars placarded "EXPLOSIVES A" in yards, on sidings, or side tracks.
174.86 Position in train of cars placarded "EXPLOSIVES A" or "POISON GAS" when accompanied by cars carrying guards or technical escorts.
174.87 Placarded cars prohibited in passenger trains, limited in mixed trains.
174.88 Position in train of cars placarded "EXLOSIVES A".
174.89 Position in train of cars placarded "RADIOACTIVE MATERIALS".
174.90 Separating cars placarded "EXPLOSIVES A" or "POISON GAS" from other cars in trains.
174.91 Position in training of loaded placarded tank car other than car placarded "COMBUSTIBLE".
174.92 Separating loaded placarded tank cars other than cars placarded "COMBUSTIBLE" from other cars in trains.
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Subpart E—Detailed Requirements for Explosives

174.100 Forbidden explosives.
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174.103 Disposition of damaged or astray shipments.
174.104 Class A explosives; car selection, preparation, inspection, and certification.
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174.107 Shipping days for Class A explosives.
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174.110 Car magazine.
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Subpart F—Detailed Requirements for Gases

174.200 Special handling requirements.
174.201 Compressed gas cylinders.
174.204 Tank car delivery of gases.
174.208 Rail cars, truck bodies, or trailers with fumigated or treated lading.
174.280 Poison gases with foodstuffs.
174.290 Poison A shipped by, for, or to the Department of Defense.

Subpart G—Detailed Requirements for Flammable Liquids

174.300 Special handling requirements.
174.304 Flammable liquids in tank cars.
174.380 Poisonous flammable liquids with foodstuffs.

Subpart H—Detailed Requirements for Flammable Solids

174.410 Special handling requirements for matches.
174.450 Fires.
174.480 Poisonous flammable solids with foodstuffs.

Subpart I—Detailed Requirements for Oxidizing Materials

174.510 Special handling requirements for nitrates.
174.515 Cleaning cars; potassium permanganate.
174.580 Poisonous oxidizing materials with foodstuffs.

Subpart J—Detailed Requirements for Poisonous Materials

174.600 Special handling requirements for Poison A materials.
174.615 Cleaning cars.
174.680 Poisons with foodstuffs.

Subpart K—Detailed Requirements for Radioactive Materials

174.700 Special handling requirements for radioactive materials.
174.715 Cleanliness of cars after use.
174.750 Incidents involving leakage.

Subpart L—Detailed Requirements for Corrosive Materials

174.800 Special handling requirements for corrosive materials.
174.810 Special handling requirements for wet electric storage batteries.
174.812 Special handling requirements for nitric acid.

AUTHORITY: 18 U.S.C. 834, 49 CFR 1.53(g).

Subpart A—General Requirements

§ 174.1 Purpose and scope.

This part prescribes requirements in addition to those contained in Parts 171, 172, 173, and 179 of this subchapter, to to be observed by carriers with respect to the transportation of hazardous materials in or on rail cars.

§ 174.3 Unacceptable hazardous materials shipments.

A shipment of a hazardous material that is not prepared for transportation in accordance with Parts 172 and 173 of this subchapter may not be accepted for transportation or transported by rail.

§ 174.5 Carrier's materials and supplies.

This subchapter applies to the transportation of a carrier's materials and supplies moving by rail, except that the shipper's certification is not required when these materials and supplies are being transported by the carrier who owns them.

§ 174.7 Responsibility for compliance.

Unless this subchapter specifically provides that another person is to perform a particular duty, each carrier, including a connecting carrier, shall perform the duties specified and comply with each applicable requirement of this part, and shall instruct his employees in relation thereto.

§ 174.8 Inspection.

(a) Methods of manufacture, packing, and storage of hazardous materials in-

sofar as they affect safety in transportation by rail, must be open to inspection by a duly authorized representative of the Department, an initial carrier, and the Bureau of Explosives.

(b) At any point where a train is required to be inspected, each placarded rail car and each rail car immediately adjacent thereto must be inspected. The cars may continue in transit only when the inspection indicates that the cars are in a safe condition for transportation. (See §§ 174.9 and 174.10.) The inspection of a rail car other than a tank car or a rail car containing Class A explosives must include a visual inspection for obvious defects of the running gear and any leakage of contents from the car and to determine whether all required placards are in place and conform to the information given on the train consist.

(c) For inspection requirements applicable to rail cars containing Class A explosives, see §§ 174.10 and 174.104.

§ 174.9 Inspection of tank cars.

(a) Each loaded placarded tank car must be inspected by the carrier before acceptance at the originating point and when received in interchange to see that they are not leaking and that the air and hand brakes, journal boxes, and trucks are in proper condition for service.

(b) An empty tank car which previously contained a hazardous material and which is tendered for movement or received in interchange must have all manhole covers, outlet valve reducers, outlet valve caps, outlet valve cap plugs, end plugs, and plugs or caps or other openings securely in their proper places, except that heater coil inlet and outlet pipes must be left open for drainage.

(c) The safety valves on a tank car may not be tested while the car is loaded. Whenever a test of the safety valves or tank becomes due while a loaded car is in transit, unless the car is leaking or in a manifestly insecure condition, it must be forwarded to its destination, carded on each side with a card exhibiting the following notice:

Safety valves overdue for test:
Tank overdue for test:
Moving under authority of 49 CFR 174.9 (c).

A prompt report of each such movement, showing the identifying initials and number of each car, must be made to the Bureau of Explosives by the carrier carding the cars.

§ 174.10 Inspection of cars at interchange.

(a) Each rail car containing explosives requiring EXPLOSIVES A placards (see § 174.104) which is offered by a connecting line must be visually inspected externally by the receiving line, including the roof. If practicable, the receiving carrier should also inspect the lading. The car may not be forwarded until all discovered violations have been corrected.

(b) If the car shows evidence of or if there is any reason to suspect that it has received rough treatment, the lading must be inspected and placed in proper condition before the car is permitted to proceed. When interchange occurs and the inspection is performed after daylight hours, electric flashlights should be used and naked lights may not be used.

(c) A shipment of hazardous materials offered by a connecting carrier must comply with this subchapter, and the revenue waybill, freight bill, manifest of lading, card waybill, switching order, transfer slip ticket, or other billing, must bear the placard endorsement prescribed by § 174.25 of this subpart in letters not less than three-eighths of an inch high near the car number. The billing must also bear a notation stating the name of the placard followed by the word "Placarded".

(d) A car containing packages of hazardous materials other than explosives may not be offered in interchange if the packages are in a leaking condition.

(e) In the case of a tank car which has developed small leaks in the course of its movement to an interchange point and which requires a short movement to effect delivery for unloading by the consignee, the movement may be made if it can be made safely adhering to the precautions prescribed by § 174.50.

§ 174.11 Canadian shipments and packages.

A Canadian shipment or package may be transported by rail car within the United States if it is in compliance with the requirements of this subchapter or the regulations of the Canadian Transport Commission as provided in § 173.8 of this subchapter.

§ 174.12 Intermediate shippers and carriers.

(a) Each intermediate carrier, including a freight forwarder, must have on file a copy of the shipper's certified shipping paper, as prescribed in Part 172 of this subchapter, for each shipment of hazardous materials it handles. An intermediate shipper or carrier may not forward or transport a shipment of hazardous materials if it does not meet the requirements of this subchapter.

(b) An intermediate carrier offering or delivering for transportation any loaded motor vehicle, trailer, semi-trailer, or container containing any hazardous material must show on the shipping paper the information required by § 172.201 of this subchapter and a description of the type vehicle or container.

§ 174.14 Movements to be expedited.

(a) A carrier must forward each shipment of hazardous materials promptly and within 48 hours (Saturdays, Sundays, and holidays excluded), after acceptance at the originating point or receipt at any yard, transfer station, or interchange point, except that where biweekly or weekly service only is performed, a shipment of hazardous materials must be forwarded on the first available train.

(b) A tank car loaded with any flammable liquid or gas, or a poison gas, may not be received and held at any point, subject to forwarding orders, so as to defeat the purpose of this section or of § 174.204 of this subchapter.

§ 174.16 Removal and disposition of hazardous materials at destination.

(a) *Delivery at non-agency stations.* A shipment of explosives may not be unloaded at non-agency stations unless the consignee is there to receive it or unless properly locked and secure storage facilities are provided at that point for its protection. If delivery cannot be so made, the shipment must be taken to next or nearest agency station for delivery.

(b) *Delivery at agency stations.* A carrier shall require the consignee of each shipment of hazardous materials to remove the shipment from carrier's property within 48 hours (exclusive of Saturdays, Sundays, and holidays) after notice of arrival has been sent or given. If not so removed, the carrier shall immediately dispose of the shipments as follows:

(1) *Class A explosives:* If safe storage is available, by storage at the owner's expense; if safe storage is not available, by return to the shipper, sale, or destruction under supervision of a competent person; or if safety requires, by destruction under supervision of a competent person.

(2) *Hazardous materials, except Class A explosives, in carload shipments:* By storage on the carrier's property; by storage on other than the carrier's property, if safe storage on the carrier's property is not available; or by sale at expiration of 15 calendar days after notice of arrival has been sent or given to the consignee, provided the consignor has been notified of the non-delivery at the expiration of a 48-hour period and orders for disposition have not been received.

(3) *Hazardous materials, except Class A explosives, in less-than-carload shipments:* By return to the shipper if notice of non-delivery was requested and given the consignor as prescribed by the carrier's tariff, and orders for return to shipper have been received; by storage on the carrier's property; by storage on other than the carrier's property, if safe storage on carrier's property is not available; or by sale at expiration of 15 calendar days after notice of arrival has been sent or given to the consignee, provided the consignor has been notified of non-delivery at expiration of a 48-hour period and orders for disposition have not been received.

§ 174.18 Astray shipments.

An astray package of hazardous materials other than explosives, of known destination and in proper condition for safe transportation, must be forwarded immediately on an "astray bill", showing the information required by Subpart C of Part 172 of this subchapter. When necessary to replace a label and doubt exists as to the kind, the FLAMMABLE LIQUID label must be applied. For astray shipments of explosives, see § 174.103.

§ 174.20 Local or carrier restrictions.

(a) When local conditions make the acceptance, transportation, or delivery of hazardous materials unusually hazardous, local restrictions may be imposed by the carrier.

(b) Each carrier must report to the Bureau of Explosives for publication the full information as to any restrictions which it imposes against the acceptance, delivery, or transportation of hazardous materials, over any portion of its lines under this section.

Subpart B—General Operating Requirements

§ 174.24 Shipping papers.

(a) Except as provided in paragraph (c) of this section, no person may accept for transportation by rail any hazardous material which is subject to this subchapter unless he has received a shipping paper prepared in the manner specified in Subpart C of Part 172 of this subchapter. In addition, the shipping paper must include a certificate, if required by § 172.204 of this subchapter. However, no member of the train crew of a train transporting the hazardous material is required to have a shipper's certificate on the shipping paper in his possession if the original shipping paper containing the certificate is in the originating carrier's possession.

(b) Except as provided in paragraph (c) of this section, a member of the train crew of a train transporting hazardous materials must have in his possession a copy of the shipping papers for shipment of hazardous materials being transported showing the information required by §§ 172.202 and 172.203 of this subchapter.

(c) Paragraphs (a) and (b) of this section do not apply to materials classed as ORM–A, B, C, or D.

§ 174.25 Additional information on waybills, switching orders and other billings.

(a) Each waybill, switching ticket, switching order or other billing used in place thereof, prepared from bills-of-lading, shipping orders or other shipping papers, and each shipping order used as a waybill for a rail car required to be placarded by Subpart F of Part 172 of this subchapter must, in addition to containing the information required by §§ 172.202 and 172.203 of this subchapter, be plainly market with—

(1) The placard notation specified in the following table immediately following the billing entry of each hazardous material or classification listed in the table;

(2) The placard endorsement specified in the following table for the hazardous material or classification concerned, in letters not less than three-eighths of an inch high near the space on the face of the billing provided for the car number; and

(3) In the case of a flatcar carrying trailers or containers, an indication of which trailers or containers contain the hazardous materials.

Hazardous material or classification	Placard notation	Placard endorsement
Explosives, class A	EXPLOSIVES A	Explosives.
Explosive chemical ammunition containing class A poison.	EXPLOSIVES A and POISON GAS	Explosives and poison gas.
Explosives, class B	EXPLOSIVES B	Dangerous.
Explosives, class C	FLAMMABLE	Dangerous.
Flammable liquids	FLAMMABLE	Dangerous.
Flammable solids	FLAMMABLE SOLID	Dangerous.
Oxidizer	OXIDIZER	Dangerous.
Corrosive material	CORROSIVE	Dangerous.
Nonflammable gases	NON-FLAMMABLE GAS	Dangerous.
Flammable gases	FLAMMABLE GAS	Dangerous.
Poisonous gases or liquids, class A	POISON GAS	Poison gas.
Poison, class B	POISON	Dangerous.
Radioactive material (Yellow-III label only).	RADIOACTIVE	Radioactive material.
Organic peroxide	ORGANIC PEROXIDE	Dangerous.
Irritating material	DANGEROUS	Dangerous.
Combustible liquid	COMBUSTIBLE	None.
Chlorine	CHLORINE	Dangerous.
Fluorine	POISON	Dangerous.
Oxygen (liquefied)	OXYGEN	Dangerous.
Empty tank cars last containing a hazardous material.	See sec. 174.25(c)	Dangerous.

(b) When the initial movement of a rail car required to be placarded is a switching operation, the switching order, switching receipt, or switching ticket, and all copies thereof, prepared by the shipper, or by the carrier under the shipper's written authority, must contain the following:

(1) The commodity name specified in § 172.101 of this subchapter;

(2) The commodity classification specified in § 172.101 of this subchapter;

(3) The placard endorsement specified in § 174.25(a)(1);

(4) The placard notation specified in § 174.25(a)(2);

(5) The total quantity (by weight, volume, or as otherwise appropriate) of the hazardous material covered by the description; and

(6) The shipper's certification and signature specified in § 172.204 of this subchapter.

(c) Except as otherwise provided in this subchapter for empty tank cars last containing a hazardous material, the billing must show the word "EMPTY" followed by the name of last commodity loaded in car. Example: "EMPTY—Chlorine" or "EMPTY—Nitric acid".

(d) At each station, or other point, where any other shipment of material is loaded into a properly certified and placarded rail car containing a shipment of explosives, and when a shipment of explosives is transferred or reloaded, or a carload shipment of explosives is reconsigned, the carrier must make a record of the car, originating point, carrier's name and date of car certificate. In addition, the blocking and bracing must be inspected as required in § 174.104 and certified as being in compliance with the requirements of this part by the person making the inspection who shall sign the car certificates immediately below the signature which appears on Certificate Number 2 of the original car certificates attached to the car.

§ 174.26 Notice to train crews of placarded cars.

(a) At each terminal or other place where trains are made up or switched by crews other than train crews accompanying the outbound movement of cars, the carrier shall execute consecutively numbered notices showing the location in each train of each rail car placarded EXPLOSIVE A or POISON GAS. A copy of each notice must be delivered to the train and engine crew concerned, and a copy thereof showing delivery to the train and engine crew must be kept on file by the carrier at each point where the notice is given. At points where train or engine crews are changed, the notice must be transferred from crew to crew. See Part 172 of this subchapter for other placarded cars.

(b) The train crew must have a document indicating the position in the train of each loaded placarded car containing hazardous materials, except when the position is changed or the placarded car is placed in the train by a member of the train crew. A train consist on a separate document may be used to meet this requirement.

§ 174.33 Lost or destroyed labels and placards.

Each carrier shall maintain an adequate supply of the labels and placards specified in Subparts E and F of Part 172 of this subchapter on hand to replace those that become lost or destroyed. The carrier shall replace each lost or destroyed label or placard, as the case may be, based on the information on the shipping papers.

§ 174.45 Reporting hazardous materials incidents.

When an incident occurs during transportation in which hazardous materials are involved, Hazardous Materials Incident Reports may be required. See §§ 171.15 and 171.16 of this subchapter.

§ 174.47 Correction of violations.

(a) A shipment of explosives discovered to be in violation of any of the requirements of this subchapter may not be forwarded until all discovered violations have been corrected.

(b) Unless leaking, or in a manifestly insecure condition, each package of hazardous materials other than explosives in transit must be forwarded to its destination and a report made of any violation observed. A leaking package may not be forwarded until repaired or reconditioned. (See §§ 171.15 and 171.16

of this subchapter for reporting requirements.)

§ 174.49 Flammable vapors.

A placarded box car, trailer-on-flatcar container-on-flatcar or car known to contain flammable liquids, gases, or vapors may not be entered with a lighted open-flame lantern, torch, or other fire, until all car doors are opened and sufficient time has been allowed for ventilation and escape of any vapors.

§ 174.50 Leaking tank cars.

(a) A tank car discovered in a leaking condition in transit may not be unnecessarily moved until the unsafe condition has been corrected. In the case of a small leak, short movements may be made if a receptacle is attached under the leak to prevent the spread of the liquid over tracks.

(b) Each leaking tank car must be protected against ignition of the liquid or vapor by flame from sources such as lanterns, torches, flares, fusees, switch lights, switch-thawing flames, fires on sides of tracks, hot coals, lighted pipes, cigars, or cigarettes. All spectators should be kept at a safe distance.

(c) Highly volatile liquids can not be transferred by a vacuum pump unless the pump is placed so that the liquid flows to it from the tank by gravity.

(d) Whenever the leaking condition of a tank car requires the transfer of lading or makes the tank unfit for reloading, the car must be stenciled on both sides in letters three inches in size, adjacent to the car number, "LEAKY TANK. DO NOT LOAD UNTIL REPAIRED". The location of the leak must be indicated and marked with the symbol "X". The owner must be immediately notified by telegram and advised of the exact location of the leak. The stenciling may not be removed until the tank is repaired.

(e) Open-flame lights may not be brought near a placarded empty or partially loaded tank car.

(f) A leaking tank car containing any hazardous material may be switched to a location distant from habitation and highways if the move can be safely made.

Subpart C—General Handling and Loading Requirements

§ 174.55 General requirements.

(a) Except as otherwise specifically provided, each package of hazardous materials being transported by rail car must be loaded and blocked and braced as prescribed in this subchapter. For recommended methods of blocking and bracing in cars, truck bodies, or trailers, see Bureau of Explosives Pamphlet Nos. 6 and 6C. See loading and storage chart (§ 174.81) before loading labeled materials together.

(b) Packages of hazardous materials must be loaded and securely blocked and braced to prevent the packages from changing position, falling to the floor, or sliding into each other under shocks normally incident to transportation. This requirement does not preclude the use of loading methods that are designed to permit limited movement of the load and that are approved by the Department.

(c) Each package of hazardous materials bearing markings "THIS SIDE UP" or "THIS END UP" must be handled and loaded, blocked and braced, in the car to remain in the position indicated by the markings during transportation.

(d) A heavy package or container of hazardous materials may be trucked, rolled or moved by skid, fork truck, or other handling devices. It may not be dropped from any truck, platform, or rail car. Planks for rolling trucks from platforms to cars must have beveled edges.

(e) A carrier shall store hazardous materials in a secure location while they are being held for loading or delivery. The carrier shall insure that persons not having business with the carrier do not have access to these hazardous materials.

§ 174.56 Drums.

(a) Drums containing hazardous materials may be transported only in rail cars having level floors. Any car equipped with metal corrugated ends or having bowed ends must have end wall bulkheads constructed in accordance with the Bureau of Explosives standard for center gates. For recommended methods of blocking and bracing, see Bureau of Explosives Pamphlet No. 6.

(b) When hazardous materials are transported in drums with rolling hoops they must be loaded on their bottom with the filling holes up. They must be loaded in rows across the car with each alternate row being reduced by one drum. Each alternate row of drums must be placed on risers of sufficient height to prevent the rolling hoops contacting each other and placed tightly into the angle of space formed by the sidewalls of the drums in the preceding stack. Any space between the side of the car and the drums must be filled in with wooden boards or lumber, nailed to the car sides, sufficient in length and width to contact both hoops of the drums. Full car loads of heavily loaded drums must be separated into bays, with at least two in each end of the car and an intermediate gate between each bay. For recommended loading details, see Bureau of Explosives Pamphlet No. 6.

(c) When hazardous materials are transported in drums with filling holes in the sides, they must be loaded on their sides with the filling holes up. Drums must be loaded lengthwise of the car in rows and any space between sides of car and the nearest row of drums must be filled in with wooden boards or lumber nailed to car sides sufficient in length and width to contact both rolling hoops of the drums. For recommended methods of blocking and bracing, see Bureau of Explosives Pamphlet No. 6.

(d) When hazardous materials are transported in drums in a boxcar, they must be loaded from both ends of the car toward the space between the car doors, and there braced by center gates and struts. For recommended methods of blocking and bracing, see Bureau of Explosives Pamphlet No. 6.

§ 174.57 Cleaning cars.

All hazardous material which has leaked from a package in any rail car or on other railroad property must be carefully removed.

§ 174.59 Marking and placarding of rail cars.

No person may transport a rail car carrying hazardous materials unless it is marked and placarded as required by this subchapter. Placards and car certificates lost in transit must be replaced at the next inspection point, and those not required must be removed at the next terminal where the train is classified.

§ 174.61 Truck bodies, trailers or containers on flatcars.

(a) A truck body, trailer or container containing a hazardous material must be designed and loaded so that it will not rupture or become seriously damaged under conditions normally incident to transportation. Each unit must be secured on a flatcar so that it cannot permanently change position during transit. Packages of hazardous materials contained therein must be loaded and braced as provided by §§ 174.101, 174.112, 174.115 and 174.55. Placards must be applied when prescribed by Part 172 and Part 174.

(b) A truck body, trailer or container equipped with automatic heating or refrigerating equipment employing any fuel or article classed as a hazardous material may be loaded and transported on a flatcar if the equipment is of a type approved by the Bureau of Explosives. The truck body, trailer or container must be secured on the flatcar so that it cannot permanently change position during transit.

(c) A cargo tank or multi-unit tank car tank containing hazardous materials may not be transported in trailer-on-flatcar, or container-on-flatcar service except under conditions approved by the Federal Railroad Administrator.

§ 174.63 Portable containers and portable tanks.

(a) A portable container or portable tank containing a hazardous material must be designed and loaded so that it will not rupture, or become seriously damaged under conditions normally incident to transportation. Each unit must be secured in a closed or gondola car, on a flatcar, or in a truck body on a flatcar so that it cannot permanently change position during transit. The ends, sidewalls, or doors of a truck body or trailer may not be relied upon to prevent the shifting of a portable container or tank.

(b) A Specification 51, 52, 53, 56 or 57 portable tank may not be transported on flatcars or on flat trailers on flatcars, except under conditions approved by the Federal Railroad Administrator. For cargo tanks and multi-unit tank car tanks, see § 174.61(c).

(c) A Specification 51, 52, 53, 56 or 57 portable tank may be shipped only in a rail car that provides specific facilities for bracing and tie-down of these tanks. If TOFC or COFC service is utilized, the tank should be secured in its trailer body in compliance with Bureau of Explosives Pamphlet 6C.

§ 174.67 Tank car unloading.

(a) In unloading tank cars, the following conditions must be observed (see also § 174.200 for compressed gases):

(1) Unloading operations must be performed only by reliable persons properly instructed in unloading hazardous materials and made responsible for careful compliance with this part.

(2) Brakes must be set and wheels blocked on all cars being unloaded.

(3) Caution signs must be so placed on the track or cars to give necessary warning to persons approaching the cars from the open end of a siding and must be left up until after the cars are unloaded and disconnected from the discharge connection. The signs must be of metal or other comparable material, at least 12 inches high by 15 inches wide in size, and bear the words, "STOP—Tank Car Connected", or "STOP—Men at Work", the word "STOP" being in letters at least 4 inches high and the other words in letters at least 2 inches high. The letters must be white on a blue background.

(4) Before a manhole cover or outlet valve cap is removed from a tank car, the car must be relieved of all interior pressure by cooling the tank with water or by venting the tank by raising the safety valve or opening the dome vent at short intervals. However, if venting to relieve pressure will cause a dangerous amount of vapor to collect outside the car, venting and unloading must be deferred until the pressure is reduced by allowing the car to stand overnight or otherwise cooling the contents. These precautions are not necessary when the car is equipped with a manhole cover which hinges inward or with an inner manhole cover which does not have to be removed to unload the car, and when pressure is relieved by piping vapor into a condenser or storage tank.

(b) After the pressure is released, the seal must be broken and the manhole cover removed as follows: (1) *Screw type.* The cover must be loosened by placing a bar between the manhole cover lug and knob. After two complete turns, so that vent openings are exposed, the operation must be stopped, and if there is any sound of escaping vapor, the cover must be screwed down tightly and the interior pressure relieved as prescribed in paragraph (a) (4) of this section, before again attempting to remove the cover.

(2) *Hinged and bolted type.* All nuts must be unscrewed one complete turn, after which same precautions as prescribed for screw type cover must be observed.

(3) *Interior type.* All dirt and cinders must be carefully removed from around the cover before the yoke is unscrewed.

(c) When the car is unloaded through a bottom outlet valve, the manhole cover must be adjusted as follows: (1) *Screw type.* The cover must be put in place, but not entirely screwed down, so that air may enter the tank through the vent holes in threaded flange of the cover.

(2) *Hinged and bolted type. A nonmetallic* block must be placed under one edge of the cover.

(3) *Interior type.* The screw must be tightened up in the yoke so that the cover is brought up within one-half inch of the closed position.

(d) When unloading through the bottom outlet of a car equipped with an interior manhole type cover, and in each case where unloading is done through the manhole (unless a special cover with a safety vent opening and a tight connection for the discharge outlet is used), the manhole must be protected by asbestos or metal covers against the entrance of sparks or other sources of ignition of vapor, or by being covered and surrounded with wet burlap or similar cloth material. The burlap or other cloth must be kept damp by the replacement or the application of water as needed.

(e) Seals or other substances must not be thrown into the tank and the contents may not be spilled over the car or tank.

(f) The valve rod handle or control in the dome must be operated several times to see that outlet valve in bottom of tank is on its seat before valve cap is removed.

(g) The valve cap, or the reducer when a large outlet is to be used, must be removed with a suitable wrench after the set screws are loosened and a pail must be placed in position to catch any liquid that may be in the outlet chamber. If the valve cap or reducer does not unscrew easily, it may be tapped lightly with a mallet or wooden block in an upward direction. If leakage shows upon starting the removal, the cap or reducer may not be entirely unscrewed. Sufficient threads must be left engaged and sufficient time allowed to permit controlled escape of any accumulation of liquid in the outlet chamber. If the leakage stops or the rate of leakage diminishes materially, the cap or reducer may be entirely removed. If the initial rate of leakage continues, further efforts must be made to seat the outlet valve (see paragraph (f) of this section). If this fails, the cap or reducer must be screwed up tight and the tank must be unloaded through the dome. If upon removal of the outlet cap the outlet chamber is found to be blocked with frozen liquid or any other matter, the cap must be replaced immediately and a careful examination must be made to determine whether the outlet casting has been cracked. If the obstruction is not frozen liquid, the car must be unloaded through the dome. If the obstruction is frozen liquid and no crack has been found in the outlet casting, the car may, if circumstances require it, be unloaded from the bottom by removing the cap and attaching unloading connections immediately. Before opening the valve inside the tank car, steam must be applied to the outside of the outlet casting or wrap casting with burlap or other rags and hot water must be applied to melt the frozen liquid.

(h) Unloading connections must be securely attached to unloading pipes on the dome or to the bottom discharge outlets before any discharge valves are opened.

(i) Tank cars may not be allowed to stand with unloading connections attached after unloading is completed. Throughout the entire period of unloading, and while car is connected to unloading device, the car must be attended by the unloader.

(j) If necessary to discontinue unloading a tank car for any reason, all unloading connections must be disconnected. All valves must first be tightly closed, and the closures of all other openings securely applied.

(k) As soon as a tank car is completely unloaded, all valves must be made tight, the unloading connections must be removed and all other closures made tight, except that heater coil inlet and outlet pipes must be left open for drainage. The manhole cover must be reapplied by the use of a bar or wrench, the outlet valve reducer and outlet valve cap replaced by the use of a wrench having a handle at least 36 inches long, and the outlet valve cap plug, end plug, and all other closures of openings and of their protective housings must be closed by the use of a suitable tool.

(l) Railroad defect cards may not be removed.

(m) If oil or gasoline has been spilled on the ground around connections, it must be covered with fresh, dry sand or dirt.

(n) All tools and implements used in connection with unloading must be kept free of oil, dirt, and grit.

§ 174.69 Removal of placards and car certificates after unloading.

When lading requiring placards or car certificates is removed from rail cars other than tank cars, placards and car certificates must be removed by the party unloading the car.

§ 174.81 Segregation and separation requirements for hazardous materials in rail cars.

(a) Hazardous materials may not be loaded, transported, or stored together except as provided in the following table:

The following table shows the hazardous materials which must not be loaded or stored together.

The × at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuzes class A, with or without radioactive components g horizontal column must not be loaded or stored with high explosives or propellant explosives, class A b vertical column.

		Low explosives or black powder	High explosives or propellant explosives, class A	Initiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosoguanidine, pentaerythrite tetranitrate, tetrazene, lead mononitroresorcinate	Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers	Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell; ammunition for small arms with incendiary projectiles; ammunition for small arms with explosive projectiles; rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; boosters (explosive); bursters (explosive); and supplementary charges (explosive) without detonators [c] [d]	Explosive projectiles; bombs; torpedoes; mines; rifle or hand grenades (explosive); jet thrust units (jato) class A; igniters, jet thrust, class A; rocket motors, class A; igniters, rocket motor, class A [e]	Detonating fuzes, class A, with or without radioactive components	Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles; rocket ammunition with empty, inert-loaded or solid projectiles	Propellant explosives, class B; jet thrust units (jato), class B; igniters, jet thrust, class B; rocket motors, class B; rocket engines (liquid), class B; igniters, rocket motor, class B; starter cartridges, jet engine, class B	Fireworks, special or railway torpedoes	Small arms ammunition, or cartridges, practice ammunition	Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets	Percussion fuzes, tracer fuzes or tracers	Time, combination or detonating fuzes, class C	Cordeau detonant fuse; safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord	Fireworks, common	Flammable liquids or flammable gases; Flammable liquid or flammable gas label	Flammable solids or oxidizing materials; Flammable solid, oxidizer, or organic peroxide label	Corrosive liquids; Corrosive label	Nonflammable gases; Nonflammable gas label	Poisonous gases or liquids, in cylinders, projectiles or bombs, poison gas label	Radioactive materials
		a	b	c	d	e	f	g	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
CLASS A EXPLOSIVES																							
Low explosives or black powder	(a)			×							×						×	×	×	×	×	×	/×
High explosives or propellant explosives, class A	(b)			×	×			×			×						×	×	• ×	×	×	×	/×
Imitiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosoguanidine pentaerythrite tetranitrate tetrazene, lead mononitroresorcinate	(c)	×	×		×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	/×
Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers	(d)		×	×		×	×				[a] ×						[a] ×	[a] ×	[a] ×	[a] ×	[a] ×	×	/×
Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive), bursters (explosive), or supplementary charges (explosive) without detonators [c] [d]	(e)			×	×			×			×						×	×	×	×	×	×	/×
Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A, or igniters, jet thrust (jato), explosive, class A [d]	(f)			×	×			×			×						×	×	×	×	×	×	/×
Detonating fuzes, class A, with or without radioactive components	(g)		×	×		×	×				×						×	×	×	×	×	×	/×
CLASS B EXPLOSIVES																							
Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles	1			×																[b] ×		×	
Propellant explosives, class B, jet thrust units (jato) class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B	2			×																[b] ×		×	
Fireworks, special or railway torpedoes	3	×	×	×	[a] ×	×	×	×														×	

The following table shows the hazardous materials which must not be loaded or stored together.

The × at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stored together, for example: Detonating fuzes class A, with or without radioactive components g horizontal column must not be loaded or stored with high explosives or propellant explosives, class A b vertical column.

		Low explosives or black powder	High explosives or propellant explosives, class A	Initiating or priming explosives, wet: Diazodinitrophenol, fulminate of mercury; guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosoguanidine, pentaerythrite tetranitrate, tetrazene, lead mononitroresorcinate	Blasting caps, with or without safety fuse (including electric blasting caps), detonating primers	Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell; ammunition for small arms with incendiary projectiles; ammunition for small arms with explosive projectiles; rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; boosters (explosive); bursters (explosive); and supplementary charges (explosive) without detonators [d]	Explosive projectiles; bombs; torpedoes; mines; rifle or hand grenades (explosive); jet thrust units (jato), class A; igniters, jet thrust, class A; rocket motors, class A; igniters, rocket motor, class A*	Detonating fuzes, class A, with or without radioactive components	Ammunition for cannon with empty; inert-loaded or solid projectiles, or without projectiles; rocket ammunition with empty, inert-loaded or solid projectiles	Propellant explosives, class B; jet thrust units (jato), class B; igniters, jet thrust, class B; rocket motors, class B; rocket engines (liquid), class B; igniters, rocket motor, class B; starter cartridges, jet engine, class B	Fireworks, special or railway torpedoes	Small arms ammunition, or cartridges, practice ammunition	Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets	Percussion fuzes, tracer fuzes or tracers	Time, combination or detonating fuzes, class C	Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord	Fireworks, common	Flammable liquids or flammable gases; Flammable liquid or flammable gas label	Flammable solids or oxidizing materials; Flammable solid, oxidizer, or organic peroxide label	Corrosive liquids; Corrosive label	Nonflammable gases; Nonflammable gas label	Poisonous gases or liquids, in cylinders, projectiles or bombs poison gas label	Radioactive materials
		a	b	c	d	e	f	g	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
CLASS C EXPLOSIVES																							
Small arms ammunition, or cartridges, practice ammunition	4			×																			
Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets	5			×																			
Percussiosn fuzes, tracer fuses or tracer	6			×																			
Time, combination or detonating fuses, class C	7			×																			
Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord	8			×																			
Fireworks, common	9	×	×	×	[a]×	×	×	×														×	
OTHER DANGEROUS ARTICLES																							
Flammable liquids or flammable gases; Flammable liquid or flammable gas label	10	×	×	×	[a]×	×	×	×														×	
Flammable solids or oxidizing materials; Flammable solid, oxidizer, or organic peroxide label	11	×	[c]×	×	[g c]×	×	×	×												[b]×		×	
Corrosive materials; Corrosive label	12	×	×	×	[c]×	×	×	×	[b]×	[b]×									[b]×			×	
Nonflammable gases; Nonflammable gas label	13	×	×	×	[c]×	×	×	×															
Poisonous gases or liquids, in cylisnders, projectiles or bombs, poion gas label	14	×	×	×	×	×	×	×	×	×	×						×	×	×	×			
Radioactive materials; Radioactive label except 70	15	[f]×	[f]×	[f]×	[f]×	[f]×	[f]×	[f]×															

[a] Blasting caps or electric blasting caps in quantities not exceeding 1,000 caps may also be loaded and transported with articles named in vertical and horizontal columns 3, 9, 10, 11, 12, and 13. Loading and transportation of blasting caps or electric blasting caps in any quantity with articles named in vertical or horizontal columns b, c, e, or f is prohibited.

[b] Unless loaded in opposite ends of car, corrosive liquids must not be loaded with flammable solids, oxidizing materials, ammunition for cannon with or without projectiles, or propellant explosives, except that shippers loading carload shipments of corrosive liquids and flammable solids or oxidizing materials and who have obtained prior approval from the Department may load such materials together when it is known that the mixture of contents will not cause a dangerous evolution of heat or gas.

[c] Explosives, class A and explosives, class B must not be loaded or stored with chemical ammunition containing incendiary charges or white phosphorus either with or without bursting charges.

[d] Bursters (explosive), boosters (explosive), or supplementary charges (explosive) without detonators when shipped by, to or for the Departments of the Army, Navy, and Air Force of the United States Government may be loaded with any of the articles named except those in columns c, d, 3, 9, 10, 11, 12, 13, 14, and 15.

* Does not include nitrocarbonitrate or ammonium nitrate, fertilizer grade, which may be loaded, transported or stored with high explosives or with blasting caps or electric blasting caps, and detonating primers.

[f] Normal uranium. depleted uranium, and thorium metal in solid form may also be loaded and transported with articles named in vertical and horizontal columns a, b, c, d, e, f, and g.

NOTE 1: Charged electric storage batteries must not be loaded in the same car nor stored with any class A explosive.

NOTE 2: Cyanides or cyanide mixtures must not be loaded or stored with acids of corrosive liquids.

NOTE 3: Gas identification sets may be loaded and transported with all articles named except those in column c.

NOTE 4: Nitric acid, when loaded in the same car with other acids or other corrosive liquids in carboys, must be separated from the other carboys. A 2 by 6 inch plank, set on edge, should be nailed across the car floor at least 12 inches from the nitric acid carboys, and the space between the plank and the carboys of nitric acid should be filled with sand sifted ashes or other incombustible absorbent material.

NOTE 5: Smokeless powder for small arms in quantities not exceeding 100 pounds net weight in one car shall be classed as a flammable solid for purposes of transportation when approved for such classification by the Bureau of Explosives.

Subpart D—Handling of Placarded Cars

§ 174.83 Switching of cars containing hazardous materials.

(a) In switching operations where the use of hand brakes is necessary, a loaded placarded tank car, or a draft which includes a loaded placarded tank car, may not be cut off until the preceding car or cars clear the ladder track and the draft containing the loaded placarded tank car, or a loaded placarded tank car, shall in turn clear the ladder before another car is allowed to follow. In switching operations where hand brakes are used, it must be determined by trial whether a placarded car, or a car occupied by a rider in a draft containing a placarded car, has its hand brakes in proper working condition before it is cut off.

(b) A car placarded "EXPLOSIVES A" or "POISON GAS" may not be cut off while in motion or coupled into with more force than is necessary to complete the coupling. No car moving under its own momentum shall be allowed to strike any car placarded "EXPLOSIVES A" or "POISON GAS".

(c) When transporting a car placarded "EXPLOSIVES A" in a terminal, yard, or on a side track, or siding, it must be separated from the engine by at least one non-placarded car.

(d) The doors of each closed car placarded "EXPLOSIVES A" must be closed, securely fastened, and the lading securely braced before it is moved.

§ 174.84 Switching of flatcars carrying placarded trailers or containers.

(a) A placarded flatcar or a flatcar carrying a placarded trailer or container that bears any placard prescribed by Part 172 of this subchapter may not be cut off while in motion.

(b) No rail car moving under its own momentum may be permitted to strike any placarded flatcar or any flatcar carrying a placarded trailer or container.

(c) No placarded flatcar or any flatcar carrying a placarded trailer or container may be coupled into with more force than is necessary to complete the coupling.

§ 174.85 Placement of freight cars placarded "EXPLOSIVES A" in yards, on sidings, or side tracks.

A rail car placarded "EXPLOSIVES A" while in a yard or on a siding or side track must be placed so that it will be safe from all probable danger of fire. A car so placarded may not be placed under a bridge or overhead highway crossing, not in or alongside a passenger shed or station except for loading or unloading purposes.

§ 174.86 Position in train of cars placarded "EXPLOSIVES A" or "POISON GAS" when accompanied by cars carrying guards or technical escorts.

A rail car placarded "EXPLOSIVES A" or "POISON GAS" in a moving or standing train must be next to and ahead of any car occupied by the guards or technical escorts accompanying this car. However, if a car occupied by guards or technical escorts is equipped with a lighted heater or stove, it must be the fourth car behind any car requiring explosives placards.

§ 174.87 Placarded cars prohibited in passenger trains, limited in mixed trains.

(a) A placarded rail car may not be transported in a passenger train. However, it may be transported in a mixed train, but only at such times and between such points that freight train service is not in operation and subject to the following limitations:

(1) A placarded car (other than one placarded "COMBUSTIBLE") may not be transported next to an occupied caboose or a car carrying passengers in mixed trains, except as provided in § 174.86.

(2) When a car containing hazardous materials requiring labels is moved in a mixed train and it is not occupied by an employee of the carrier, placards must be applied to the car as required by Subpart F of Part 172 of this subchapter.

§ 174.88 Position in train of cars placarded "EXPLOSIVES A".

In a moving or standing train, a car placarded "EXPLOSIVES A" may not be placed nearer than the sixth car from the engine or caboose. However, when the length of the train will not permit this car to be so placed, it must be placed as near the middle of the train as possible, but not less than the second car from the engine or occupied caboose.

§ 174.89 Position in train of cars placarded "RADIOACTIVE MATERIALS".

In a moving or standing train, a car placarded "RADIOACTIVE MATERIALS" may not be placed next to any other placarded car (other than one placarded "COMBUSTIBLE"), an engine, occupied caboose, or carload of undeveloped film. Cars placarded "RADIOACTIVE MATERIALS" may be placed next to each other.

§ 174.90 Separating cars placarded "EXPLOSIVES A" or "POISON GAS" from other cars in trains.

(a) In a moving or standing train, a car placarded "EXPLOSIVES A" or "POISON GAS" may not be placed next to:

(1) A passenger car or combination car that may be occupied except as provided in § 174.86;

(2) Any loaded placarded car other than a car placarded (COMBUSTIBLE);

(3) An engine;

(4) A wooden underframe car (except on narrow gauge railroads);

(5) A loaded flatcar, except that loaded cars placarded "EXPLOSIVES A" may be placed next to each other. A flatcar equipped with permanently attached ends of rigid construction is considered to be an open-top car. (See subparagraph (6) of this paragraph.)

(6) An open-top car when any of the lading protrudes beyond the car ends or when any of the lading extending above the car ends is liable to shift so as to protrude beyond the car ends;

(7) A car with automatic refrigeration or heating apparatus in operation, or a car with open-flame apparatus in service, or with an internal combustion engine in operation;

(8) A car containing lighted heaters, stoves, or lanterns;

(9) A car occupied by any person, including any attendant for the cargo contained therein; or

(10) An occupied caboose, except as provided in § 174.86.

(b) In a moving or standing train, a car placarded "EXPLOSIVES A" may not be placed next to a car placarded "POISON GAS".

§ 174.91 Position in train of loaded placarded tank car other than car placarded "COMBUSTIBLE".

Except for a tank car placarded "COMBUSTIBLE", a loaded placarded tank car in a moving or standing train may not be nearer than the sixth car from the engine, occupied caboose, or passenger car. However, when the length of the train will not permit a loaded placarded tank car to be so placed, it must be placed as near the middle as possible and not nearer than the second car from the engine, occupied caboose, or passenger car.

§ 174.92 Separating loaded placarded tank cars other than cars placarded COMBUSTIBLE from other cars in trains.

In a moving or standing train a loaded placarded tank car, other than one placarded "COMBUSTIBLE", may not be placed next to:

(1) A passenger car or combination car, other than a car occupied by technical escorts and authorized personnel accompanying shipments;

(2) Any car placarded "EXPLOSIVES A", "RADIOACTIVE MATERIALS", or "POISON GAS";

(3) An engine or occupied caboose;

(4) A wooden underframe car (except on narrow gauge railroads);

(5) A loaded flatcar, other than a specially equipped car in trailer-on-flatcar or container-on-flatcar service or a flatcar loaded with vehicles secured by means of a device designed for that purpose and permanently installed on the flatcar, and of a type generally accepted for handling in interchange between railroads subject to the following:

(i) A flatcar equipped with permanently attached ends of rigid construction is considered to be an open-top car (see paragraph (a)(6) of this section); and

(ii) This exception for cars in trailer-on-flatcar service does not apply to loaded flatbed trucks, loaded flatbed trailers, loaded open-top trailers, or loaded trucks or trailers without securely closed doors;

(6) An open-top car when any of the lading protrudes beyond the car ends or when any of the lading extending above the car ends is liable to shift so as to protrude beyond the car ends;

(7) A car with automatic refrigeration or heating apparatus in operation or a car with open-flame apparatus in serv-

ice or with an internal combustion engine in operation;

(8) A car occupied by any person, including any attendant for the cargo contained therein.

§ 174.93 Position in train of empty placarded tank cars.

In a moving or standing train, empty placarded tank cars (other than a car subject to § 174.86 through § 174.90 and § 174.92) may not be placed nearer than the second car from the engine or caboose.

Subpart E—Detailed Requirements for Explosives

§ 174.100 Forbidden explosives.

(a) Explosives described in § 173.51 of this subchapter and initiating explosives, dry, may not be accepted for transportation by rail.

(b) Leaking or damaged packages of explosives may not be accepted for transportation by rail. Unless the carrier has knowledge or the shipper has substantiated to the carrier that a stain is due to contact with material other than a liquid explosive ingredient, the carrier shall refuse any package that shows excessive dampness, mold, or other outward sign of any oily stain, or other indication that absorption of the explosive is not perfect, or that the amount of the liquid part is greater than the absorbent can carry.

§ 174.101 Loading explosives.

(a) Boxes containing Class A explosives must be loaded so that the ends of wooden boxes will not bear against sides of any fiberboard boxes and so that the ends of any box will not cause a pressure point on a small area of another box.

(b) Explosive bombs, unfuzed projectiles, rocket ammunition and rocket motors, Class A or Class B explosives, which are not packed in wooden boxes, or large metal packages of incendiary bombs, each weighing 500 pounds or more, may be loaded in stock cars or in flat bottom gondola cars only if they are adequately braced. Boxed bombs, rocket ammunition and rocket motors, Class A or Class B explosives, which due to their size cannot be loaded in closed cars, may be loaded in open-top cars or on flatcars, provided they are protected from the weather and accidental ignition.

(c) Boxes of high explosives, low explosives or black powder packed in long cartridges, bags, or sift-proof liners, and containing no liquid explosive ingredient, may be loaded on their sides or ends.

(d) Class A explosives may not be loaded higher than any permanent car lining unless additional lining is provided as high as the lading.

(e) When the lading of a car includes any explosives, the weight of the lading must be distributed insofar as possible to equalize the weight on each side of the car and over the trucks.

(f) Except when boxed, metal kegs containing explosives must be loaded on their sides with their ends toward the ends of the car. Packages of explosives may not be placed in the space opposite the doors unless the doorways are boarded on the inside as high as the lading. This paragraph does not apply to palletized packages if they are braced so they cannot fall or slide into the doorways during transportation.

(g) Wooden kegs, fiber kegs, barrels, and drums must be loaded on their sides or ends, to best suit the conditions.

(h) At stations or other loading points, packages containing any explosives for which a certified and placarded car is prescribed (see § 174.104) or any blasting caps or electric blasting caps must be securely blocked and braced to prevent the packages from changing position, falling to the floor, or sliding into each other, under conditions normally incident to transportation. Explosives must be loaded so as to avoid transfer at station. For recommended methods of blocking and bracing, see Bureau of Explosives Pamphlets No. 6 and 6A. Heavy packages or containers must be trucked, rolled, or moved by skids, fork trucks, or other handling devices and may not be dropped from trucks, platforms, or cars. Planks for rolling trucks from platforms to cars must have beveled ends. Loading platforms and the shoes of each workman must be free from grit. All possible precautions must be taken against fire. Explosives must be kept in a safe place and inaccessible to unauthorized persons while being held by a carrier for loading or delivery.

(i) To prevent delays or local freight trains, when there are shipments of explosives for different destinations loaded in a "peddler car" or "way car" the shipment for each destination must be stayed separately.

(j) Forwarding and transfer stations for explosives must be provided with the necessary materials for staying.

(k) Shippers must furnish the material for staying packages of explosives loaded by them.

(l) Class A explosives may not be loaded, transported, or stored in a rail car equipped with any type of lighted heater or open-flame device, or electric devices having exposed heating coils, or in a rail car equipped with any apparatus or mechanism utilizing an internal combustion engine in its operation.

(m) Blasting caps or electric blasting caps in quantity not exceeding 1,000 caps may be loaded in any closed car which is in good condition, without car certificates or placards.

(n) A container car or portable container on a flatcar or a gondola car other than a drop-bottom car, when properly loaded, blocked, and braced to prevent change of position under conditions normally incident to transportation, may be used to transport any Class A explosive except black powder packed in metal containers. A portable container must be of a type approved by the Department and must be designed and maintained so as to be weathertight and so constructed that sparks cannot enter. A wooden container must be painted or treated with fire retardant material of a type approved by the Department. In addition:

(1) A portable container must be of such design and so braced as to show no evidence of failure of the container or the bracing when subjected to impact from each end of at least 8 miles per hour. Its efficiency shall be determined by actual test, using dummy loads equal in weight and general character to material to be shipped.

(2) A container car or car which is loaded with portable containers must be placarded with the explosives placards as required by Subpart F of Part 172 of this subchapter and with properly executed car certificates as required by § 174.104.

(3) Lading must be so loaded, blocked, and braced within the container that it will not change position under impact from each end of at least 8 miles per hour.

(o) Class A or Class B explosives may be loaded and transported in a tight closed truck body or trailer on a flatcar. Wooden boxed bombs, rocket ammunition, and rocket motors, Class A or Class B explosives, which due to their size cannot be loaded in tight, closed truck bodies or trailers, may be loaded in or on open-top truck bodies or trailers. However, they must be protected against accidental ignition, and the wooden containers must be painted or treated with fire retardant and waterproof material of a type approved by the Department. In addition:

(1) Each truck body or trailer must meet the requirements of Part 177 of this subchapter, applicable to shipments of explosives by motor vehicle.

(2) Each truck body or trailer must be so secured on the rail car so that it will not permanently change position or show evidence of failure or impending failure of the method of securing the truck body or trailer under impact from each end of at least 8 miles per hour. Its efficiency shall be determined by actual test, using dummy loads equal in weight and general character to the material to be shipped. For recommended methods of blocking and bracing, see Bureau of Explosives Pamphlet 6C.

(3) Lading must be so loaded, blocked, and braced within or on the truck body or trailer that it will not change position under impact from each end of at least 8 miles per hour. For recommended methods of blocking and bracing see Bureau of Explosives Pamphlet 6C.

(4) Each rail car containing explosives and each rail car loaded with truck bodies, trailers or containers containing explosives must be placarded with explosives placards as required by Subpart F of Part 172 of this subchapter and with properly executed car certificates as required by § 174.104.

(5) Each fuel tank of a heater or refrigerating machinery on the truck bodies or trailers must be drained and all automatic heating or refrigerating machinery must be made inoperative by disconnection of the automatic controls or the source of power for their operations.

§ 174.102 Forbidden mixed loading and storage.

(a) Class A explosives and initiating or priming explosives may not be transported together in the same rail car. Additionally, they may not be transported or loaded in the same rail car or stored on carrier property with charged electric storage batteries or with any hazardous material for which a NONFLAMMABLE GAS, FLAMMABLE GAS, FLAMMABLE LIQUID, FLAMMABLE SOLID, OXIDIZER, ORGANIC PEROXIDE, RADIOACTIVE or CORROSIVE label is required.

(b) Explosives may not be loaded together or with other hazardous materials, except as provided in § 174.81. See § 174.104 for loading shipments of explosives or any other material in a placarded and certified car containing a shipment of Class A explosives.

§ 174.103 Disposition of damaged or astray shipments.

(a) Packages of explosives found damaged or broken in transit may be repaired when practicable and not dangerous. A broken box of high explosives that cannot be repaired must be reinforced by stout wrapping paper and twine, placed in another strong box and surrounded by dry, fine sawdust or dry and clean cotton waste or elastic wads made from dry newspapers. A ruptured can or keg must be sealed and enclosed in a strong cloth bag of good quality and boxed. Damaged packages thus protected and properly marked may be forwarded. The box and waybill must be marked to indicate that it has been repacked.

(b) Care must be exercised in repacking damaged containers so that no spark is produced by contact of metal or other hard surfaces which could ignite loose particles of explosive compositions that may be strewn on car floors or freight. In addition, the car floors must be thoroughly swept, and washed with a plentiful supply of water. Iron-wheel trucks, metal hammers, or other metal tools that may produce sparks may not be used. Metal tools must be limited to those made of brass, bronze, or copper.

(c) Each package of explosives showing evidence of leakage of liquid ingredients must:

(1) Be refused if leakage is discovered before acceptance.

(2) Be disposed of to a person who is competent and willing to remove them from the carrier's property, if the leakage is discovered while the shipment is in transit; or

(3) Be removed immediately by consignee, if the leakage is discovered at the shipment's destination.

(d) When the disposition required by paragraph (c) of this section cannot be made, the leaking package must be packed in other boxes large enough to permit enclosure and the leaking boxes must be surrounded by at least 2 inches of dry, fine sawdust or dry and clean cotton waste, and be stored in a station magazine or other safe place until the arrival of an inspector of the Bureau of Explosives, or other authorized person, to superintend the destruction or disposition of the condemned material.

(e) If careful inspection shows that an astray shipment of explosives is in proper condition for safe transportation, it must be forwarded immediately to its destination if known, or returned to the shipper by the most practicable route.

(f) When a package in an astray shipment is not in proper condition for safe transportation (see paragraphs (a), (c), and (d) of this section), or when the name and address of the consignee and the shipper are unknown, disposition must be made as prescribed by paragraphs (c) and (d) of this section.

§ 174.104 Class A explosives; car selection, preparation, inspection, and certification.

(a) Except as provided in § 174.101 (b), (n), and (o), Class A explosives being transported by rail may only be transported in a certified and properly placarded closed car of not less than 80,000 pounds capacity, with steel underframes and friction draft gear, except that on a narrow-gage railroad they may be transported in a car of less capacity so long as the car of greatest capacity and strength available is used.

(b) Each rail car used for transporting class A explosives must meet the following requirements as applicable:

(1) The car must be equipped with air brakes and hand brakes which are in condition for service.

(2) The car may not have any holes or cracks in the roof, sides, ends, or doors through which sparks may enter, or unprotected decayed spots which may hold sparks and start a fire.

(3) The roof of the car must be carefully inspected from the outside for decayed spots, especially under or near the running board, and such spots must be covered or repaired to prevent their holding fire from sparks. A car with a roof generally decayed, even if tight, may not be used.

(4) The doors must close tightly so that sparks cannot get in at the joints, and, if necessary to achieve this degree of tightness, the doors must be stripped. The stripping should be placed on the inside and fastened to the door frames where it will form a shoulder against which the closed doors are pressed by means of wedges or cleats in door shoes or keepers. The openings under the doors should be similarly closed. The hasp fastenings must be examined with the doors closed and fastened, and the doors must be cleated when necessary to prevent them from shifting. When the car is opened for any reason, the wedges or cleats must be replaced before car containing explosives is permitted to proceed.

(5) The roller bearings or journal boxes, and the trucks must be carefully examined and put in such condition as to reduce to a minimum the danger of hotboxes or other failure necessitating the setting out of the car before reaching its destination. The lids or covers of journal boxes must be in place and the car must be equipped with roller bearings.

(6) The car must be carefully swept out before it is loaded. For less-than-carload shipments the space in which the packages are to be loaded must be carefully swept.

(7) Any holes in the floor or lining must be repaired and special care taken that there are no projecting nails or bolts or exposed pieces of metal which may work loose or produce holes in packages of explosives during transit. Protruding nails in the floor or lining which have worked loose must be drawn, and if necessary for the purpose of fastening the floor or lining, new nails must be driven through other parts thereof.

(8) Metal floor plates must be completely covered with wood, plywood, or fiber or composition sheets of adequate thickness and strength to prevent contact of the floor plates with the packages of explosives under conditions incident to transportation, except that the covering of metal floor plates is not necessary for carload shipments loaded by the Department of Defense provided the explosives are of such nature that they are not liable to leakage of dust, powder, or vapor which might become the cause of an explosion.

(9) If the car is equipped with automobile loading devices, it may not be used unless the loading device is securely attached to the roof of the car with fastenings supplementing those already provided and so fixed that it cannot fall.

(10) The car must be equipped with high-friction composition brake shoes only and brake rigging designed for this type of brake shoe. Each brake shoe on the car must be at least three-eighths inch thick, and in safe and suitable condition for service.

(11) The car must have either a metal subfloor with no combustible material exposed beneath the car, or metal spark shields extending from center sill to side sills and from end sills to at least 12 inches beyond the extreme treads of the inside wheels of each truck, which are tightly fitted against the subfloor so that there is no vacant space or combustible material exposed. The metal subfloor or spark shields may not have an accumulation of oil, grease, or other debris which could support combustion.

(c) Before Class A explosives may be loaded into a rail car, the car must have been inspected and certified to be in compliance with the requirements of paragraph (b) of this section by a qualified person designated under § 215.15 of this title. The certification shall be made in Car Certificate No. 1 on the form prescribed in paragraph (f) of this section.

(d) If the carrier furnishes the car to a shipper for loading Class A explosives, the shipper or his authorized employee shall, before commencing the loading of the car, inspect the interior thereof, and after loading certify to the proper condition of the car and the loading. This certification shall be made on the first signature line in Car Certificate No. 2 on the form prescribed in paragraph (f) of this section. In addition, the finished load must be inspected and certified to be in compliance with the requirements of this

part by a qualified person designated under § 215.15 of this title before the car goes forward. This certification shall be made on the second signature line in Car Certificate No. 2 on the form prescribed in paragraph (f) of this section. If the loading is performed by the carrier, Car Certificate No. 2 may only be signed by a qualified person designated under § 215.15 of this title.

(e) If a trailer or container containing Class A explosives is loaded on a flatcar, the loading and securing of the load on the car must be supervised by a representative of the shipper or carrier. The certification shall be made in Car Certificate No. 3 on the form prescribed in paragraph (f) of this section.

(f) Each car certificate for use in connection with the inspection of rail cars for the carriage of Class A explosives shall be printed on strong tag board measuring 7 x 7 inches, or 6 x 8 inches. It must be duly executed in triplicate by the carrier, and by the shipper if he loads the shipment. The original must be filed by the carrier at the forwarding station in a separate file and the other two must be attached to the car, one to each outer side on a fixed placard board or as otherwise provided.

---------- RAILROAD

CAR CERTIFICATE

No. 1 ---------- Station ---------- 19--.

I hereby certify that I have this day personally examined Car Number ---- and that the car is in condition for service and complies with the FRA Freight Car Safety Standards (49 CFR Part 125) and with the requirements for foreign cars used to transport explosives prescribed by the DOT Hazardous Materials Regulations (49 CFR Part 174).

Qualified Person Designated Under 49 CFR 215.15

No. 2 ---------- Station ---------- 19--.

I have this day personally examined the above car and hereby certify that the explosives in or on this car, or in or on vehicles or in containers have been loaded and braced; that placards have been applied, according to the regulations prescribed by the Department of Transportation; and that the doors of cars so equipped fit or have been stripped so that sparks cannot enter.

Shipper or his authorized agent

Qualified Person Designated Under 49 CFR 215.15

NOTE 1: A shipper must decline to use a car not in proper condition. No. 3 ---------- Station ---------- 19--.

I hereby certify that I have this day personally supervised the loading of the vehicles or containers on and their securement to the above car.

Shipper or railway employee inspecting loading and securement

NOTE 1: All certificates, where applicable, must be signed.

§ 174.105 Routing shipments, Class A explosives.

Before a shipment of Class A explosives destined to a point beyond the lines of the initial carrier is accepted from the shipper, the initial carrier shall ascertain that the shipment can go forward by the route designated. To avoid delays en route, the initial carrier must be in possession of full rate information before forwarding the shipment.

§ 174.106 "Order-Notify" or "C.O.D." shipments, Class A explosives.

(a) A carrier may not accept for transportation Class A explosives or blasting caps in any quantity when consigned to "order-notify" or "C.O.D.", except on a through bill of lading to a place outside the United States.

(b) A carrier may not accept for transportation Class A explosives or blasting caps which the shipper consigns to himself unless the shipper has a resident representative to receive them at the delivery point.

(c) A carrier may not accept Class A explosives for transportation subject to "stop-off privileges en route for partial loading or unloading."

§ 174.107 Shipping days for Class A explosives.

(a) When practicable, each carrier should designate regular days for receiving from shippers less-than-carload lots of Class A explosives for each station where the carrier accepts such shipments.

(b) To enable the carrier to provide proper cars at stations where less-than-carload shipments of Class A explosives are accepted for loading by the carrier, the shipper shall give to the carrier not less than 24-hours' notice of his intention to offer such shipments, and state their destinations. When a regular day to receive all explosives shipments offered at such a station has been designated, this notice may be waived by the carrier, but the explosives shipments must be delivered on such days in time to permit proper inspection, billing, and loading on that day.

§ 174.109 Non-agency shipments.

If a shipment of explosives is accepted by a carrier at a non-agency station, the shipper shall make provision for proper certification and placarding of cars, examination of shipments, and the loading and staying of packages in cars. Waybills, switching orders, switching tickets, or other shipping papers must be prepared as prescribed in Part 172 of this subchapter.

§ 174.110 Car magazine.

When specially authorized by the carrier, Class A explosives in quantity not exceeding 150 pounds may be carried in construction or repair cars if the packages of explosives are placed in a "magazine" box made of sound lumber not less than 1 inch thick, covered on the exterior with metal, and provided with strong handles. The box must be plainly stenciled on the top, sides, and ends, in letters not less than 2 inches high, "EXPLOSIVES—DANGEROUS—HANDLE CAREFULLY". The box must be provided with strong hinges and with a lock for keeping it securely closed. Vacant space in the box must be filled with a cushioning material such as sawdust or excelsior, and the box must be properly stayed to prevent movement within the car. The car must be placarded with EXPLOSIVES A placards.

§ 174.112 Loading Class B explosives. (Also see § 174.101).

(a) Class B explosives may not be loaded, transported or stored in a rail car equipped with any type of lighted heater or open-flame device, or in a rail car equipped with any apparatus or mechanism utilizing an internal combustion engine in its operation.

(b) Except as provided in § 174.101 (b), Class B explosives must be transported in a closed car or container car which is in good condition, and into which sparks cannot enter. The car does not require the car certificates prescribed in § 174.104(c)–(f). If the doors are not tight, they must be stripped to prevent the entrance of sparks. Wood floored cars must be equipped with spark shields (see § 174.104). Packages of Class B explosives must be blocked and braced to prevent their movement and possible damage due to movement of other freight during transportation. For recommended methods of blocking and bracing see Bureau of Explosives Pamphlet No. 6.

(c) Class B explosives may not be transported in a truck body, trailer, or container on a flatcar unless—

(1) The truck body, trailer, or container is closed and tight;

(2) All automatic heating or refrigerating machinery with which the truck body, trailer, or container is equipped is inoperative; and

(3) Packages of Class B explosives are blocked and braced within the truck body, trailer, or container to prevent their movement and possible damage due to movement of other freight during transportation (ends, sidewalls, or doors of the truck body, trailer, or container may not be relied on to prevent the shifting of heavy loads). For recommended methods of blocking and bracing see Bureau of Explosives Pamphlet No. 6C. See § 174.101(o).

§ 174.114 Record to be made of change of seals on explosives laden cars.

(a) When a car seal is changed on a car requiring explosives placards while en route or before delivery to a consignee, a record of the change showing the following information must be made on or attached to the waybill or other form of memorandum which must accompany the car to its destination:

Railroad Place Date

Car Initials Car Number

Number or description of seal broken------

Number or description of seal used to reseal car ----------

Reasons for opening car----------

Condition of load----------

Name and occupation of person opening car

---

§ 174.115 Loading Class C explosives.

(a) Class C explosives may be loaded into any closed car in good condition. With the exception of blasting caps and electric blasting caps, Class C explosives may be loaded into any container car in good condition. The car does not require the car certificates prescribed in § 174.104 (c)–(f). Packages of Class C explosives must be blocked and braced to prevent their movement and possible damage due to movement of other freight during transportation. For methods of recommended blocking and bracing see Bureau of Explosives Pamphlet No. 6.

(b) Class C explosives may not be transported in a truck body, trailer, or container on a flatcar unless—

(1) The truck body, trailer, or container is closed and tight;

(2) All automatic heating or refrigerating machinery with which the truck body, trailer, or container is equipped is inoperative; and

(3) Packages of Class C explosives are blocked and braced within the truck body, trailer, or container to prevent their movement and possible damage due to movement of other freight during transportation. Ends, side walls, or doors of the truck body, trailer, or container may not be relied on to prevent shifting of heavy loads. For recommended methods of blocking and bracing see Bureau of Explosives Pamphlet No. 6C.

Subpart F—Detailed Requirements for Gases

§ 174.200 Special handling requirements.

(a) Flammable gases may not be loaded, transported, or stored in a rail car equipped with any type of lighted heater or open-flame device, or in a rail car equipped with any apparatus or mechanism utilizing an internal combustion engine in its operation.

(b) Flammable gases may not be loaded in a truck body or trailer equipped with any type of lighted heater or any automatic heating or refrigerating apparatus when such truck bodies or trailers are loaded on flatcars except as provided in paragraph (c) of this section.

(c) Heating or refrigeration apparatus may be operated on a motor vehicle loaded on a flatcar when the motor vehicle is loaded with flammable gases only if—

(1) The lading space is not equipped with any electrical apparatus that is not non-sparking or explosion-proof;

(2) There is no combustion apparatus in the lading space;

(3) There is no connection for the return of air from the lading space to any combustion apparatus; and

(4) The heating system conforms to § 393.77 of this title and does not heat any part of the lading over 130 degrees F.

§ 174.201 Compressed gas cylinders.

(a) Except as provided in paragraphs (b) and (c) of this section, cylinders containing compressed gases being transported in a rail car must be—

(1) Securely lashed in an upright position so as to prevent their overturning;

(2) Loaded into racks securely attached to the car;

(3) Packed in boxes or crates of such dimensions as to prevent their overturning; or

(4) Loaded in a horizontal position.

(b) Specification DOT–4L (§ 178.57) cylinders being transported in a rail car must be loaded in an upright position and be securely braced.

(c) Cylinders containing compressed gases may be transported in stock cars. However, they may not be transported in hopper bottom cars.

§ 174.204 Tank car delivery of gases.

(a) A tank car containing compressed gas may not be unloaded unless it is consigned for delivery and unloaded on a private track (see § 174.22(f)). However, if a private track is not available, it may be delivered and unloaded on carrier tracks subject to the following conditions:

(1) A tank car of DOT–106A or 110A type (§ 179.300 or 179.301 of this subchapter) may be delivered and the loaded unit tanks may be removed from the car frame on carrier tracks. However, a carrier may give permission for the unloading of these containers on carrier tracks only if a private siding is not available within a reasonable trucking distance of the final destination. In addition, before the car is accepted for transportation, the shipper must obtain from the delivering carrier and file with the originating carrier, written permission for the removal and the consignee must furnish an adequately strong mechanical hoist by which the tanks can be lifted from the car and deposited directly upon vehicles furnished by the consignee for immediate removal from carrier property.

(2) Except for DOT–106A or 110A type tank cars (§ 179.300 or § 179.301 of this subchapter), a tank car containing anhydrous ammonia, liquefied hydrocarbon or liquefied petroleum gas, and having interior pipes of liquid and gas discharge valves equipped with check valves, may not be delivered and unloaded on carrier tracks, unless the lading is piped directly from the car to permanent storage tanks of sufficient capacity to receive the entire contents of the car. Such cars may also be stored on a private track or on carrier tracks designated by the carrier for such storage.

§ 174.208 Rail cars, truck bodies, or trailers with fumigated or treated lading.

(a) A carrier may not accept or transport a rail car or a rail car loaded with a truck body or trailer, containing lading which has been fumigated or treated with a flammable liquid or gas within the preceding 48 hours, unless the truck body or trailer and the car, in the case of a closed car, has been ventilated to remove any danger of fire or explosion due to the presence of flammable vapor.

(b) A rail car or a rail car loaded with a truck body or trailer containing lading which has been fumigated or treated with a poisonous liquid, gas, or solid, must be placarded on each door (or as close as possible to the door if it is not possible to placard the door) with the placard described in § 173.426 of this subchapter.

§ 174.280 Poison gases with foodstuffs.

A carrier may not transport any package of gaseous material bearing a poison label in the same car with material which is marked as or known to be foodstuff, feed, or any other edible material intended for consumption by humans or animals.

§ 174.290 Poison A shipped by, for, or to the Department of Defense.

(a) Poison A shipped by, for, or to the Department of Defense may be transported by rail only if it is loaded and handled in accordance with the requirements of this section.

(b) Poison A may be transported in—

(1) DOT–5A or WD–5A [1] metal drums, by boxcar, gondola car (flat bottom), or stock car in carload lots. See § 174.55(a)(1) through (4) and § 174.600 for blocking, bracing, and stowage requirements;

(2) Tanks which are authorized under this section for Poison A, Specification DOT 106A (§§ 179.300 and 179.301 of this subchapter), mounted on or secured to a multi-unit car or gondola car (flat bottom) in carload lots only;

(3) Bombs, by boxcar, on gondola car (flat bottom) in carload lots only; or

(4) Projectiles or ammunition for cannon with gas filled projectiles, by boxcar in carload or less-than-carload lots.

(c) Each shipment of one or more carloads of Poison A, as described in paragraph (b) of this section, must be accompanied by a Department of Defense qualified escort supplied with equipment to handle leaks and other packaging failures which could result in escape of the gas. The escort shall remain with the shipment during the entire time that it is in the custody of the carrier and in the event of leakage or escape of gas, shall make repairs and perform decontamination as necessary.

(d) When Poison A is transported in a tank, the tank must be securely mounted on a rail car especially provided for it or on a gondola car prepared with substantial wooden frames and blocks.

(e) Bombs, projectiles, and cannon ammunition being transported by rail must be loaded, blocked and braced as shown in Bureau of Explosives Pamphlet No. 6A, or Department of Defense specifications. When a shipment is loaded in a gondola car it must be securely blocked and braced and not loaded higher than the sides of the car.

(f) When Poison A is transported in drums with filling holes in the heads, they must be loaded on their bottoms. They may be loaded in rows, lengthwise of the car and any space between the sides of the car and the nearest row of drums must be "filled in" with wooden boards or lumber nailed to sides of the car sufficient in length and width to contact both hoops of drums, or they may be loaded across the car in staggered stacks of which the number of drums in alternate stacks is reduced by one drum.

[1] War Department specification container.

All drums in stacks following the first stack loaded in the end of the car must be placed tightly into the angle of the space formed by the sidewalls of the drum in the preceding stack. Any space between the sides of the car and the drums in stacks having the greater number of drums must be filled in with wooden boards or lumber nailed to sides of the car sufficient in length and width to contact both hoops of the drums.

(g) When Poison A is transported in drums with filling holes in the sides, they must be loaded on their sides with the filling holes up. They must be loaded lengthwise of the car in rows and any space between the sides of the car and the nearest row of drums must be filled in with wooden boards or lumber nailed to sides of the car sufficient in length and width to contact both hoops of the drums.

(h) When Poison A is transported in drums in a boxcar, they must be loaded from ends of the car toward the space between the car doors, and there braced by center gates and wedges. See Sketch 1, Bureau of Explosives Pamphlet No. 6.

(i) The doorways of a boxcar in which Poison A is being transported must be protected by one of the methods prescribed in Sketch 1, Bureau of Explosives Pamphlet No. 6A.

Subpart G—Detailed Requirements for Flammable Liquids

§ 174.300 Special handling requirements.

(a) Flammable liquids may not be loaded, transported, or stored in a rail car equipped with any type of lighted heater or open-flame device, or in a rail car equipped with any apparatus or mechanism utilizing an internal combustion engine in its operation.

(b) A truck body or trailer which is loaded with a flammable liquid and equipped with a lighted heater or any automatic heating or refrigerating apparatus may not be loaded on a flatcar except as provided in paragraph (c) of this section.

(c) Heating or refrigeration apparatus on a motor vehicle loaded with flammable liquids may be operated while the motor vehicle is loaded on a flatcar only if—

(1) The lading space is not equipped with any electrical apparatus that is not non-sparking or explosion-proof;

(2) There is no combustion apparatus in the lading space;

(3) There is no connection for the return of air from the lading space to any combustion apparatus; and

(4) The heating system conforms to § 393.77 of this title and does not heat any part of the lading over 130 degrees F.

(d) Cylinders containing pyrophoric liquids, unless packed in strong wooden boxes and secured therein to protect valves, must be stowed with all valves and safety relief devices in the vapor space and must be secured so that no shifting will occur during transportation.

(e) Metal barrels or drums containing flammable liquids may be transported in a steel gondola or flatcar or in a stock car. However, they may not be transported in a hopper bottom car.

§ 174.304 Flammable liquids in tank cars.

A tank car containing a flammable liquid, other than liquid road asphalt or tar, may not be transported by rail unless it is originally consigned or subsequently reconsigned to a party having a private track on which it is to be delivered and unloaded (see § 171.8) or to a party using railroad siding facilities which are equipped for piping the liquid from the tank car to permanent storage tanks of sufficient capacity to receive the entire contents of the car.

§ 174.380 Poisonous flammable liquids with foodstuffs.

A carrier may not transport any package of flammable liquid bearing a poison label in the same car with material which is marked as or known to be foodstuffs, feed, or any other edible material intended for consumption by humans or animals.

Subpart H—Detailed Requirements for Flammable Solids

§ 174.410 Special handling requirements for matches.

(a) Each carload lot of strike-anywhere (friction) matches must be loaded as compactly as possible to avoid motion within the car, especially lengthwise of the car. Protruding nails, metal band anchors or other projections on sidewalls, ends, door posts, studding, or car floors likely to puncture packages must be removed or adequately covered to prevent damage to the containers of matches. Car doorways must be boarded on the inside to keep the packages from contacting the doors, and the inside lining of the car must be supplemented when necessary by strips nailed to the car and close enough together to keep the boxes from being jammed against the studding and broken by high pressures on small areas. The strongest dimension of the box must be loaded lengthwise of the car. Partial layers of boxes must be interlocked with the lower layers. The cars used must be made secure against the entrance of sparks or rain.

(b) Each carload lot of strike-anywhere matches handled subject to stop-off privileges must be loaded in accordance with paragraph (a) of this section and when necessary the load must be rearranged or blocked and braced by each consignee before forwarding.

(c) Each less-than-carload lot of strike-anywhere matches must be loaded so that it cannot fall and so that other packages of freight cannot fall on or injure it. Whenever practicable the packages of matches must be placed so as to facilitate ready removal in case of fire.

(d) A carload or less-than-carload lot of strike-anywhere matches which has been damaged by fire, or by water in extinguishing a fire, in transit or on a carrier's property must be reloaded in properly prepared cars, and braced or blocked before being forwarded to destination, to a freight claim department or claim adjuster, or to the original shipper or other party for salvage. Care must be taken to examine and repair damaged outside packages before reloading into car. All loose matches must first be destroyed. Individual interior boxes and paper-wrapped cartons or packages, must then be carefully placed in tight outside packages complying, as nearly as practical, with container specifications, but under no condition shall be outside package be of less strength than required by Specification 15A or 12C (§§ 178.168, 178.206 of this subchapter), nor of greater capacity than authorized. Charred cases may not be used. Boards used in repairing wooden cases must be so nailed that they will not allow any interior boxes, cartons, or packages to fall out. If the individual boxes or paper-wrapped packages do not fit snugly in the outside package, the vacant spaces must be filled tightly with dry and clean cotton waste, or elastic wads of dry newspapers or dry waste paper.

§ 174.450 Fires.

(a) *Cotton.* When fire occurs in a rail shipment of cotton in transit at a point where it cannot be reconditioned and where arrangements cannot be made with the originating carrier to sell it, all burnt cotton in the shipment must be stored under observation in as safe a place as practicable where it shall be held for not less than 10 days after all evidence of fire has been extinguished before forwarding. The billing must be changed to read "Burnt Cotton" and the cotton must be forwarded as a hazardous material. (See § 173.159 of this subchapter.)

(b) *Charcoal.* When fire occurs in a rail shipment of charcoal in transit, water should not be used if it is practicable to locate and remove the burning charcoal. Any charcoal which has become wet in extinguishing a fire must be removed from the car and not reshipped and the remainder of the charcoal must be held under observation in a dry place for at least five days before forwarding.

§ 174.480 Poisonous flammable solids with foodstuffs.

A carrier may not transport any package of flammable solids bearing a poison label in the same car with material which is marked as or known to be foodstuffs, feed, or any other edible material intended for consumption by humans or animals.

Subpart I—Detailed Requirements for Oxidizers

§ 174.510 Special handling requirements for nitrates.

A nitrate listed in § 173.182(b) of this subchapter being transported by rail may only be transported in a clean closed car, which is free of loose boards, cracks, holes, and exposed decayed spots. The interior of the car must be swept clean and be free of any projections capable of damaging bags when the nitrate is so packaged. The doors of the car must have tight closures. Ammonium nitrate (no organic coating), ammonium nitrate

fertilizer (materials tested in accordance with and meeting the definition in the Fertilizer Institute's publication "Definition and Test Procedures for Ammonium Nitrate Fertilizer", dated May 7, 1971), ammonium nitrate mixed fertilizer, or ammonium nitrate phosphate may be transported in bulk in a clean covered hopper car having journals and boxes in good condition.

§ 174.515 Cleaning cars; postassium permanganate.

After potassium permanganate is unloaded from a rail car, the car must be thoroughly cleaned unless the car is used exclusively in the carriage of potassium permanganate.

§ 174.580 Poisonous oxidizing materials with foodstuffs.

A carrier may not transport any package of oxidizing material bearing a poison label in the same car with material which is marked as or known to be foodstuff, feed, or any other edible material intended for consumption by humans or animals.

Subpart J—Detailed Requirements for Poisonous Materials

§ 174.600 Special handling requirements for Poison A materials.

A tank car containing Poison A may not be transported by rail unless it is originally consigned or subsequently reconsigned to a party having a private track on which it is to be delivered and unloaded (see § 171.8) or to a party using railroad siding facilities which are equipped for piping the liquid or gas from the tank car to permanent storage tanks or sufficient capacity to receive the entire contents of the car.

§ 174.615 Cleaning cars.

(a) A rail car which has contained arsenic, arsenate of lead, sodium arsenate, calcium arsenate, Paris green, calcium cyanide, potassium cyanide, sodium cyanide, or other poisonous materials which show any evidence of leakage from packages, must be thoroughly cleaned after unloading before the car is returned to service.

(b) After poisonous materials are unloaded from a rail car, that car must be thoroughly cleaned unless the car is used exclusively in the carriage of poisonous materials.

§ 174.680 Poisons with foodstuffs.

A carrier may not transport any package of toxic material bearing a poison label in the same car with material which is marked as or known to be foodstuffs, feed, or any other edible material intended for consumption by humans or animals.

Subpart K—Detailed Requirements for Radioactive Materials

§ 174.700 Special handling requirements for radioactive materials.

(a) Each rail shipment of low specific activity materials as defined in § 173.389 (c) of this subchapter must be loaded so as to avoid spillage and scattering of loose material. Loading restrictions are prescribed in § 173.392 of this subchapter.

(b) The number of packages of radioactive materials that may be transported in any rail car or stored at any single location is limited to that number which does not make a total transport index number (as defined in § 173.389(j) of this subchapter, and determined by adding together the transport index numbers on the labels of the individual packages) of more than 50. This provision does not apply to sole-use shipments as described in § 173.393 (j) or (k) or § 173.392 of this subchapter.

(c) Each package of radioactive material bearing RADIOACTIVE YELLOW-II or RADIOACTIVE YELLOW-III labels when being placed in a rail car, depot, or other place may not be placed closer than three feet to an area (or dividing partition between areas) which may be continuously occupied by any passenger, rail employee, or shipment of animals, nor closer than 15 feet to any package containing undeveloped film (if so marked). If more than one package of radioactive materials is present, the distance must be computed from the table below on the basis of the total transport index number (determined by adding together the transport index numbers on the labels of the individual packages) of packages in the car or storeroom:

Total transport index	Minimum separation distance [1]	Minimum distance [2]
None	0	0
0.1 to 10.0	15	3
10.1 to 20.0	22	4
20.1 to 30.0	29	5
30.1 to 40.0	33	6
40.1 to 50.0	36	7

[1] In feet to nearest undeveloped film.
[2] In feet to area of persons, or minimum distance in feet from dividing partition of a combination car.
NOTE.—The distance in the table must be measured from the nearest point on the packages of radioactive materials.

(d) Each fissile Class III radioactive material shipment (as defined in § 173.389(a)(3) of this subchapter) must be transported in accordance with one of the methods prescribed in § 173.396 (g) of this subchapter. The transport controls must be adequate to assure that no fissile Class III shipment is transported in the same rail car with any other fissile radioactive material shipment. In loading and storage areas each fissile Class III shipment must be segregated by a distance of at least 20 feet from other packages required to bear one of the "radioactive" labels described in Part 172 of this subchapter.

(e) Only a flatcar may be used to transport radioactive materials in a container weighing 15,000 pounds or more. A gondola car (other than a drop bottom car) may be used to transport any of the following.

(1) Radioactive material in a container weighing 5,000 pounds or more;

(2) Strong wooden boxes with inside containers of solid radioactive material, securely braced and cushioned; or

(3) Radioactive material in concrete-filled metal drums or in concrete vaults weighing 700 pounds or more.

(f) A person may not remain unnecessarily in a rail car containing radioactive materials.

§ 174.715 Cleanliness of cars after use.

(a) Each car used for transporting low specific activity radioactive materials in carload lots under the provisions of § 173.392(d) of this subchapter must be surveyed with appropriate radiation detection instruments after each use. A carrier may not return a car to service until the radiation dose rate at any accessible surface is not more than 0.5 millirem per hour, and there is no significant removable radioactive surface contamination (see § 173.397 of this subchapter).

(b) This section does not apply to any rail car used solely for transporting radioactive materials if a survey of the interior surface of the car shows that the radiation dose rate does not exceed 10 millirem per hour at the interior surface or 2 millirem per hour at 3 feet from any interior surface. The car must be stenciled with the words "FOR RADIOACTIVE MATERIALS USE ONLY" in lettering at least 3 inches high in a conspicuous place on both sides of the exterior of the car and it must be kept closed at all times other than during loading and unloading.

§ 174.750 Incidents involving leakage.

(a) In addition to the incident reporting requirements of §§ 171.15 and 171.16 of this subchapter, the carrier shall also notify the shipper at the earliest practicable moment following any incident in which there has been breakage, spillage, or suspected radioactive contamination involving radioactive materials shipments. Vehicles, buildings, areas, or equipment in which radioactive materials have been spilled may not be again placed in service or routinely occupied until the radiation dose rate at any accessible surface is less than 0.5 millirem per hour and there is no significant removable radioactive surface contamination (see § 173.397 of this subchapter).

(b) The package or materials should be segregated as far as practicable from personnel contact. If radiological advice or assistance is needed, the Energy Research and Development Administration (ERDA) should also be notified. In case of obvious leakage, or if it appears likely that the inside container may have been damaged, care should be taken to avoid inhalation, ingestion, or contact with the radioactive material. Any loose radioactive materials should be left in a segregated area and held pending disposal instructions, from qualified persons. Information involving the handling of radioactive materials in the event of a wreck may be found in Bureau of Explosives Pamphlet No. 1 and No. 2.

Subpart L—Detailed Requirements for Corrosive Materials

§ 174.800 Special handling requirements for corrosive materials.

(a) Carboys of corrosive liquids may not be transported by rail in a container car. Packages of corrosive liquids being transported in a rail car must be loaded, blocked, and braced so that they cannot change position during transportation due to shocks normally incident to transportation. Car doors may be cleated in an open position. Carboys of acid may be transported on a flat or stock car.

(b) When a less-than-carload shipment of corrosive liquids is loaded in a rail car with other freight, the carboys must be placed near the doorway of the car and must have wooden strips not less than 3 inches in height nailed to the car floor about 8 inches from the bracing. These strips must be arranged so that the liquid from a broken carboy will drain toward the doorway and outside the car. The space between the strips and the floor braces or blocking used for staying the carboy boxes must be covered with at least 1 inch thickness of clean and dry sand or earth, not sawdust or other combustible material.

(c) A carrier may not accept any carboy previously used for the shipment of corrosive liquids for transportation as an empty carboy unless it has been thoroughly and completely drained. The carrier must handle them with the necks up.

§ 174.810 Special handling requirements for wet electric storage batteries.

(a) Electric storage batteries (wet) for shipment by rail must be completely protected so that short circuits will be prevented and may not be loaded or stored with explosives.

(b) Wet electric storage batteries, and electrolyte must be packed as required by § 173.258 of this subchapter for transportation by rail and must be blocked and braced in the rail car so they cannot change position during transportation due to shocks normally incident to transportation. They must be loaded so that other freight cannot fall onto or slide against them. They may be transported on a gondola or in a flatcar. However, they may not be transported in a hopper bottom car.

§ 174.812 Special handling requirements for nitric acid.

(a) Carboys of nitric acid may not be transported in a boxcar or in a truck body or trailer on a flatcar more than two tiers high except that completely boxed carboys, DOT–1D, may be loaded three tiers high.

(b) Nitric acid, being transported by rail, with other corrosive liquids in carboys, must be separated from the other carboys. A 2 x 6 inch plank, set on edge, must be nailed across the car floor at least 12 inches from the nitric acid carboys and the space between the plank and the carboys of nitric acid must be filled with sand, sifted ashes, or other incombustible absorbent material.

300. Part 175 is revised to read as follows:

PART 175—CARRIAGE BY AIRCRAFT

Subpart A—General Information and Regulations

Sec.

175.1 Purpose and scope.
175.3 Unacceptable hazardous materials shipments.
175.5 Applicability.
175.10 Exceptions.
175.20 Compliance.
175.30 Accepting shipments.
175.33 Notification of pilot-in-command.
175.35 Shipping papers aboard aircraft.
175.40 Keeping and replacement of labels.
175.45 Reporting hazardous materials incidents.

Subpart B—Loading, Unloading, and Handling

175.75 Quantity limitations aboard aircraft.
175.78 Stowage compatibility of cargo.
175.79 Orientation of cargo.
175.85 Cargo location.
175.90 Damaged shipments.

Subpart C—Specific Regulations Applicable According to Classification of Material

175.305 Self-propelled vehicles.
175.310 Transportation of flammable liquid fuel in small, passenger-carrying aircraft.
175.320 Cargo-only aircraft; only means of transportation.
175.630 Special requirements for poisons.
175.700 Special requirements for radioactive materials.
175.710 Special requirements for fissile Class III radioactive materials.

AUTHORITY: 49 U.S.C. 1472(h)(1), 49 CFR 1:53(h).

Subpart A—General Information and Regulations

§ 175.1 Purpose and scope.

This part prescribes requirements, in addition to those contained in Parts 171, 172 and 173 of this subchapter, to be observed by aircraft operators with respect to the transportation of hazardous materials aboard (including attached to or suspended from) civil aircraft.

§ 175.3 Unacceptable hazardous materials shipments.

A shipment of hazardous materials that is not prepared for shipment in accordance with Parts 172 and 173 of this subchapter may not be accepted for transportation or transported aboard an aircraft.

§ 175.5 Applicability.

This part contains regulations pertaining to the acceptance of hazardous materials for transportation, and the loading and transportation of hazardous materials, in any civil aircraft in the United States and in civil aircraft of United States registry anywhere in air commerce, except aircraft of United States registry under lease to and operated solely by foreign nationals outside the United States.

§ 175.10 Exceptions.

(a) This part does not apply to—

(1) Aviation fuel and oil in tanks that are in compliance with the installation provisions of 14 CFR, Chapter 1.

(2) Aircraft parts, equipment, and supplies other than fuel, if authorized or required to be carried aboard an aircraft for its operation including:

(i) Fire extinguishers;

(ii) Cylinders containing compressed gases;

(iii) Aerosol dispensers;

(iv) Distilled spirits;

(v) Hydraulic accumulators;

(vi) Batteries;

(vii) First-aid kits;

(viii) Signaling devices;

(ix) Tires; and

(x) Items of replacement therefor, except that batteries, aerosol dispensers, and signaling devices must be packed in strong outside containers, and tires must be deflated to a pressure not greater than 100 p.s.i.g.

(3) Hazardous materials loaded and carried in hoppers or tanks of aircraft certificated for use in aerial seeding, dusting, spraying, fertilizing, crop improvement, or pest control, to be dispensed during such an operation.

(4) Medicinal and toilet articles carried by a crewmember or passenger in his baggage (including carry-on baggage) when:

(i) The total capacity of all the containers used by a crewmember or passenger for the carriage of those articles does not exceed 75 ounces (net weight ounces and fluid ounces);

(ii) The capacity of each container other than an aerosol container does not exceed 16 fluid ounces or 1 pound of material.

(5) Small-arms ammunition for personal use carried by a crewmember or passenger in his baggage (excluding carry-on baggage) if securely packed in fiber, wood, or metal boxes.

(6) Prior to May 3, 1977, radioactive materials which meet those requirements in § 173.391 of this subchapter, in effect on May 3, 1975, that exempt them from the packaging, marking, and labeling requirements for shipment by rail express.

(7) Oxygen, or any hazardous material used for the generation of oxygen, carried for medical use by a passenger in accordance with 14 CFR § 121.574 or § 135.114.

(8) Human beings and animals with an implanted medical device, such as a heart pacemaker, that contains radioactive material or with radiopharmaceuticals that have been injected or ingested.

§ 175.20 Compliance.

Unless the regulations in this subchapter specifically provide that another person must perform a duty, each operator shall comply with all the regulations in Parts 102, 171, 172, and 175 of this subchapter and shall thoroughly instruct his employees in relation thereto. (See 14 CFR §§ 121.135, 121.401, 121.433a, 135.27 and 135.140.)

§ 175.30 Accepting shipments.

(a) No person may accept a hazardous material for transportation aboard an aircraft unless the hazardous material is—

(1) Authorized, and is within the quantity limitations specified for car-

riage aboard aircraft according to § 172.101 of this subchapter;

(2) Described and certified on a shipping paper prepared in duplicate in accordance with Subpart C of Part 172 of this subchapter. The originating aircraft operator must retain one copy of each shipping paper;

(3) Labeled and marked, or placarded (when required), in accordance with Subparts D, E and F of Part 172 of this subchapter; and

(4) Labeled with a "CARGO AIRCRAFT ONLY" label (see § 172.448 of this subchapter) if the material as presented is not permitted aboard passenger-carrying aircraft.

(b) Except as provided in paragraph (c), no person may carry any hazardous material aboard an aircraft unless, prior to placing the material aboard the aircraft, the operator of the aircraft has inspected the outside container in which that material is packaged and has determined that—

(1) The container has no dents, holes, leakage or other indication that the integrity of the packaging has been compromised and, for radioactive materials, that package seal has not been broken;

(2) For radioactive materials to be carried aboard a passenger aircraft, there is accompanying the shipment a clear and visible statement, signed or stamped by the shipper or his agent as prescribed in Subpart C of Part 172 of this subchapter, that the shipment contains radioactive materials intended for use in, or incident to, research or medical diagnosis or treatment and meets the requirements of this subchapter for shipment in passenger-carrying aircraft.

(c) The requirements of paragraph (b) of this section do not apply to ORM-D materials packed in a freight container and offered for transportation by one consignor.

§ 175.33 Notification of pilot-in-command.

(a) When materials subject to the provisions of this subchapter are carried in an aircraft, the operator of the aircraft shall include in the cargo load manifest, and in a written notice given to the pilot-in-command before takeoff, the following information:

(1) The shipping name and the classification of each hazardous material as prescribed in § 172.101 of this subchapter;

(2) The quantity in terms of weight, volume, or as otherwise appropriate;

(3) The location of the hazardous materials in the aircraft; and

(4) The results of the inspections required by § 175.30(b) and § 175.700(d)(1).

§ 175.35 Shipping papers aboard aircraft.

(a) A copy of the shipping papers required by § 175.30(a)(2) must accompany the shipment it covers during transportation aboard an aircraft.

(b) The documents required by paragraph (a) of this section and § 175.33 may be combined into one document if it is given to the pilot-in-command before departure of the aircraft.

§ 175.40 Keeping and replacement of labels.

(a) Aircraft operators who engage in the transportation of hazardous materials must keep an adequate supply of the labels specified in Subpart E of Part 172 of this subchapter, on hand at each location where shipments are loaded aboard aircraft.

(b) Lost or detached labels for packages of hazardous materials must be replaced in accordance with the information provided on the shipping papers.

§ 175.45 Reporting hazardous materials incidents.

(a) Each operator that transports hazardous materials shall report to the nearest Air Carrier District Office (ACDO), Flight Standards District Office (FSDO), General Aviation District Office (GADO) or other FAA facility, except that in place of reporting to the nearest of those facilities a certificate holder under 14 CFR Part 121, 127, or 135 may report to the FAA District Office holding the carrier's operating certificate and charged with overall inspection of its operations, by telephone at the earliest practicable moment after each incident that occurs during the course of transportation (including loading, unloading or temporary storage) in which as a direct result of any hazardous material—

(1) A person is killed;

(2) A person receives injuries requiring his or her hospitalization;

(3) Estimated carrier or other property damage, or both, exceeds $50,000;

(4) Fire, breakage, or spillage or suspected radioactive contamination occurs involving shipment of radioactive materials (see § 175.700(b));

(5) Fire, breakage, spillage, or suspected contamination occurs involving shipment of etiologic agents. In addition to the report required by paragraph (a) of this section, a report on an incident involving etiologic agents should be telephoned directly to the Director, Center for Disease Control, U.S. Public Health, Atlanta, Georgia, area code 404-633-5313; or

(6) A situation exists of such a nature that, in the judgment of the carrier, it should be reported to the Department even though it does not meet the criteria of subparagraphs (1), (2), or (3) of this paragraph, e.g., a continuing danger to life exists at the scene of the incident.

(7) If the operator conforms to the provisions of this section, the carrier requirements of § 171.15 of this subchapter shall be deemed to have been satisfied.

(b) The following information shall be furnished in each report:

(1) Name of reporting person;

(2) Name and address of carrier represented by reporter;

(3) Phone number where reporter can be contacted;

(4) Date, time, and location of incident;

(5) The extent of the injuries, if any; and

(6) Classification, name and quantity of hazardous material involvement and whether a continuing danger to life exists at the scene.

(c) Each operator who transports hazardous materials shall report in writing, in duplicate, on DOT Form F 5800.1 within 15 days of the date of discovery, each incident that occurs during the course of transportation (including loading, unloading, or temporary storage) in which, as a direct result to hazardous materials, any of the circumstances set forth in paragraph (a) of this section occurs or their has been an unintentional release of hazardous materials from a package. Each operator making a report under this section shall send that report to the Materials Transportation Bureau, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590, with a separate copy to the FAA facility indicated in paragraph (a) of this section.

Subpart B—Loading, Unloading and Handling

§ 175.75 Quantity limitations aboard aircraft.

(a) Except as provided in § 175.85(b) in the case of a small, single pilot, cargo-only aircraft being used where other means of transportation are impracticable or not available, no person may carry on an aircraft—

(1) A hazardous material except as permitted in Part 172 of this subchapter;

(2) More than 50 pounds net weight of hazardous material in any inaccessible cargo pit, bin, or reusable freight container unless a larger quantity is permitted by this section.

(3) More than 150 pounds net weight of nonflammable, compressed gas in any inaccessible cargo pit, bin, or reusable freight container;

(4) Packages containing radioactive materials when their combined transport indexes exceed 50.

(b) No limitation applies to the number of packages of ORM material aboard an aircraft.

§ 175.78 Stowage compatibility of cargo.

No person may stow a package of a corrosive material on an aircraft next to or in a position that will allow contact with a package of flammable solids, oxidizing materials, or organic peroxides.

§ 175.79 Orientation of cargo.

(a) A package containing hazardous materials marked "THIS SIDE UP", "THIS END UP", or with arrows to indicate the proper orientation of the package, must be stored, loaded abroad an aircraft in accordance with such markings, and secured in a manner that will prevent any movement which would change the orientation of the package.

(b) A package containing liquid hazardous materials not marked as indicated in paragraph (a) of this section must be stored and loaded with closures up.

§ 175.85 Cargo location.

(a) No person may carry a hazardous material subject to the requirements of this subchapter in the cabin of a passenger-carrying aircraft.

(b) Except in the case of a small, single pilot aircraft being used where other means of transportation are impracticable or not available, each person carrying materials acceptable only for cargo aircraft shall carry those articles in a location accessible to a crewmember in flight. When materials acceptable for cargo-only aircraft are carried on a small, single pilot, cargo-only aircraft being used where other means of transportation are impracticable or not available, they may be carried in a location that is not accessible to the pilot, subject to the following conditions:

(1) No person other than the pilot, an FAA inspector, the shipper or consignee of the material or a representative of the shipper or consignee so designated in writing, or a person necessary for handling the material may be carried on the aircraft.

(2) The pilot must be provided with written instructions on characteristics and proper handling of the material.

(3) Whenever a change of pilots occurs while the material in on board, the new pilot must be briefed under a hand-to-hand signature service provided by the operator of the aircraft.

(c) No person may load magnetized material (which might cause an erroneous magnetic compass reading) on an aircraft, in the vicinity of a magnetic compass, or compass master unit, that is a part of the instrument equipment of the aircraft, in a manner that affects its operation. If this requirement cannot be met, a special aircraft swing and compass calibration may be made. No person loading magnetized materials may obscure the warning labels.

(d) No person may carry materials subject to the requirements of this subchapter in an aircraft unless they are suitably safeguarded to prevent their becoming a hazard by shifting. For packages bearing "RADIOACTIVE YELLOW-II" or "RADIOACTIVE YELLOW-III" labels, such safeguarding must prevent movement that would permit the package to be closer to a space that is occupied by a person or an animal than is permitted by § 175.700.

(e) No person may carry a material subject to the requirements of this subchapter that is acceptable for carriage in a passenger-carrying aircraft (other than magnetized materials) unless it is located in the aircraft in a place that is inaccessible to persons other than crewmembers.

§ 175.90 Damaged shipments.

Except as provided for in § 175.700, the operator of an aircraft shall remove from the aircraft any package subject to this subchapter that appears to be damaged or leaking. A package that appears to be damaged or leaking may not be transported on an aircraft subject to this part.

Subpart C—Specific Regulations Applicable According to Classification of Material

§ 175.305 Self-propelled vehicles.

(a) Self-propelled vehicles are exempt from the drainage requirements of § 173.120 of this subchapter when carried in aircraft designed or modified for vehicle ferry operations and when all of the following conditions are met:

(1) Authorization for this type operation has been given by the appropriate authority in the government of the country in which the aircraft is registered;

(2) Each vehicle is secured in an upright position;

(3) Each fuel tank is filled in a manner and only to a degree that will preclude spillage of fuel during loading, unloading, and transportation; and

(4) Ventilation rates to be maintained in the vehicle storage compartment have been approved by the appropriate authority in the government of the country in which the aircraft is registered.

§ 175.310 Transportation of flammable liquid fuel in small, passenger-carrying aircraft.

A small aircraft or helicopter operated entirely within the State of Alaska or into a remote area elsewhere in the United States may carry, in other than scheduled passenger operations, not more than 20 gallons of flammable liquid fuel, if—

(a) Transportation by air is the only practical means of providing suitable fuel;

(b) The flight is necessary to meet the needs of a passenger;

(c) The fuel is carried in metal containers that are either—

(1) DOT Specification 2A containers of not more than 5 gallons capacity, each packed inside a DOT Specification 12B fiberboard box or each packed inside a DOT Specification 15A, 15B, 15C, 16A, 19A or 19B wooden box, or in the case of a small aircraft in Alaska, each packed inside a wooden box of at least one-half inch thickness;

(2) Airtight, leakproof, inside containers of not more than 10 gallons capacity and of at least 28-gauge metal, each packed inside a DOT Specification 15A, 15B, 15C, 16A, 19A, or 19B wooden box or, in the case of a small aircraft in Alaska, each packed inside a wooden box of at least one-half inch thickness; or

(3) DOT Specification 17E containers of not more than 5 gallons capacity.

(d) In the case of a helicopter, the fuel is carried on external cargo racks;

(e) The area or compartment in which the fuel is loaded is ventilated so as to prevent the accumulation of fumes;

(f) Before each flight, the pilot-in-command—

(1) Informs each passenger of the location of the fuel and the hazards involved; and

(2) Prohibits smoking, lighting matches, the carrying of any lighted cigar, pipe, cigarette or flame, and the use of anything that might cause an open flame or spark, while loading or unloading or in flight; and

(g) Fuel is transferred to the fuel tanks only while the aircraft is on the surface.

§ 175.320 Cargo-only aircraft; only means of transportation.

(a) Notwithstanding § 172.101, when means of transportation other than air are impracticable or not available, hazardous materials listed in the following table may be carried on a cargo-only aircraft subject to the conditions stated in the table and in paragraph (b) and, when appropriate, paragraph (c) of this section:

Material description	Class	Conditions
Electric blasting caps (more than 1,000).	Class A explosives	Permitted only when no other cargo is aboard the aircraft. However, if the electric blasting caps are packed in an IME 22 container (see 49 CFR 171.7(d)(9)), they may be transported in the same aircraft with materials that are not classed as hazardous materials.
Electric blasting caps (1,000 or less).	Class C explosives	Permitted only when no other cargo is aboard the aircraft. However, if the electric blasting caps are packed in a DOT MC 201 container (49 CFR 178.318) or an IME 22 container (see 49 CFR 171.7(d)(9)), they may be transported in the same aircraft with materials other than class A or class B explosives.
Gasoline	Flammable liquid	Permitted in metal drums having rated capacities of 55 gal or less. May not be transported in the same aircraft with materials classed as class A, B, or C explosives, corrosive materials, or oxidizing materials. Permitted in installed metal tanks each having a capacity of more than 110 gal subject to the conditions specified in para. (c) of this section.
High explosives	Class A explosives	Limited to explosives to be used for blasting. Permitted only when no other cargo is aboard the aircraft or when being transported in the same aircraft with an authorized shipment of any 1 or more of the following materials to be used for blasting: Nitrocarbonitrate. Cordeau detonant fuse. Propellant explosive (solid) class B (water gels only). Propellant explosive (liquid) class B (water gels only).
Oil, n.o.s.; petroleum oil; or petroleum oil, n.o.s.	Flammable liquid	Permitted in metal drums having rated capacities of 55 gal or less. May not be transported in the same aircraft with materials classed as class A, B, or C explosives, corrosive materials, or oxidizing materials. Permitted in installed metal tanks each having a capacity of more than 110 gal subject to the conditions specified in para. (c) of this section.
Combustible liquid, n.o.s.	Combustible liquid	Permitted in installed metal tanks each having a capacity of more than 110 gal subject to the conditions specified in par. (c) of this section.

(b) The following conditions apply to the carriage of hazardous materials performed under the authority of this section:

(1) No person other than a required flight crewmember, an FAA inspector, the shipper or consignee of the material or a representative of the shipper or

consignee so designated in writing, or a person necessary for handling the material may be carried on the aircraft.

(2) The operator of the aircraft must have advance permission from the owner or operator of each manned airport where the material is to be loaded or unloaded or where the aircraft is to land while the material is on board. When the destination is changed after departure because of weather or other unforeseen circumstances, permission from the owner or operator of the alternate airport should be obtained as soon as practicable before landing.

(3) At any airport where the airport owner or operator or authorized representative thereof has designated a location for loading or unloading the material concerned, the material may not be loaded or unloaded at any other location.

(4) If the material concerned can create destructive forces or have lethal or injurious effects over an appreciable area as a result of an accident involving the aircraft or the material, the loading and unloading of the aircraft and its operation in takeoff, en route, and in landing must be conducted at a safe distance from heavily populated areas and from any place of human abode or assembly.

(5) If the aircraft is being operated by a holder of a certificate issued under 14 CFR Part 121, Part 127, or Part 135, operations must be conducted in accordance with conditions and limitations specified in the certificate holder's operations specifications or operations manual accepted by the FAA. If the aircraft is being operated under 14 CFR Part 91, operations must be conducted in accordance with an operations plan accepted and acknowledged in writing by the operator's FAA District Office.

(6) Each pilot of the aircraft must be provided written instructions stating the conditions and limitations of the operation being conducted and the name of the airport official[s] granting the advance permission required by the first sentence of subparagraph (2) of this paragraph.

(7) The aircraft and the loading arrangement to be used must be approved for safe carriage of the particular materials concerned by the FAA District Office holding the operator's certificate and charged with overall inspection of its operations, or the appropriate FAA District Office serving the place where the material is to be loaded.

(8) When Class A explosives are carried under the authority of this section, the operator of the aircraft shall obtain route approval from the FAA inspector in the operator's FAA District Office.

(9) During loading and unloading, no person may smoke, carry a lighted cigarette, cigar, or pipe, or operate any device capable of causing an open flame or spark within 50 feet of the aircraft.

(c) The following additional conditions apply to the carriage of flammable liquids and combustible liquids in metal tanks each having a capacity of more than 110 gallons under the authority of this section:

(1) The tanks and their associated piping and equipment and the installations thereof must have been approved under a supplemental type certificate.

(2) In the case of an aircraft being operated by a certificate holder, the operator shall list the aircraft and the supplemental type certificate approval information in its operating specifications. If the aircraft is being operated by other than a certificate holder, a copy of the supplemental type certificate must be carried on board the aircraft.

(3) The crew of the aircraft must be thoroughly briefed on the operation of the particular bulk tank system being used.

(4) During loading and unloading and thereafter until any remaining fumes within the aircraft are dissipated:

(i) Only those electrically operated bulk tank shutoff valves that have been approved under a supplemental type certificate may be electrically operated.

(ii) No engine or electrical equipment, avionic equipment, or auxiliary power units may be operated, except position lights in the steady position and equipment required by approved loading or unloading procedures, as set forth in the operator's operations manual, or for operators that are not certificate holders, as set forth in a written statement.

(iii) No person may fill a container, other than an approved bulk tank, with a flammable or combustible liquid or discharge a flammable or combustible liquid from a container, other than an approved bulk tank, while that container is inside or within 50 feet of the aircraft.

(iv) When filling an approved bulk tank by hose from inside the aircraft, the doors and hatches must be fully open to insure proper ventilation.

(v) Static ground wires must be connected between the storage tank or fueler and the aircraft, and between the aircraft and a positive ground device.

§ 175.630 Special requirements for poisons.

(a) No person may transport a package bearing a POISON label aboard an aircraft in the same cargo compartment with material which is marked as or known to be foodstuff, feed, or any other edible material intended for consumption by humans or animals.

(b) No person may operate an aircraft that has been used to transport any package bearing a POISON label unless, upon removal of such package, the area in the aircraft in which it was carried is visually inspected for evidence of leakage, spillage, or other contamination. All contamination discovered must be either isolated or removed from the aircraft. The operation of an aircraft contaminated with such poisons is considered to be the carriage of poisonous materials under paragraph (a) of this section.

§ 175.700 Special requirements for radioactive materials.

(a) No person may place any package of radioactive materials bearing "RADIOACTIVE YELLOW-II" or "RADIOACTIVE YELLOW-III" labels in an aircraft closer than the distances shown in the following table to a space (or dividing partition between spaces) which may be continuously occupied by people, or shipments of animals, or closer than the distances shown in the following table to any package containing undeveloped film (if so marked). If more than one of these packages is present, the distance shall be computed from the following table on the basis of the total transport index numbers shown on labels of the individual packages in the aircraft:

Total transport index	Minimum separation distances in feet to nearest undeveloped film for various times of transit					Minimum distance in feet to area of persons, or minimum distance in feet from dividing partition of cargo compartment
	Up to 2 hr	2-4 hr	4-8 hr	8-12 hr	Over 12 hr	
None	0	0	0	0	0	0
0.1 to 1.0	1	2	3	4	5	1
1.1 to 5.0	3	4	6	8	11	2
5.1 to 10.0	4	6	9	11	15	3
10.1 to 20.0	5	8	12	16	22	4
20.1 to 30.0	7	10	15	20	29	5
30.1 to 40.0	8	11	17	22	33	6
40.1 to 50.0	9	12	19	24	36	7

(b) In addition to the reporting requirements of § 175.45, the carrier must also notify the shipper at the earliest practicable moment following any incident in which there has been breakage, spillage, or suspected radioactive contamination involving radioactive materials shipments. Aircraft in which radioactive materials have been spilled may not be again placed in service or routinely occupied until the radiation dose rate at any accessible surface is less than 0.5 millirem per hour and there is no significant removable radioactive surface contamination (see § 173.397 of this subchapter). In these instances, the package or materials should be segregated as far as practicable from personnel contact. If radiological advice or assistance is needed, the U.S. Energy Research and Development Administration should also be notified. In case of obvious leakage, or if it appears likely that the inside container may have been damaged, care should be taken to avoid inhalation, ingestion, or contact with the radioactive materials. Any loose radioactive materials should be left in a segregated area pending disposal instructions from qualified persons.

(c) No person may carry aboard a passenger-carrying aircraft any package of

radioactive material which contains a large quantity (large radioactive source) of radioactivity (as defined in § 173.389 (b) of this subchapter), except as specifically approved by the Director, Office of Hazardous Materials Operations, Materials Transportation Bureau, Department of Transportation.

§ 175.710 Special requirements for fissile Class III radioactive materials.

(a) No person may carry aboard any aircraft any package of fissile Class III radioactive material (as defined in § 173.389(a)(3) of this subchapter), except as follows:

(1) On a cargo-only aircraft which has been assigned for the sole use of the consignor for the specific shipment of fissile radioactive material. Instructions for such sole use must be provided for in special arrangements between the consignor and carrier, with instructions to that effect issued with shipping papers; or

(2) On any aircraft on which there is no other package of radioactive materials required to bear one of the RADIOACTIVE labels described in §§ 172.437, 172.438, and 172.439 of this subchapter. Specific arrangements must be effected between the shipper and carriers, with instructions to that effect issued with the shipping papers; or

(3) In accordance with any other procedure specifically approved by the Director, Office of Hazardous Materials Operations, Materials Transportation Bureau.

301. Part 176 is revised to read as follows:

PART 176—CARRIAGE BY VESSEL

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AUTHORITY: 46 U.S.C. 170(7), 49 CFR 1.53 (f).

Subpart A—General

§ 176.1 Purpose and scope.

This part prescribes requirements in addition to those contained in Parts 171, 172, and 173 of this subchapter to be observed with respect to the transportation of hazardous materials by vessel.

§ 176.3 Unacceptable hazardous materials shipments.

(a) A carrier may not transport by vessel any shipment of a hazardous material that is not prepared for transportation in accordance with Parts 172 and 173 of this subchapter.

(b) A carrier may not transport by vessel any explosive or explosive composition described in § 176.5(c).

§ 176.5 Application to vessels.

(a) Except as provided in paragraphs (b), (e), and (f) of this section, this subchapter applies to each domestic or foreign vessel when in the navigable waters

of the United States, regardless of its character, tonnage, size, or service, and whether self-propelled or not, whether arriving or departing, underway, moored, anchored, aground, or while in dry dock.

(b) With the exception of paragraph (c) of this section, this subchapter does not apply to:

(1) A public vessel not engaged in commercial service;

(2) A vessel constructed or converted for the principal purpose of carrying flammable or combustible liquid cargo in bulk in its own tanks, when only carrying these liquid cargoes;

(3) A vessel of 15 gross tons or smaller when not engaged in carrying passengers for hire;

(4) A vessel used exclusively for pleasure;

(5) A vessel of 500 gross tons or smaller when engaged in fisheries;

(6) A tug or towing vessel except when towing another vessel having explosives, flammable liquids or flammable compressed gas on board on deck in which case the tug or towing vessel shall make such provisions to guard against and extinguish fire as the Coast Guard may prescribe; or

(7) A cable vessel, dredge, elevator vessel, fireboat, icebreaker, pile driver, pilot boat, welding vessel, salvage vessel, or wrecking vessel.

(c) 46 U.S. Code 170(3) prohibits the transportation, carriage, conveying, storing, stowing or using any of the following explosives on board any vessel to which this subchapter applies:

(1) Any fulminate or other detonating compound in bulk in dry condition.

(2) Any explosive composition that can ignite spontaneously or undergo marked decomposition when subjected for 48 consecutive hours to a temperature of 167 degrees F. (75 degrees C.).

(3) Any composition containing an ammonium salt and a chlorate or other like explosive.

(d) The bulk carriage of hazardous materials by water is governed by 46 CFR Subchapters D, I, O, and N.

(e) The transportation of military explosives on board vessels is governed by 46 CFR 146.29.

§ 176.9 "Order-Notify" or "C.O.D." shipments.

(a) A carrier may not transport Class A explosives or blasting caps which are—

(1) Consigned to "Order-notify" or "C.O.D.", except on a through bill of lading to a place outside the United States; or

(2) Consigned by the shipper to himself unless he has a resident representative to receive the shipment at the port of discharge.

§ 176.11 Exceptions.

(a) A shipment of hazardous materials (other than Class A explosives or radioactive materials) which upon arrival at a domestic port is not destined for transportation outside the port area may be transported in accordance with the packaging requirements of the International Maritime Dangerous Goods Code adopted by the Inter-governmental Maritime Consultative Organization (IMCO). (See also § 171.12 of this subchapter.)

(b) Canadian shipments and packages may be transported by vessel if they are transported in accordance with this subchapter. (See § 173.8 of this subchapter.)

(c) The requirements of this subchapter governing the transportation of combustible liquids do not apply to the transportation of combustible liquids in containers of 110 gallons or less on board vessels.

(d) A transport vehicle carrying hazardous materials may be transported on board a ferry vessel or carfloat, subject to the requirements specified in the table in § 172.101 of this subchapter and Subpart E of this part, if the hazardous materials are segregated and stowed within the vehicle in accordance with the applicable requirements of this subchapter.

§ 176.13 Responsibility for compliance.

Unless this subchapter specifically provides that another person must perform a duty, each carrier, including a connecting carrier, shall comply with all applicable regulations in this part, and shall thoroughly instruct his employees in relation thereto.

§ 176.15 Enforcement.

(a) An enforcement officer of the U.S. Coast Guard may at any time and at any place, within the jurisdiction of the United States, board any vessel for the purpose of enforcement of this subchapter.

(b) Under the authority of 46 U.S. Code 170(13) and in the manner provided therein, a collector of customs may detain a vessel which is in violation of this subchapter.

§ 176.18 Assignment and certification.

(a) The National Cargo Bureau, Inc., is authorized to assist the Coast Guard in administering this subchapter with respect to the following:

(1) Inspection of vessels for suitability for loading hazardous materials;

(2) Examination of stowage of hazardous materials;

(3) Making recommendations for stowage requirements of hazardous materials cargo; and

(4) Issuance of certificates of loading setting forth that the stowage of hazardous materials is in accordance with the requirements of 46 U.S.C. 170 and this subchapter.

(b) A certificate of loading issued by the National Cargo Bureau, Inc., may be accepted by the Coast Guard as prima facie evidence that the cargo is stowed in conformity with the requirements of 46 U.S.C. 170 and this subchapter.

Subpart B—General Operating Requirements

§ 176.24 Shipping papers.

A carrier may not transport a hazardous material by vessel unless the material is properly described on the shipping paper in the manner prescribed in Part 172 of this subchapter.

§ 176.27 Certificate.

(a) A carrier may not transport a hazardous material by vessel unless it has been certified by the shipper in accordance with § 172.204 of this subchapter.

(b) In the case of an import or export shipment of hazardous materials which will not be transported by rail, highway, or air, the shipper may certify on the bill of lading or other shipping paper that the hazardous material is properly classed, described, marked, packaged, and labeled according to Part 172 of this subchapter or in accordance with the regulations of the country of origin or destination.

§ 176.30 Dangerous cargo manifest.

(a) The master of a vessel transporting hazardous materials shall prepare a dangerous cargo manifest, list, or stowage plan. This document must be kept in a designated holder, on or near the vessel's bridge. It must contain the following information:

(1) Name of vessel and official number. (If the vessel has no official number, the international radio call sign must be substituted.);

(2) Nationality of vessel;

(3) Shipping name of each hazardous material on board, as given in the Hazardous Materials Table, § 172.101 of this subchapter or the "correct technical name" as given in the International Maritime Dangerous Goods Code published by IMCO. For other than a domestic shipment, when the shipping name of a material is an "n.o.s." entry, this entry must be qualified by the chemical name of the commodity in parentheses, e.g., "Corrosive material, n.o.s. (caprylyl chloride)";

(4) The number and description of packages (barrels, drums, cylinders, boxes, etc.) and gross weight for each type of packaging;

(5) Classification of the hazardous material in accordance with either:

(i) The Hazardous Materials Table, § 172.101; or

(ii) The Inter-governmental Maritime Consultative Organization's Dangerous Goods Code.

(6) Stowage location of the hazardous material on board the vessel.

(7) In the case of a vessel used for the storage of explosives or other hazardous materials, the following additional information is required:

(i) Name and address of vessel's owner;

(ii) Location of vessel's mooring;

(iii) Name of person in charge of vessel;

(iv) Name and address of the owner of the cargo; and

(v) A complete record, by time intervals of one week, of all receipts and disbursements of hazardous materials. The name and address of the consignor must be shown against all receipts and the name and address of the consignee against all deliveries.

(b) The hazardous material information on the dangerous cargo manifest must be the same as the information furnished by the shipper on his shipping

order or other shipper paper. The person who supervises the preparation of the manifest, list, or stowage plan shall ensure that the information is correctly transcribed, and shall certify to the truth and accuracy of this information to the best of his knowledge and belief by his signature and notation of the date prepared.

(c) The master, or a licensed deck officer designated by the master and attached to the vessel, or in the case of a barge, the person in charge of the barge, shall acknowledge the correctness of the dangerous cargo manifest, list, or stowage plan by his signature. The requirements of this paragraph do not apply to unmanned barges.

(d) Each carrier who transports or stores hazardous materials on a vessel shall retain for one year thereafter a copy of the dangerous cargo manifest, list, or stowage plan, and shall make that manifest or list available for inspection in accordance with § 176.36(b).

§ 176.31 Exemptions.

If a hazardous material is being transported by vessel under the authority of an exemption and a copy of the exemption is required to be on board the vessel, it must be kept with the dangerous cargo manifest.

§ 176.33 Labels.

Each carrier shall maintain an adequate supply of the labels required in Subpart E of Part 172 of this subchapter to replace those that become lost or detached. Replacement must be based on information taken from the shipping order, delivery receipt, or other shipping paper covering the shipment.

§ 176.36 Preservation of records.

(a) When this part requires shipping orders, manifest, cargo lists, stowage plans, reports, or any other papers, documents or similar records to be prepared, the carrier shall preserve them or copies of them in his place of business or office in the United States for a period of one year after their preparation.

(b) Any record required to be preserved must be made available upon request to an authorized representative of the Department of Transportation.

§ 176.39 Inspection of cargo.

(a) *Manned vessels.* (1) The master of a vessel transporting hazardous materials shall cause an inspection of each hold or compartment containing hazardous materials to be made after stowage is complete, and at least once every 24 hours thereafter, weather permitting, in order to ensure that the cargo is in a safe condition and that no damage caused by shifting, spontaneous heating, leaking, sifting, wetting, or other cause has been sustained by the vessel or its cargo since loading and stowage. This requirement does not require freight containers or individual barges to be opened. A vessel's holds equipped with smoke or fire detecting systems, having an automatic monitoring capability, need not be inspected except after stowage is complete and after periods of heavy weather.

(2) The master shall cause an entry to be made in the vessel's deck log book for each inspection of the stowage of hazardous materials performed.

(b) *Unmanned and magazine vessels.* An inspection of the cargo must be made after stowage has been completed to ensure that stowage has been accomplished properly and that there are no visible signs of damage to any packages or evidence of heating, leaking, or sifting. This inspection must be made by the individual who is responsible to the carrier and who is in charge of loading and stowing the cargo on the unmanned vessels or the individual in charge in the case of a magazine vessel.

(c) The master of each ocean-going vessel carrying hazardous materials shall, immediately prior to entering a port in the United States, cause an inspection of that cargo to be made.

(d) When inspecting a cargo of hazardous materials capable of evolving flammable vapors, any artificial means of illumination must be of an explosion-proof type.

§ 176.45 Emergency situations.

(a) When an accident occurs on board a vessel involving hazardous materials, and the safety of the vessel, its passengers or crew are endangered, the master shall adopt such procedures as will, in his judgment, provide maximum safety for the vessel, its passengers, and its crew. When the accident results in damaged packages or the emergency use of unauthorized packagings, these packages may not be offered to any forwarding carrier for transportation. The master shall notify the nearest District Commander, U.S. Coast Guard, and request instructions for disposition of the packages.

(b) Hazardous materials may be jettisoned only if the master believes this action necessary to prevent or substantially reduce a hazard to human life or reduce a substantial hazard to property.

§ 176.48 Situation requiring report.

(a) When a fire or other hazardous condition exists on a vessel transporting hazardous materials, the master shall notify the nearest District Commander as soon as possible and shall comply with any instructions given by the District Commander.

(b) When an incident occurs during transportation in which hazardous materials are involved, Hazardous Materials Incident Reports may be required. See § 171.15 and § 171.16 of this subchapter.

(c) If a package, container, portable tank, highway or railroad vehicle containing hazardous materials is jettisoned or lost, the master shall notify the nearest District Commander and the Comandant (GMHM) as soon as possible of the location, quantity, and type of the material.

§ 176.50 Acceptance of damaged or leaking packages.

A carrier may not transport by vessel any package that is so damaged as to permit the escape of its contents, that appears to have leaked, or that gives evidence of failure to properly contain the contents unless it is restored or repaired to the satisfaction of the master of the vessel. A package containing radioactive materials (other than low specific materials) may not be repaired or restored.

§ 176.52 Rejections of shipments in violation.

(a) A carrier may not knowingly transport by vessel any hazardous material offered under a false or deceptive name, marking, invoice, shipping paper or other declaration, or without the shipper furnishing written information about the true nature of the material at the time of delivery.

(b) If a shipment in violation is found in transit, the master of the vessel shall adopt procedures which in his judgment provide maximum safety to the vessel, its passengers and its crew and which are in compliance with § 176.45. If the vessel is in port, the material may not be delivered to any party, and the master shall immediately notify the nearest District Commander and request instructions for disposition of the material.

§ 176.54 Repairs involving welding or burning.

(a) Except as provided in paragraph (b) of this section, repairs or work involving welding or burning, or the use of power-actuated tools or appliances which may produce intense heat may not be undertaken on any vessel having on board explosives or other hazardous materials as cargo.

(b) Paragraph (a) of this section does not apply if—

(1) The repairs or work are approved by the local Coast Guard Captain of the Port or his authorized representative; or

(2) Emergency repairs to the vessel's main propelling or boiler plant or auxiliaries are necessary.

Subpart C—General Handling and Stowage

§ 176.57 Supervision of handling and stowage.

(a) Hazardous materials may be handled or stowed on board a vessel only under the direction and observation of a qualified person assigned for this duty.

(b) For a vessel engaged in voyages coastwise, or on rivers, bays, sounds or lakes, including the Great Lakes when the voyage is not foreign-going, the person may be an employee of the carrier and assigned to this duty by the carrier, or a licensed officer attached to the vessel and assigned by the master of the vessel.

(c) For a domestic vessel engaged in a foreign-going or intercoastal voyage, the person must be an officer possessing an unexpired license issued by the U.S. Coast Guard and assigned to this duty by the carrier or master of the vessel.

(d) For a foreign vessel, the person must be an officer of the vessel assigned to this duty by the master of the vessel.

§ 176.58 Preparation of the vessel.

Each hold or compartment in which hazardous materials are to be transported must be swept clean of all debris before the hazardous materials are

stowed therein. Bilges must be examined and all residue of previous cargo removed.

§ 176.60 "No Smoking" signs.

When smoking is prohibited during the loading, stowing, storing, transportation, or unloading of hazardous materials by this part, the carrier and the master of the vessel are jointly responsible for posting "NO SMOKING" signs in conspicuous locations.

§ 176.63 Stowage locations.

(a) The table in § 172.101 of this subchapter specifies generally the locations authorized for stowage of the various hazardous materials on board vessels. This part prescribes additional requirements with respect to the stowage of particular hazardous materials shipments in those authorized. This section sets forth the basic physical requirements for the authorized locations.

(b) To qualify as "on deck" stowage, the location must be on the weather deck. If it is in a house on the weather deck, it must have a permanent structural opening to the atmosphere, such as a door, hatch companionway or manhole, and must be vented to the atmosphere. It may not have any structural opening to any living quarters, cargo, or other compartment unless the opening has means for being closed off and secured. Any deck house containing living quarters, a steering engine, a refrigerating unit, a refrigerated stowage box, or a heating unit may not be used unless that area is isolated from the cargo stowage area by a permanent, and tight metallic bulkhead. Stowage in a shelter or 'tween deck is not considered to be "on deck". A barge which is vented to the atmosphere and is stowed on deck on a barge-carrying ship is considered to be "on deck". "On deck" stowage must be protected from the direct rays of the sun by means of structural erections or awnings.

(c) To qualify as "under deck" stowage, the location must be in a hold or compartment below the weather deck capable of being ventilated and allotted entirely to the carriage of cargo. It must be bounded by permanent steel decks and bulkheads or the shell of the vessel. The deck openings must have means for effectively closing the hold or compartment against the weather, and in the case of superimposed holds, for effectively closing off each hold. A hold or compartment containing a crew passage formed by battens or by mesh or wire screen bulkhead may not be used for the stowage of any hazardous material unless a watchman is provided for this area.

(d) To qualify as "under deck away from heat", the location must be under deck and have built-in means for ventilation. If it is subject to heat from any artificial source, it only qualifies for the stowage of those hazardous materials for which "on deck" stowage is authorized.

§ 176.69 General stowage requirements for hazardous materials.

(a) Hazardous materials (except as provided in (c) of this section) and ORM must be stowed in a manner that will facilitate inspection during the voyage, its removal from a potentially dangerous situation, and the removal of packages in case of fire.

(b) Each package marked "THIS SIDE UP" must be stowed so as to remain in the position indicated during transportation.

(c) If a vessel designed for and carrying hazardous materials in freight containers or a vessel designed for and carrying hazardous materials in barges is equipped with a fixed fire extinguishing and fire detection system, the freight containers or barges need not be stowed in the manner required by paragraph (a) of this section. In addition, if fire fighting equipment capable of reaching and piercing the freight container or barge shall is on board the vessel the freight containers or barges may be stowed on deck.

§ 176.72 Handling of break-bulk hazardous materials.

(a) A metal bale hook may not be used for handling any package of hazardous materials.

(b) The use of equipment designed to lift or move cargo by means of pressure exerted on the packages may not be used for handling any package of hazardous materials if the device can damage the package or the package is not designed to be moved in that manner.

(c) Pallets, slings, cargo nets and other related equipment used in loading packages of hazardous materials must give adequate support to the packages. The packages must be contained so that they are not able to fall during loading.

§ 176.74 On deck stowage of break-bulk hazardous materials.

(a) Packages containing hazardous materials must be secured by enclosing in boxes, cribs or cradles and proper lashing by use of wire rope, strapping or other means, including shoring and bracing, or both. Lashing of deck cargo is permitted if eye pads are used to attach the lashings. Lashings may not be secured to guard rails. Bulky articles must be shored.

(b) A packaging susceptible to weather or water damage must be protected so that it will not be exposed to the weather or to sea water.

(c) Not more than fifty percent of the total open deck area may be used for stowage of hazardous materials (except ORM material).

(d) Fireplugs, hoses, sounding pipes, and access to these must be free and clear of all cargo.

(e) Crew and passenger spaces and areas set aside for the crew's use may not be used to stow any hazardous material.

(f) A hazardous material may not be stowed within a horizontal distance of 25 feet of an operating or embarkation point of a lifeboat.

(g) Hazardous materials must be stowed to permit safe access to the crew's quarters and to all parts of the deck required in navigation and necessary working of the vessel.

(h) When runways for use of the crew are built over stowed hazardous materials, they must be constructed and fitted with rails and lifelines so as to afford complete protection to the crew when in use.

§ 176.76 Highway vehicles, railroad vehicles, freight containers, and portable tanks containing hazardous materials.

(a) Except as provided in paragraphs (b) through (f) of this section, hazardous materials (other than Class A explosives) authorized to be transported by vessel may be carried on board a vessel in a highway vehicle, railroad vehicle, or freight container subject to the following conditions:

(1) The material must be in proper condition for transportation according to the requirements of this subchapter;

(2) All packages in the transport vehicle or container must be secured to prevent movement in any direction. However, vertical restraint is not required if the shape of the packages and the stuffing pattern precludes shifting of the load;

(3) Bulkheads made of dunnage which extend to the level of the cargo must be provided unless the packages are stowed flush with the sides or ends;

(4) Dunnage must be secured to the floor when the cargo consists of dense materials or heavy packages;

(5) Each package marked "THIS SIDE UP" must be so stowed;

(6) Any slack spaces between packages must be filled with dunnage;

(7) The weight in a container must be distributed throughout as evenly as possible and the maximum permissible weight must not be exceeded.

(8) Adjacent levels of baggaged and baled cargo must be stowed in alternate directions so that each tier binds the tier above and below it.

(9) Packages containing solids may not be stowed on top of packages containing liquids.

(10) The lading must be contained entirely within the freight container or vehicle body without overhang or projection except that oversized machinery such as tractors or vehicles with batteries attached may overhang or project outside the intermodal container provided all of that portion of the lading that consists of hazardous materials is contained entirely within the freight container. No open-bed container or vehicle is permitted to carry hazardous materials unless it is equipped with a means of properly securing the lading.

(b) A highway vehicle containing hazardous materials may be carried only on board a trailership, ferry vessel or a carfloat.

(c) A railroad vehicle containing hazardous materials may be carried only on board a trainship, railroad car ferry or a carfloat.

(d) A transport vehicle or freight container equipped with heating or refrigeration equipment may be operated on board a vessel. However, the equipment may not be operated in any hold or compartment in which any flammable liquid

or gas is stowed on deck unless separated by at least 30 feet from any flammable liquid or gas. Any heating or air conditioning equipment having a fuel tank containing a flammable liquid or gas may be stowed only "on deck". Equipment electrically powered and designed to operate within an environment containing flammable vapors may be operated below deck in a hold or compartment containing a flammable liquid or gas. (See § 176.79.)

(e) A transport vehicle, loaded with any hazardous material which is required to be stowed "on deck" by § 172.101 of this subchapter, may be stowed one deck below the weather deck when transported on a trainship or trailership which is unable to provide "on deck" stowage because of the vessel's design. Otherwise, the transport vehicle or container must be transported "on deck".

(f) Each transport vehicle, freight container, and portable tank being transported by vessel must be placarded in accordance with the requirements of Subpart F of Part 172 of this subchapter.

(g) A hazardous material may be carried on board a vessel in a portable tank subject to the following conditions:

(1) The material must be in proper condition for transportation according to the requirements of this subchapter.

(2) The portable tank may not exceed 55,000 pounds gross weight.

(3) When loaded, the portable tank must be stowed on deck unless it contains only an ORM, a hazardous material which is water soluble but not water reactive, or a combustible liquid with a flashpoint above 141 degrees F.

(4) ORM and corrosive materials must be stowed as authorized in the Hazardous Materials Table in § 172.101 of this subchapter.

(5) Aluminum, magnesium and their alloys are specifically prohibited as materials of construction of portable tanks.

§ 176.77 Stowage of barges containing hazardous materials on board barge-carrying vessels.

(a) A barge which contains hazardous materials may be transported on board a barge-carrying vessel if it is stowed in accordance with the requirements of this section.

(b) A barge which contains hazardous materials for which only "on deck" stowage is authorized must be stowed above the weather deck and be vented to the atmosphere.

(c) A barge which contains hazardous materials for which both "on deck" and "below deck" storage is authorized may be stowed above or below the weather deck.

§ 176.78 Use of power-operated industrial trucks on board vessels.

(a) A truck may not be used on board a vessel in a space containing a hazardous material unless it is a power-operated industrial truck and complies with the requirements of this section.

(b) Each truck must have a specific designation of Underwriter's Laboratories or Factory Mutual Laboratories. Any repair or alteration to a truck must be equivalent to that required on the original designation.

(c) *Description of designations.* The recognized testing laboratory type designations are as follows:

(1) An "E" designated unit is an electrically-powered unit that has minimum acceptable safeguards against inherent fire hazards.

(2) An "EE" designated unit is an electrically-powered unit that has, in addition to all the requirements for the "E" unit, the electric motor and all other electrical equipment completely enclosed.

(3) An "EX" designated unit is an electrically-powered unit that differs from the "E" and "EE" unit in that the electrical fittings and equipment are so designed, constructed, and assembled that the unit may be used in certain atmospheres containing flammable vapors or dusts.

(4) A "G" designated unit is a gasoline-powered unit having minimum acceptable safeguards against inherent fire hazards.

(5) A "GS" designated unit is a gasoline-powered unit that is provided with additional safeguards to the exhaust, fuel, and electrical systems.

(6) An "LP" designated unit is similar to a "G" unit except that it is powered by liquefied petroleum gas instead of gasoline.

(7) An "LPS" designated unit is a unit similar to a "GS" unit except that liquefied petroleum gas is used for fuel instead of gasoline.

(8) A "D" designated unit is a unit similar to a "G" unit except that it is powered by a diesel engine instead of a gasoline engine.

(9) A "DS" designated unit is a unit powered by a diesel engine provided with additional safeguards to the exhaust, fuel, and electrical systems.

(d) *Explosives.* A truck may not be used in a hold or compartment containing explosives unless its use is approved by the Commandant (GMHM). In a space in which packaged small arms ammunition without explosive bullets is stowed, an approved power-operated industrial truck (except "E", "G", or "LP") may not be used unless its use is approved by the Captain of the Port when the truck is to be so used.

(e) *Other hazardous materials.* (1) Only an "EX", "EE", "GS", "LPS", or "DS" truck may be used in a hold or compartment containing flammble liquids, flammable compressed gases, flammable solids, oxidizers, organic peroxides, articles of a fibrous nature, or bulk sulfur.

(2) Only a designated truck may be used to handle any other hazardous material not covered in paragraph (d) or (e)(1) of this section.

(f) *Minimum safety features.* In addition to the construction and design safety features required, each truck must have at least the following minimum safety features:

(1) The truck must be equipped with a warning horn, whistle, gong, or other device that may be heard clearly above normal shipboard noises.

(2) When the truck operation may expose the operator to danger from a falling object, the truck must be equipped with a driver's overhead guard. When the overall height of the truck with forks in the lowered position is limited by head room the overhead guard may be omitted. This overhead guard is only intended to offer protection from impact of small packages, boxes, bagged material, or similar hazards.

(3) A fork lift truck which handles small objects or unstable loads must be equipped with a load backrest extension having height, width, and strength sufficient to prevent any load, or part of it, from falling toward the mast is in a position of maximum backward tilt. It must be constructed in a manner that does not interfere with good visibility.

(4) The forks on a fork lift truck must be secured to the carriage so as to prevent any unintentional lifting of the toe which could create a hazard. The forks may not display permanent deformation when subjected to a test load of three times the rated capacity.

(5) Each fork extension or other attachment must be secured to prevent unintentional lifting or displacement on primary forks.

(6) Tires extending beyond the confines of the truck shall be provided with a guard to prevent the tires from throwing particles at the operator.

(7) Unless the steering machanism is a type that prevents road reactions from causing the steering handwheel to spin, a mushroom type steering knob must be used to engage the palm of the operator's hand, or the steering mechanism must be arranged in some other manner to prevent injury. The knob must be mounted within the perimeter of the wheel.

(8) All steering controls must be confined within the clearance of the truck or guarded so that movement of the controls will not result in injury to the operator when passing stanchions, obstructions or other.

(g) *Special operating conditions.* (1) A truck may not be used on board a vessel unless prior notification of its use is given to the master or senior deck officer on board.

(2) Before a truck is operated on board a vessel, it must be in a safe operating condition as determined by the master or senior deck officer on board.

(3) Any truck that emits sparks or flames from the exhaust system must immediately be removed from service and may not be returned to service until the cause of these sparks or flames has been eliminated.

(4) A truck may not be operated on board a vessel when the temperature of any part of the truck is found to be in excess of a safe operating temperature.

(5) All truck motors must be shut off immediately when an emergency condition arises on board a vessel.

(6) All truck motors must be shut off immediately when a breakage or leakage of packages containing flammable liquids or gases, flammable solids, oxidizers, or organic peroxides occurs or is discovered.

(7) The rated capacity of the truck must be posted on the truck at all times in a conspicuous place. This capacity may not be exceeded.

(8) At least one Coast Guard approved marine type size 1 Type B, or UL approved 5BC portable fire extinguisher, or its approved equivalent, must be affixed to the truck in a readily accessible position or must be kept in close proximity, available for immediate use.

(9) The vessel's fire fighting equipment, both fixed (where installed) and portable, must be kept ready for immediate use in the vicinity of the space being worked.

(h) *Refueling.* (1) A truck using gasoline as fuel may not be refueled in the hold or on the weather deck of a vessel unless a portable non-spilling fuel handling system of not over five gallons capacity is used. Gasoline may not be transferred to a portable non-spilling fuel handling device on board the vessel.

(2) A truck using liquefied petroleum gas as fuel may not be refueled in the hold or on the weather deck of a vessel unless it is fitted with a removable tank and the hand-operated shutoff valve of the depleted tank is closed. In addition, the motor must be run until it stalls from lack of fuel and then the hand-operated shut off valve closed before the quick disconnect fitting to the fuel tank is disconnected.

(3) A truck using diesel oil as fuel may not be refueled on the weather deck or in the hold of a vessel unless a portable container of not over a five gallon capacity is used. A truck may be refueled or a portable container may be refilled from a larger container of diesel fuel on the weather deck of a vessel if a suitable pump is used for the transfer operation and a drip pan of adequate size is used to prevent any dripping of fuel on the deck.

(4) Refueling must be performed under the direct supervision of an experienced and responsible person specifically designated for this duty by the person in charge of the loading or unloading of the vessel.

(5) Refueling may not be undertaken with less than two persons specifically assigned and present for the complete operation, at least one of whom must be experienced in using the portable fire extinguishers required in the fuel area.

(6) At least one Coast Guard approved marine type size 1 Type B or UL approved 5BC portable fire extinguisher or its approved equivalent, must be provided in the fueling area. This is an addition to the extinguisher required by paragraph (g)(8) of this section.

(7) The location for refueling trucks must be designated by the master or senior deck officer on board the vessel. "NO SMOKING" signs must be conspicuously posted in the area.

(8) The location designated for refueling must be adequately ventilated to insure against accumulation of any hazardous concentration of vapors. When a truck is being refueled, the ventilation requirements of § 176.79 apply.

(9) Before any truck in a hold is refueled or before any fuel handling device or unmounted liquefied petroleum gas cylinder is placed in a hold, the motors of all trucks in the same hold must be stopped.

(10) All fuel handling devices and unmounted liquefied petroleum gas containers must be removed from a hold before any truck motor is started and the trucks are placed in operation in that hold.

(i) *Replacing batteries.* Batteries for electrically powered trucks and for the ignition systems of internal combustion powered trucks may be changed in the hold of a vessel subject to the following conditions:

(1) Only suitable handling equipment may be employed.

(2) Adequate precautions must be taken to avoid damage to the battery, short circuiting of the battery, and spillage of the electrolyte.

(j) *Charging of batteries.* Batteries of industrial trucks may be recharged in a hold of a vessel subject to the following conditions:

(1) The batteries must be housed in a suitable, ventilated, portable metal container with a suitable outlet at the top for connection of a portable air hose, or must be placed directly beneath a suitable outlet at the top for connection of a portable air hose. The air hose must be permanently connected to an exhaust duct leading to the open deck and terminate in a gooseneck or other suitable weather head. If natural ventilation is not practicable or adequate, mechanical means of exhaust must be employed in conjunction with the duct. The air outlet on the battery container must be equipped with an interlock switch so arranged that the charging of the battery cannot take place unless the air hose is properly connected to the box.

(2) If mechanical ventilation is used, an additional interlock must be provided between the fan and the charging circuit so that the fan must be in operation in order to complete the charging circuit for operation. It is preferable that this interlock switch be of a centrifugal type driven by the fan shaft.

(3) The hold may not contain any hazardous materials.

(4) The charging facilities may be part of the truck equipment or may be separate from the truck and located inside or outside the cargo hold. The power supply or charging circuit (whichever method is used) must be connected to the truck by a portable plug connection of the break-away type. This portable plug must be so engaged with the truck battery charging outlet that any movement of the truck away from the charging station will break the connection between the plug and receptacle without exposing any live parts to contact with a conducting surface or object and without the plug falling to the deck where it may become subject to damage.

(5) All unmounted batteries must be suitably protected or removed from an area in the hold of the vessel before any truck is operated in that area.

(k) *Stowage of power-operated industrial trucks on board a vessel.* (1) Trucks may be stowed in any location on board a vessel subject to the following conditions:

(i) Each gasoline-powered truck must have all the fuel expended from the fuel system.

(ii) Each liquefied petroleum gas-operated truck must have the fuel tank removed and all the fuel expended from the fuel system.

(2) Any truck not meeting the conditions set forth in paragraph (k)(1) of this section must be stowed on the open deck except for intervals such as lunch hours, between work shifts, and interdock and intraport movements. If a truck is stowed in a fixed metal enclosure located on or above the weather deck, this enclosure must have access from the weather deck only and must have adequate ventilation arranged to remove vapors from both the upper and lower portions of the space.

(l) *Packaging and stowage of fuel on board a vessel.* (1) *Packaging.* Flammable liquids and gases to be used as fuels for trucks must be packaged in DOT specification containers, A.S.M.E. containers, or portable safety containers approved by a recognized testing laboratory and authorized for the contents.

(2) *Marking and labeling.* The appropriate DOT label must be affixed to each container of flammable liquid or flammable gas.

(3) *Stowage.* Each container must be stowed on or above the weather deck as designated by the master. However, a DOT specification container, A.S.M.E. container, or portable safety container having a capacity of five gallons or less and approved by a recognized testing laboratory may be stowed below deck in a paint locker and diesel fuel may be stowed in any location designated by the master.

§ 176.79 Spaces exposed to carbon monoxide or other hazardous vapors.

When hazardous materials are transported by vessel in an enclosed space which is exposed to carbon monoxide or other hazardous vapors from exhausts of power-operated industrial trucks or other mechanized equipment, the space must be provided with adequate ventilation to prevent the accumulation of dangerous vapors. The senior deck officer shall insure that a test of the carbon monoxide content of the atmosphere

is made as frequently as conditions require to detect the presence of any dangerous concentration of vapors in areas where persons may be working. The test must be made by a person acquainted with the test equipment and procedure. The carbon monoxide concentration in any hold or intermediate deck where any person is working may not exceed 50 parts per million (0.005 percent) as a time weighted average. Persons may not be permitted to remain in any hold or intermediate deck where the concentration exceeds 75 parts per million (0.0075 percent). Portable blowers of adequate size and location may be used to remove any vapors not removed by installed ventilation systems.

Subpart D—General Segregation Requirements

§ 176.80 Application.

(a) This subpart sets forth segregation requirements in addition to any segregation requirements set forth elsewhere in this subchapter.

(b) This subpart does not apply to:

(1) Materials classed as ORM–D, and

(2) Hazardous materials in limited quantities when loaded in transport vehicles and freight containers.

§ 176.83 Segregation requirements for cargo vessels and passenger vessels.

(a) The following table (Table I) specifies the categories of explosives which may not be loaded or stowed together within the same hold or compartment. The letter "X" at an intersection of a horizontal and vertical column indicates that these categories may not be stowed together in the same hold or compartment.

The symbol X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stowed together.

	Low explosives or black powder	High explosives or propellant explosives, Class A	Initiating or priming explosives, wet: diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitroguanidine, pentaerythrite tetranitrate, tetrazene, lead mononitroresorcinate	Blasting caps, with or without safety fuse (including electric blasting caps); detonating primers	Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shells, ammunition for small arms with incendiary projectiles; ammunition for small arms with explosive projectiles; rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; boosters (explosive); bursters (explosive); and supplementary charges (explosive) without detonators [1]	Explosive projectiles; bombs; torpedoes; mines; rifle or hand grenades (explosive); jet thrust units (jato), Class A; igniters, jet thrust, Class A; rocket motors, Class A; igniters, rocket motor, Class A [1]	Detonating fuzes, Class A explosives, with or without radioactive components	Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles; rocket ammunition with empty, inert-loaded or solid projectiles	Propellant explosives, class B; jet thrust units (jato), class B; igniters, jet thrust, class B; igniters, rocket motor, class B; rocket snatcher (liquid), class B; igniters, rocket motor, class B; starter cartridges, jet engine, class B	Fireworks, special, or railway torpedoes	Small arms ammunition	Primers for cannon or small arms, empty cartridge bags—black powder ignited, empty cases, primed, empty grenades, primed, combination primers, percussion caps, toy caps, explosive cable cutters, explosive rivets	Percussion fuzes, tracer fuzes or tracers	Time, combination, or detonating fuzes Class C explosives	Cordeau detonant fuze, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord	Fireworks, common, highway fuses or railway fuses
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Class A Explosives																
1 Low explosives or black powder			X				X			X						X
2 High explosives or propellant explosives, Class A			X	X												
3 Initiating or priming explosives, wet; diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitroguanidine, pentaerythrite tetranitrate, tetrazene, lead mononitroresorcinate	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X
4 Blasting caps, with or without safety fuse (including electric blasting caps); detonating primers		X	X		X	X				X						X
5 Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shells, ammunition for small arms with incendiary projectiles; ammunition for small arms with explosive projectiles; rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; boosters (explosive); bursters (explosive); and supplementary charges (explosive) without detonators [1]			X	X			X			X						X
6 Explosive projectiles; bombs; torpedoes; mines; rifle or hand grenades (explosive); jet thrust units (jato), Class A; igniters jet thrust, Class A; rocket motors Class A; igniters rocket motor Class A [1]			X	X			X			X						X
7 Detonating fuzes, class A explosives, with or without radioactive components		X	X		X	X				X						X

See footnotes at end of table.

The symbol X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stowed together.

		1	2	3	4	5	6	7	8
		Low explosives or black powder	High explosives or propellant explosives, Class A	Initiating or priming explosives, wet; diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosoguanidine, pentaerythrite tetranitrate, tetrazene, lead mononitroresorcinate	Blasting caps, with or without safety fuse (including electric blasting caps) detonating primers	Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shells, ammunition for small arms with incendiary projectiles; ammunition for small arms with explosive projectiles; rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; boosters (explosive); bursters (explosive); and supplementary charges (explosive) without detonators [2]	Explosive projectiles; bombs; torpedoes; mines; rifle or hand grenades (explosive); jet thrust units (jato), Class A; igniters, jet thrust Class A; rocket motors, Class A; igniters, rocket motor, Class A	Detonating fuzes, Class A explosives, with or without radioactive components	Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles; rocket ammunition with empty projectiles, inert-loaded or solid projectiles
	Class B Explosives								
8	Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles; rocket ammunition with empty, inert-loaded or solid projectiles	---	---	X	---	---	---	---	---
9	Propellant explosives, class B, jet thrust units (jato), class B; igniters, jet thrust, class B; rocket motors, class B; rocket engines (liquid), class B; igniters, rocket motor, class B; starter cartridges jet engine, class B	---	---	X	---	---	---	---	---
10	Fireworks, special	X	X	X	X	X	X	X	---
	Class C Explosives								
11	Small arms ammunition or cartridges, practice ammunition*	---	---	X	---	---	---	---	---
12	Primers for cannon or small arms, empty cartridge bags, black powder igniters, empty cartridge cases, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets	---	---	X	---	---	---	---	---
13	Percussion fuzes, tracer fuzes or tracers	---	---	X	---	---	---	---	---
14	Time, combination or detonating fuzes, class C explosives	---	---	X	---	---	---	---	---
15	Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord	---	---	X	---	---	---	---	---
16	Fireworks, common, highway fusees or railway fusees	X	X	X	X	X	X	X	---

[1] Explosives, class A, and explosives, class B, must not be loaded or stowed with chemical ammunition containing incendiary charges or white phosphorus either with or without bursting charges. Chemical ammunition of the same classification containing incendiary of white phosphorus may be loaded and stowed together.

[2] Bursters (explosive), boosters (explosive), or supplementary charges (explosive) without detonators when shipped by, to or for the Departments of the Army, Navy and Air Force of the United States Government may be stowed with any of the articles named, except those in columns 3, 4, 10, 16, 17, 18, 19, 20, 21, 22, 23, and 24.

(b) The following table (Table II) specifies the minimum separation requirements that apply when transporting different classes of hazardous materials on board a vessel, other than a ferry vessel. The symbols used in the table below mean the following:

(1) "1"—Away from.

(2) "2"—Separated from.

(3) "3"—Separated by a complete cargo compartment or hold from.

(4) "4"—Separated longitudinally by an intervening complete cargo compartment or hold from.

(5) "0"—No general segregation specified; individual entries in the Hazardous Material Table in § 172.101 of this subchapter should be consulted.

(6) "*"—Consult Table I of this section for segregation requirements between different explosives.

TABLE II

		1	2(a)	2(b)	3	4(a)	4(b)	4(c)	5(a)	5(b)	6	7	8	9
Explosives	1	(*)	4	2	4	4	4	4	4	4	2	2	4	0
Flammable compressed gases	2(a)	4	----	0	2	1	2	1	2	4	0	2	1	0
Nonflammable compressed gases	2(b)	2	0	----	2	0	1	0	0	2	0	1	0	0
Flammable or Combustible liquids	3	4	2	2	---	2	2	2	2	3	0	2	1	0
Flammable solids	4(a)	4	1	0	2	----	1	1	1	2	1	2	1	0
Flammable solids labeled spontaneously combustible	4(b)	4	2	1	2	1	----	1	2	2	1	2	1	0
Flammable solids labeled dangerous when wet	4(c)	4	1	0	2	1	1	----	2	2	1	2	1	0
Oxidizers	5(a)	4	2	0	2	1	2	2	----	2	1	1	2	0
Organic peroxides	5(b)	4	4	2	3	2	2	2	2	----	1	2	2	0
Class A or Class B Poisons or Irritating materials	6	2	0	0	0	1	1	1	1	1	---	0	0	0
Radioactive materials	7	2	2	1	2	2	2	2	1	2	0	---	2	0
Corrosive materials	8	4	1	0	1	1	1	1	2	2	0	2	---	0
Other regulated (ORM) materials	9	0	0	0	0	0	0	0	0	0	0	0	0	---

(c) *Definition of terms.*

(1) *Legend.*

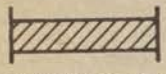
(i) Reference package * * *



(ii) Incompatible package * * *

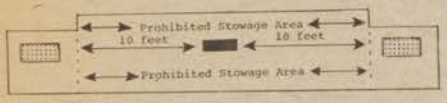


(iii) Deck resistant to liquid and fire * * *

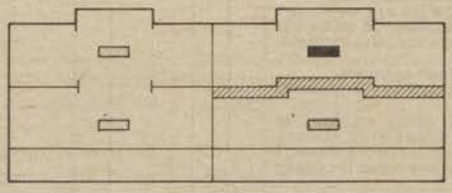


NOTE: Solid vertical lines represent transverse watertight bulkheads between holds.

(2) *Away from.* "Away from" means effectively segregated so that materials may not interact dangerously in the event of an accident. These materials may be stowed in the same cargo compartment, hold, deck area or barge provided a minimum horizontal separation of 10 feet, projected vertically, is provided.

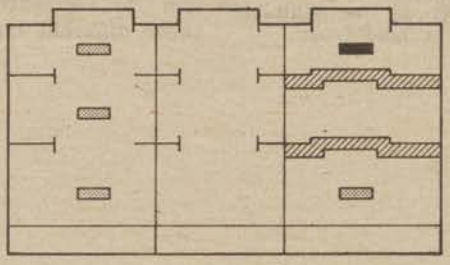


(3) *Separate from.* (i) "Separate from" means in separate holds when stowed "under deck". If the intervening deck is resistant to fire and liquid, a vertical separation, i.e., in different cargo compartments, is considered equivalent to this requirement. For "on deck" stowage, "away from" segregation is authorized.



(ii) On barge-carrying vessels, separate barges are required if the barges are constructed of steel. Otherwise separate holds are required.

(4) *Separate by a complete cargo compartment or hold from.* (i) "Separate by a complete cargo compartment of hold from" means either a vertical or horizontal separation. If the decks are not resistant to fire and liquid, a longitudinal separation by an intervening complete cargo compartment is required. For "on deck" stowage this segregation means a separation by a corresponding horizontal distance.

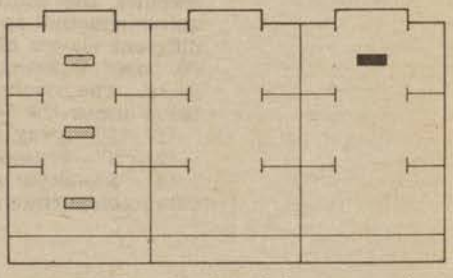


(ii) For barges aboard barge-carrying vessels, the following requirements apply:

(A) For barges loaded on ships having vertical holds, separate barge holds are required.

(B) For barges loaded on ships having horizontal barge levels, separate barge levels are required.

(5) *Separate longitudinally by an intervening complete cargo compartment or hold or engine room from.* (i) "Separate longitudinally by an intervening complete cargo compartment or hold or engine room from" means a horizontal separation by a complete intervening hold (two intervening bulkheads) or engine room. Vertical separation alone does not meet this requirement. For "on deck" stowage, this segregation means a separation by the vessel's bridge or superstructure:



(ii) For barges aboard barge-carrying vessels the following requirements apply:

(A) For barges loaded on ships having vertical holds, separation by an intervening barge hold or engine room is required.

(B) For barges loaded on ships having horizontal barge levels, separate barge levels and a longitudinal separation by at least two intervening barges are required.

(d) In applying the minimum separation requirements specified in Table II to

freight containers containing hazardous materials, the following additional requirements apply:

(1) *Class segregation.* Materials for which any segregation is specified in Table II may not be stowed in the same freight container.

(2) *Vertical stowage requirements.* Freight containers either closed or open may not be stowed in the same vertical line when segregation is required unless separated by a deck resistant to fire and liquid. When a solid substance is required to be stowed "Away from" another substance, it may be stowed above the other provided a minimum distance of eight feet intervenes. When "Separate by a complete cargo compartment or hold from" is required, freight containers separated by a deck resistant to fire and liquid may not be stowed in the same vertical line unless two such decks intervene.

(3) *Horizontal stowage requirements.* (i) "Away from"—

(A) For closed freight containers stowed on or under deck there are no restrictions in regard to freight container location in relation to other freight containers.

(B) For open containers stowed on or under deck, a minimum separation of 20 feet must be provided in the fore and aft direction unless separated by a bulkhead resistant to fire and water. A minimum athwartships separation of 8 feet must be provided.

(ii) "Separated from"—(A) For closed freight containers on or under deck a fore and aft separation of at least 20 feet must be provided unless separated by a bulkhead resistant to fire and water. A minimum athwartships separation of 16 feet must be provided.

(B) For open freight containers stowed on deck a minimum separation of 20 feet must be provided in the fore and aft direction and a minimum separation of 16 feet must be provided in the athwartships direction.

(C) Open freight containers stowed under deck must be separated by a bulkhead resistant to fire and water.

(iii) "Separate by a complete cargo compartment or hold from"—(A) For closed or open freight containers on deck a minimum separation of 20 feet must be provided in the fore and aft direction and a minimum separation of 24 feet must be provided in the athwartships direction.

(B) Closed freight containers under deck must be segregated by one bulkhead resistant to fire and water.

(C) Open freight containers under deck must be segregated by two bulkheads resistant to fire and water.

(iv) "Separated longitudinally by an intervening complete cargo compartment or hold from"—(A) Closed or open freight containers on deck must be separated by a distance of 80 feet.

(B) Closed freight containers under deck must be separated by at least two bulkheads resistant to fire and water or one bulkhead resistant to fire and water and a total distance of at least 80 feet provided the containers are not stowed less than 20 feet from the intervening bulkhead.

(C) Open freight containers under deck must be separated by at least two bulkheads resistant to fire.

(e) In applying the minimum separation requirements specified in Table II to portable tanks and railroad and highway vehicles containing hazardous materials, paragraph (d) of this section pertaining to freight containers applies.

(f) A ferry vessel (when operating either as a passenger or cargo vessel) which cannot provide the type of separation required in this section may carry incompatible hazardous materials in separate highway or railroad vehicles if they are stowed to give the maximum possible separation.

Subpart E—Special Requirements for Transport Vehicles Loaded With Hazardous Materials and Transported on Board Ferry Vessels

§ 176.88 Application.

The requirements in this subpart are applicable to transport vehicles containing hazardous materials being transported on board ferry vessels and are in addition to any prescribed elsewhere in this subchapter.

§ 176.89 Control of transport vehicles.

(a) A transport vehicle containing hazardous materials may be transported on board a ferry vessel, subject to the following conditions:

(1) The operator or person in charge of the vehicle shall deliver to the vessel's representative a copy of the shipping papers and certificate required by § 176.24 and § 176.27;

(2) The vehicle shall be placed at the location indicated by the vessel's representative;

(3) The parking brakes of the vehicle shall be set securely to prevent movement;

(4) The motor of a highway vehicle shall be shut off and not restarted until the vessel has completed its voyage and docked;

(5) All vehicle lights shall be cut off and not relighted until the vessel has completed its voyage and docked;

(6) The operator of a highway vehicle shall remain with the vehicle;

(7) No repairs or adjustments must be made to the vehicle while it is on the vessel;

(8) No hazardous materials are to be released from the vehicle; and

(9) Any instructions given by the vessel's representative during the voyage, and during "roll on" and "roll off" operations must be observed.

(b) Smoking by any person in or around a vehicle is prohibited.

§ 176.90 Private automobiles.

A private automobile which is carrying any explosive (except permitted fireworks or small arms ammunition) may not be transported on a passenger-carrying ferry vessel unless the explosive is in compliance with packaging, labeling, marking, and certification requirements of this subchapter. Permitted fireworks and small arms ammunition may be carried without the required packaging, labeling, marking, or certification if they are in tight containers.

§ 176.91 Motorboats.

A motorboat may be transported on board a ferry vessel with gasoline in the tank and two other containers not exceeding six gallons capacity each if they are in the motorboat, closed, and in good condition.

§ 176.92 Cylinders laden in vehicles.

Any cylinder of compressed gas which is required to have a valve protection cap fitted in place may be transported on board a ferry vessel without having the valve protection cap in place when it is laden in a transport vehicle and is not removed from the vehicle while on the vessel.

§ 176.93 Vehicles having refrigerating or heating equipment.

(a) A transport vehicle fitted with refrigerating or heating equipment using a flammable liquid or gas, or diesel oil as fuel, may be transported on a ferry vessel. However, the refrigerating or heating equipment may not be operated while the vehicle is on the vessel, unless the equipment complies with the following requirements:

(1) The installation is rigidly mounted and free of any movement other than normal vibration in operation;

(2) An easily accessible shutoff control is fitted to the fuel and electrical supply of the refrigerating or heating equipment; and

(3) The fuel storage tank, the fuel lines, the carburetor and any other fuel devices are tight and show no signs of leakage.

(b) If the vehicle operator desires to operate the refrigerating or heating equipment while on the vessel and the equipment is not fitted with automatic starting and stopping devices, it must be started before the vehicle is taken on board. It may continue in operation while the vehicle is on the vessel, but if the motor stops it may not be restarted.

(c) In the case of a ferry vessel on a voyage exceeding 30 minutes' duration, stowage must be provided for transport vehicles having refrigerating or heating equipment operated by internal combustion engines which will permit ready diffusion of exhaust gases to the open air. Passenger vehicles may not be stowed in

a position adjacent to vehicles operating internal combustion motors which expose the occupants of the passenger vehicles to excessive concentrations of exhaust fumes from such motors.

(d) A transport vehicle containing solid carbon dioxide as a refrigerant may be transported on a ferry vessel only if it is stowed in a well ventilated location.

Subpart F—Special Requirements for Barges

§ 176.95 Application.

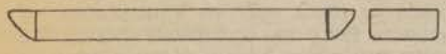
The requirements in this subpart are applicable to the transportation of hazardous materials on board barges and are in addition to any prescribed elsewhere in this subchapter.

§ 176.96 Barges classified.

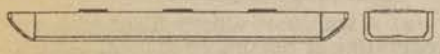
(a) For the purpose of this subpart, barges are classified as follows:

CLASS "A" BARGES

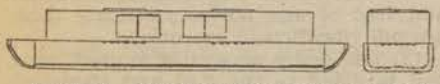
AA Hull—Constructed of steel or wood, completely decked over and transporting cargo "on deck" only.



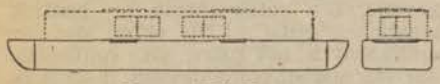
AB Hull—Constructed of steel or wood, completely decked over, fitted with cargo hatches, ceiled holds, and capable of transporting cargo "under deck" or "on deck".



AC Hull—Constructed of steel or wood, completely decked over with superstructure house covering the deck and fitted with cargo hatches or cargo doors, and capable of transporting cargo "on deck", "under deck" in ceiled holds, or "on deck within the house".

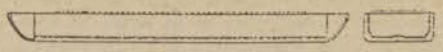


AD Hull—Constructed of steel or wood, completely decked over, fitted with cargo hatches, with or without superstructure house covering the deck, and capable of transporting cargo "on deck" or "on deck within the house", or "under deck", having holds that are not ceiled.

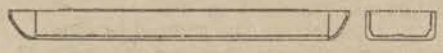


CLASS "B" BARGES

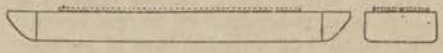
BA Hull—Constructed of steel or wood with partial decks at the ends or sides, fitted with hatches with or without coamings, having ceiled holds and transporting cargo "under deck" only.



BB Hull—Constructed of steel or wood with partial decks at the ends or sides with open ceiled hold or holds.

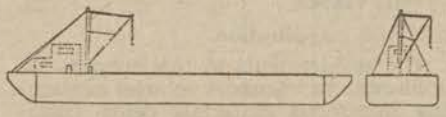


BC Hull—Constructed of steel or wood with partial decks at the ends or sides, with or without hatches, and having hold or holds without ceiling.

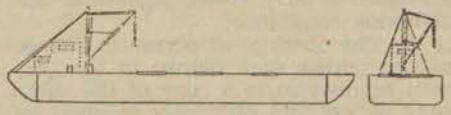


CLASS "C" BARGES

CA Hull—Constructed of steel or wood, completely decked over and transporting cargo "on deck" only, fitted with cargo mast and boom, and machinery for cargo handling, with or without house or houses on deck.

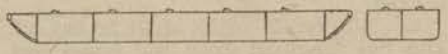


CB Hull—Constructed of steel or wood, completely decked over, having cargo hatches, and transporting cargo "on deck" or "under deck", fitted with cargo mast and boom and machinery for cargo handling, with or without house or houses on deck.



CLASS "D" BARGES

DA Hull—Constructed of steel having division bulkheads forming tight compartments (tanks) integral with the hull of the barge, to be utilized for the transportation of bulk liquid hazardous materials other than flammable or combustible liquids.

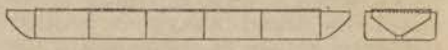


DB Hull—Constructed of wood having division bulkheads and ceiling, forming tight compartments integral with the hull of the barge, to be utilized for the transportation of bulk hazardous materials other than liquids.

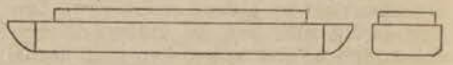


CLASS "E" BARGES

EA Hull—Constructed of steel or wood, having cargo carrying compartments of hopper type and fitted with bottom dump or side dump (known as dump scows, mud scows, garbage scows, etc.) .



EB Barge—Constructed of wood completely decked and having box-like structure on deck, not roofed over.



(b) The term "ceiled" applied to a barge constructed of wood means the hold space is fitted with a tight plank floor and that tight planking or wooden cargo battens are carried up the sides of the hold to provide a smooth floor and reasonably smooth sides without any unnecessary projections. Floors or siding fitted "tight" must have removable sections for cleaning and access for inspection of hull. When cargo battens are fitted at the sides, the floor must be carried out to the skin of the barge and fitted reasonably tight around the frames.

(c) The term "ceiled" applied to a barge constructed of steel means the construction must provide a reasonable flush floor or tank top and rise free from any unnecessary projections within the cargo space. Tight wooden flooring and ceiling or battens may be fitted in the cargo spaces of a steel barge in place of steel platings.

§ 176.98 Stowage of explosives.

Explosives required by this subchapter to be stowed in a magazine must, when on board a barge as cargo, be stowed either in a house or "under deck" when permitted for the particular type of barge by the table in § 176.99.

§ 176.99 Barges permitted to carry hazardous materials.

(a) The following table (Table III) specifies which classes of barges described in § 176.96 are authorized for the transportation of hazardous materials and prescribes certain conditions applicable thereto:

TABLE III

	Class "A" barge				Class "B" barge			Class "C" barge		Class "D" barge		Class "E" barge	
	AA	AB	AC	AD	BA	BB	BC	CA	CB	DA	DB	EA	EB
Explosives	Yes	Yes	Yes	On deck only	Yes	Yes	No	No	No	No	No	No	No
Flammable liquids	Yes[1]	Yes[2]	Yes	On deck only[1]	Yes	Yes[1]	No	Yes[1]	Yes[3]	No[8]	No	No	No
Flammable solids, oxidizers and organic peroxides	Yes[1,4]	Yes[2,5]	Yes	No	Yes	No	No	Yes[1]	Yes[3]	Yes	Yes	No	No
Corrosive materials	Yes, also bulk in tanks[9]	Yes, also bulk in tanks[9]	Yes, also bulk in tanks[9]	No, except bulk in tanks[9]	Yes, also bulk in tanks[9]	Yes, also bulk in tanks[9]	No, except bulk in tanks[9]	Yes[1]	Yes[3]	Yes	No	No	No
Flammable compressed gases	Yes	On deck only	Yes[7]	On deck only	No	No	No	Yes	On deck only	No	No	No	No
Nonflammable compressed gases	Yes	Yes	Yes	On deck only	Yes	Yes	No	Yes	Yes	No	No	No	No
Poison A, Poison B, and irritating materials	Yes[1]	Yes[2]	Yes	On deck only[1]	Yes	Yes[1]	No	Yes[1,4]	Yes[3,6]	No	No	No	No
Radioactive materials	Yes[1]	Yes[2]	Yes	On deck only[1]	Yes	Yes[1]	No	Yes[1,4]	Yes[3,6]	No	No	No	No
Other regulated materials	Yes[1,4]	Yes[2]	Yes	On deck only[1,4]	Yes	Yes[1,4]	No, except bulk in tanks[9]	Yes[1,4]	Yes[3,6]	Yes	Yes, except liquids	No	Yes

[1]Outside containers vulnerable to damage by water may not be given this stowage.

[2]Outside containers vulnerable to damage by water must be stowed under deck only.

[3]Outside containers vulnerable to damage by water must be stowed under cover only.

[4]Substances affected by water may not be given this stowage.

[5]Substances affected by water must be stowed under deck only.

[6]Substances affected by water must be stowed under cover only.

[7]Stowage must be "on deck in house" only.

[8]Transportation of flammable or combustible liquids, in bulk, is governed by rules and regulations for tank vessels.

[9]Transportation of certain hazardous materials in bulk is governed by the rules and regulations contained in Supchapter O of Chapter I of Title 46 Code of Federal Regulations.

Note: Any container of hazardous materials vulnerable to damage by water or hazardous materials affected by water, when loaded in a weatherproof railroad vehicle in accordance with requirements of this subchapter, is exempt from the stowage restrictions shown in this Table and numbered (1) to (7), inclusive.

Subpart G—Detailed Requirements for Explosives

§ 176.100 Permit for Class A explosives.

(a) Before a shipment of Class A explosives may be discharged from, loaded on, handled, or restowed on board a vessel at any place in the United States, its territories, or its possessions (except the Panama Canal Zone), the carrier must obtain a permit from the nearest District Commander. Exceptions to this permit requirement may be given only by the District Commander or his authorized representative.

§ 176.105 Loading and unloading explosives.

(a) In any particular port, Class A or Class B explosives (except special fireworks), may not be loaded on a vessel until all other cargo has been loaded on board the vessel. No explosives may be loaded or unloaded at the same time that other cargo is being handled.

(b) All explosives must be handled carefully. Packages of explosives may not be thrown, dropped, rolled, dragged, or slid over each other or over a deck.

(c) Packaged Class A explosives must be loaded and discharged from a vessel by using a chute as provided for in § 176.163 or by a mechanical pallet, skipboard, tray or pie plate, fitted with a cargo net or sideboards. A stuffed mattress at least 4 feet wide by 6 feet long and not less than 4 inches thick, or a heavy jute or hemp mat of these dimensions, must be used for depositing explosives lifted by mechanical means or slide on a chute. The maximum load handled in a pallet, shipboard, tray, or pie plate may not exceed 2,640 pounds. A rope net sling with a pallet, skidboard, pie plate or similar base must be loaded so that a minimum displacement of items occurs when it is lifted; the cargo net must completely encompass the cotton and sides of the load. Not more than one-third of the vertical dimension of any package may extend above the sideboard of a tray. A landing mattress and cargo net are not needed for palletized Class A explosives.

(d) Blasting caps, detonating fuzes, fulminate of mercury, and other initiating or priming explosives defined in this subchapter constitute a distinct type of explosive. They must be handled with extreme care. A chute and mattress may

not be used when loading or discharging this type of explosive.

(e) A "can" hook may not be used for raising or lowering a barrel, drum, or other container of explosives.

(f) A fire hose of sufficient length to cover the area of the loading operation and connected with an adequate water supply must be laid out and ready for use.

§ 176.110 Condition of package.

A package of an explosive which is damp, moldy, stained or in any condition that indicates leakage may not be transported by vessel. The shipper must substantiate any claim that a stain is due to accidental contact with grease, oil, or a similar substance. In case of doubt, the package may not be transported.

§ 176.115 On deck stowage of explosives.

(a) The following requirements apply to the stowage of explosives on deck:

(1) An explosive may not be stowed on or under a bridge deck.

(2) An explosive may not be stowed nearer than 25 feet in a horizontal plane to the crew's quarters.

(b) Explosives being transported on deck on a vessel between receiving points and delivery points within the same harbor, bay, sound, lake, or river including explosive anchorages must be covered with a fire resistant or flame-proof tarpaulin securely lashed in place.

§ 176.120 Preparation of decks, gangways, hatches, and cargo ports.

(a) All decks, gangways, and hatches over or through which explosives must be passed or handled in loading or unloading must be freed of all loose material and must be swept broom clean before loading and unloading.

(b) All hatches and cargo ports opening into a compartment in which any explosives are stowed must be kept closed, except during loading or unloading of the compartment. After loading, hatches must be securely closed against the weather. If tarpaulins are used, they must be securely battened.

§ 176.125 Handling over deck loads on break-bulk vessels.

A deck load over which explosives must be passed may not exceed the height of the hatch coaming, bulwark, or three feet, whichever is greater.

§ 176.130 Securing and dunnaging of packages of explosives.

(a) Each package of explosives must be secured and dunnaged to prevent movement in any direction. Vertical restraints are not required if the shape of the package and the stuffing pattern precludes shifting of the load.

(b) Each keg of black powder must be stowed in an upright position with the bungs up and each tier must be completely dunnaged.

(c) Each package of explosives must be braced and dunnaged so that it is not likely to be pierced by the dunnaging or crushed by any superimposed weight.

§ 176.135 Location of magazines.

(a) Each magazine must be located in a hold, preferably a 'tween deck hold, that is dry and well ventilated. It may not be located in horizontal proximity to crew or passenger accommodations or below their living spaces. A magazine may not be built on or under the principal bridge structure or any navigation spaces. Except for inspection purposes, the hold or compartment in which a magazine is constructed must be closed off to all traffic after the explosives are stowed.

(b) A magazine may not be constructed in contact with a collision bulkhead or a bulkhead forming a boiler room, engine room, coal bunker or galley boundary unless there is no practicable alternative. If it is necessary to construct a magazine contacting one of these bulkheads, a cofferdam space of at least one foot must be provided between the permanent bulkhead and the magazine bulkhead. The cofferdam space must remain open to the free circulation of air and may not be used for stowage or storage purposes.

(c) When a magazine is constructed over a 'tween deck hatch, the hatch girders or strongbacks and the hatch covers forming the 'tween deck hatch must be of a design and size to carry the imposed load with safety. Covers of the 'tween deck and over-deck hatch must completely close the hatch opening and fit securely in place. 'Tween deck hatch covers of wood forming the base of a magazine must be completely covered with asbestos board at least ¼-inch thick, fitted tight at the sides of the magazine. The joints of the asbestos board must be staggered midway between the joints formed by the wooden hatch covers and the magazine must be constructed in accordance with the applicable provisions of § 176.138, except that the asbestos board must be completely covered with wood dunnage. No metal structural parts may protrude within any magazine. If the stowage of explosives extends into the over-deck hatch coaming, this coaming must be sheathed with wood. A magazine located in a hatchway may be constructed to occupy only a part of the hatchway. A portable magazine may be stowed in the square of a hatchway; it must be lashed or tommed to prevent movement.

(d) Any construction and location of a magazine for the stowage of explosives other than as provided in the subpart may be authorized only by the Commandant, (GMHM).

§ 176.138 Construction of magazines.

(a) All magazine construction, and other conditioning of holds, deck, or hatches on a vessel, must be completed before the actual loading of explosives on that vessel is initiated.

(b) The following requirements must be observed in the construction of a magazine for stowage of explosives requiring magazine stowage:

(1) Each magazine must be constructed of steel or wood;

(2) Each magazine constructed of steel must have the interior completely protected by wood sheathing not less than ¾-inch thick to form a smooth surface free of any projections. All metal stanchions within the magazine must be boxed with wood not less than ¾-inch thick. When the floor of a magazine would be on a steel deck or tank top, a floor of wood not less than 1¼-inch commercial lumber, constructed on bearers, must be installed. This floor may be portable, but must be tight to prevent movement;

(3) Each magazine constructed of wood must have the bulkheads forming the sides and ends constructed of 1-inch lumber, ¾-inch tongue and groove sheathing, or ¾-inch plywood, secured to uprights of at least 3- by 4-inch size, spaced not more than 18 inches apart and secured at the top, bottom, and center with horizontal bracing. When ¾-inch plywood is used, the uprights may be spaced on 24-inch centers. Uprights may not be stepped directly to a metal deck. A 2- by 4-inch header must be fitted against the underside of the overhead deck to receive the top of the uprights. Top of uprights fitted against channel beams may be wedged directly to the beam with 2- by 4-inch spaces fitted between. Upright framing must be secured so that nails do not penetrate the interior of the magazine. When a magazine is constructed as a permanent compartment in a vessel, increased size and finish of lumber and other methods of fastening may be used, provided all fastenings are recessed below the surface of the boarding to avoid any projections within the interior of the magazine. All boarding must be fitted and finished to form a smooth surface within the interior of the magazine.

The construction must separate all containers of explosives from contact with metal surfaces of the structures of the vessel. When a metal stanchion, post, or other obstruction is located in the interior area of the magazine, this obstruction must be completely covered with wood at least ¾-inch thick secured with nails or screws. All screws or nails used in the interior of the magazine for fastening must be counter-sunk below the surface of the wood. Flooring of each magazine must be not less than 1¼-inch commercial lumber, constructed on bearers. This floor may be portable but must be tight to prevent movement. Each door of a magazine must be of substantial construction, fitted reasonably tight in its jamb, and provided with a locking method of a tamper-proof type. The door must be easily accessible;

(4) Plywood 5/16-inch thick may be used if the bulkheads forming the sides of a magazine are to be constructed directly against the ship's side and battens are fitted, and if the plywood is securely fastened to vertical furring strips of not less than 1- by 3-inch material, spaced not more than 18 inches apart;

(5) A magazine constructed in accordance with the provisions of paragraphs (b) (2) and (3) of this section, in which

it is proposed to stow containers of explosives within 12 inches of the overhead beams or hatch coaming must have such beams and coaming sheathed with wood as prescribed by the provisions of paragraph (b)(2) of this section for stanchions; and

(6) When a Class A explosive magazine exceeds 40 feet in any direction, a partition bulkhead must be fitted in the magazine as near half length as practicable, extending from the deck to at least the top of the stowage. This partition bulkhead must be constructed to the same scantlings as the sides of the magazine, except the boardings may be spaced not more than 6 inches apart alternately on both sides of the uprights. Nail points may not protrude beyond the surface of any boardings. The bulkhead must be constructed before loading commences. This bulkhead is not required when the explosives are palletized.

§ 176.141 Entire hold or compartment forming magazine.

When a complete hold or compartment is used for the stowage of explosives requiring magazine stowage, the entire hold or compartment may be considered a magazine. Any frames or bulkhead stiffeners protruding into the hold or compartment must be effectively sheathed to provide a smooth surface. Overhead beams need not be sheathed when the explosives are stowed more than 12 inches from these beams. If explosives are stowed up to the overhead beams and in the square of the hatch formed by the coaming, the overhead beams, including the hatch coaming, must be effectively sheathed. The installation of sheathing must be in accordance with the specifications for the construction of a magazine. However, when cargo battens are fitted to the vessel's shell or a bulkhead forming part of the hold or compartment, the sheathing may be secured vertically to the battens.

§ 176.114 Ventilation of magazines.

Each magazine must be effectively ventilated. Each cowl ventilator's weather deck opening must be covered with a 30x30 or finer mesh wire screen, if it leads into a magazine or to an area in the same hold adjacent to a magazine. A magazine which occupied only a portion of a hold, and is not fitted with a ventilator entering into the magazine, must be constructed to leave an open space of not more than one inch below the overhead frame.

§ 176.147 Metal lockers for stowage of fireworks.

Each metal locker for the stowage of special fireworks which are permitted to be transported on board passenger vessels must meet the following requirements:

(1) *Size.* The cubic capacity of the locker may not exceed 150 cubic feet.

(2) *Division.* If the locker is more than 5 feet in height, it must be fitted with a division shelf at about ½ height constructed to carry the imposed load without deflection.

(3) *Gauge.* The thickness of steel used in the construction of the locker may not be less than 16 gauge steel.

(4) *Type of construction.* The locker must have a completely smooth interior surface. No stiffener element may project beyond any interior surface. The locker must be fitted with a top and bottom closure unless it is "built-in" to the structure of the vessel with the overhead and deck forming the top and bottom of the locker. "Built-in" construction is not authorized if the overdeck or underdeck is wood.

(5) *Closures.* Closures may be the removable plate or hinged door type if the locker is flame tight when closed. A locker having a portable plate closure must have an accessible side opening to permit insertion of a fire hose nozzle for flooding. The opening must be at least 3 inches in diameter, not more than 12 inches below the top of the locker, and fitted with a metal flap cover to preserve the flame tight requirement.

(6) *Location.* The locker must be readily accessible from a companionway or cargo hatch. In vessels constructed of wood, the locker must be easily observable by a watchman on his rounds. The locker must be secured to prevent shifting in a seaway.

§ 176.150 Portable magazines for stowage of explosives.

(a) Each portable magazine used for the stowage of explosives on board a vessel must meet the following requirements:

(1) It must be watertight, constructed of wood or of metal lined with wood at least ¾-inch thick and with a capacity of no more than 110 cubic feet.

(2) All inner surfaces must be smooth and free of any protruding nails, screws, or other projections.

(3) If constructed of wood, the scantlings and arrangement must be not less than those required by § 176.138. It must be provided with a strong close-fitting, hinged cover or door with hasps and padlock.

(4) When constructed of metal, the metal must not be less than ⅛-inch thick.

(5) Runners, bearers, or skids must be provided to elevate the magazine at least 4 inches from the deck. Pad eyes, ring bolts, or other suitable means must be provided for securing. The magazine must be lashed, chocked, or braced to prevent movement in any direction.

(6) The magazine must be stowed in the square of a 'tween deck hatch unless another stowage is authorized by § 176.155.

(7) The magazine must be marked on the top and four sides, in letters at least 3 inches high, as follows:

"EXPLOSIVES—HANDLE CAREFULLY—KEEP LIGHTS AND FIRE AWAY".

(b) A portable magazine may be used for the stowage of explosives exceeding 110 cubic feet under such conditions of construction, handling, and stowage that meet the approval of the Commandant (GMHM).

§ 176.155 Stowage of small quantities of explosives.

(a) A District Commander may approve the stowage of small quantities of explosives in a location other than "under deck", such as in an isolated compartment, mast or deck house, or in a magazine (which may be portable) secured "on deck" if:

(1) No other stowage is available;

(2) The compartment or stowage area is sheathed with wood;

(3) The boundary of the compartment or magazine is at least 8 feet from the vessel's side; and

(4) The boundary of the explosives stowage area is separated from other incompatible explosives and other hazardous materials by at least one permanent steel deck or bulkhead and a distance of 25 feet or by at least two steel decks or bulkheads and a distance of 10 feet. An intervening steel deck or bulkhead is not required on deck if the separation distance between these materials is not less than 40 feet in any direction.

§ 176.156 Stowage of explosives with combustible liquids.

Class A or B explosives may not be stowed in the same hold or compartment with combustible liquids.

§ 176.157 Stowage of explosives in holds containing coal.

An explosive may not be stowed in a hold containing coal or in a hold above or adjacent to a hold containing coal.

§ 176.158 Stowage of explosives with fireworks.

Fireworks may not be stowed in the same hold in which there is a magazine containing explosives.

§ 176.159 Stowage of explosives and non-dangerous cargo.

Each magazine in which explosives are stowed must be protected from damage which may be caused by any heavy cargo stowed in the same hold. When any shafting, steel bar, pipe, heavy machinery, or similar type of cargo is stowed in the same hold with explosives, it must be isolated, dunnaged, or secured to prevent damage to the magazine under any conditions likely to be encountered during the voyage.

§ 176.163 Requirements of equipment for handling explosives.

(a) A chute for loading and unloading explosives must be constructed of smooth planed boards not less than one inch thick with side guards of the same material at least 4 inches high. Only brass screws may be used to assemble the sides and bottom. D-shaped wooden strips or runners not more than six inches apart and running the length of the chute must be fastened to the upper surface of the slide by glue and wooden dowels extended through the bottom of the chute. Four lashing rings must be provided, one at each outside corner of the chute, for purposes of securing during use.

(b) A roller conveyor constructed of aluminum or other non-sparking mate-

rial may be used for loading or unloading explosives. The conveyor must be grounded when in use.

(c) A powered conveyor may be used only after the design, construction, and specifications have been approved by the Commandant (GMHM).

(d) Before any explosives are loaded or unloaded from a vessel, the master of the vessel must examine the condition and working order of all slings, carts, baskets, boxes, chutes, mattresses, tackle and other equipment to be used in the transfer operation. This includes equipment belonging to the vessel, stevedores, and any contractors.

(e) Any equipment which in the judgment of the master of the vessel is not in a safe working condition must be rejected. He shall prohibit its use and take the precautions necessary to ensure that the rejected equipment is not used to load or unload explosives. The master of the vessel shall ensure that all equipment used in the handling of explosives is in good working order. If any part of the equipment shows any defect or is damaged in use, work must be stopped immediately and the damaged or defective equipment repaired or replaced before permitting the loading or unloading to continue.

§ 176.165 Installation of loading chute and roller conveyor.

A chute or roller conveyer to be used in loading or unloading explosives may not be positioned or inclined in a manner which will permit any sliding package to violently strike any other package on or at the bottom of the chute or conveyer. Personnel may be stationed alongside the chute or conveyer to control the velocity of the packages to prevent any violent shock. Each chute must be wiped with machine oil before any package of explosives is transferred.

§ 176.167 Lights, tools, and equipment.

(a) No artificial light except electric lights or electric lamps or floodlights may be used on board a vessel during the loading or unloading of explosives.

(b) The carrier shall provide flashlights of a non-sparking type for persons required to enter holds in which explosives are stowed.

(c) No person on board a vessel loading, unloading or transporting explosives may carry firearms, matches, bale hooks, or metallic tools of other than the non-sparking type on board.

(d) No person engaged in loading or unloading Class A or Class B explosives may wear boots or shoes shod or strengthened with iron nails or other metal, unless the boots or shoes are covered with rubber, leather, felt or other non-sparking material.

§ 176.169 Fires.

(a) No fire is permitted on any dock, lighter, or vessel involved in the loading or unloading of explosives during the loading or unloading unless the fire is necessary.

(b) If a fire is necessary it must be properly safeguarded and under the direct observation of a competent person assigned for that purpose by the master of the vessel for the entire period of cargo transfer.

§ 176.171 Smoking.

(a) Smoking is prohibited on and near any vessel loading or unloading explosives at a waterfront facility. The Coast Guard officer having jurisdiction may designate smoking areas at a safe distance from the vessel. "NO SMOKING" signs must be posted during operations of handling, loading, or unloading the cargo. At least one "NO SMOKING" sign must be conspicuously posted on the pier at a reasonable distance from the vessel during the handling, loading or unloading of explosives.

(b) Smoking is prohibited on and near any vessel handling, loading or unloading explosives at an explosives anchorage. However, the Coast Guard officer having jurisdiction may, with the concurrence of the master or person in charge of the vessel, designate a compartment as a smoking area. "NO SMOKING" signs must be posted conspicuously outside the entrance to this compartment and in other parts of the vessel during the loading or unloading operations.

§ 176.173 Liquor or drugs.

A person who the master of a vessel finds, in his judgment, to be under the influence of liquor or drugs, may not be permitted on board during the loading, unloading, or transporting of explosives.

§ 176.177 Magazine vessels.

(a) *General.* The requirements of this section are applicable to magazine vessels and are in addition to any prescribed elsewhere in this subchapter.

(b) *Type vessel authorized.* A single deck vessel with or without a house on deck is the only type vessel that may be used as a magazine vessel. A magazine vessel may not be moved while explosives are on board.

(c) *Location of explosives.* Class A and Class B explosives in excess of 5,000 pounds stored in any magazine vessel must be stowed below deck. No explosive may be stowed on deck unless the vessel is fitted with a deck house having a stowage area which meets the requirements in this subpart for the stowage of explosives. Quantities of blasting caps in excess of 1,000 may not be stored on the same magazine vessel with Class A or Class B explosives.

(d) *Explosives storage spaces.* Any compartment on a magazine vessel used for the stowage of explosives must be completely ceiled with wood so as to provide a smooth interior surface. Each metal stanchion in the compartment must be boxed in the same manner. An overhead ceiling is not required when the overdeck is weathertight. All nail and bolt heads must be countersunk and any exposed metal must be covered with wood.

(e) *Primers and blasting caps.* No initiating or priming explosive may be stowed in the same compartment with any other explosive when there is any high explosive on the same magazine vessel. Blasting caps must be stowed at least 25 feet from any bulkhead forming a boundary of a compartment containing any other explosives.

(f) *Dry storage spaces.* A magazine vessel having a dry storage space capable of being used for any purpose whatsoever must have a cofferdam at least 24 inches wide fitted between the dry storage space and each adjacent compartment containing explosives. The cofferdam must be constructed of wood or steel, formed by two tight athwartship bulkheads extending from the skin of the vessel to the overdeck. If the cofferdam extends to the weather deck, a watertight hatch must be fitted in the deck to provide access to the cofferdam.

(g) *Lighting.* Non-sparking, battery-powered, self-contained electric lanterns or non-sparking hand flashlights are the only means of artificial light authorized.

(h) *Living quarters.* Living quarters must be fitted on the inside with asbestos board or other equivalent fire resistant material. Bracketed ship's lamps are the only lighting fixtures authorized to be used in the living quarters. Any stove used for heating or cooking must be securely fastened and may not be mounted closer than 6 inches to the deck or sides of the house. Any smoke pipe for the stove which passes through the roof of the house must be kept at least 3 inches away from any woodwork. Each smoke pipe must be protected by a layer of asbestos, an air space of at least 1 inch, and a metal collar of at least 16 gauge sheet secured only on the weather side of the roof. There may be no opening from any living quarters into any stowage compartment.

(i) *Storage of other hazardous materials.* Magazine vessels having explosives on board may not be used for the storage of any other hazardous material.

(j) *Magazine vessel's stores.* Articles for use as stores on board any magazine vessel must be in compliance with the requirements of 46 CFR Part 147.

(k) *Matches.* Safety matches requiring a prepared surface for ignition are the only type of matches authorized for use on board a magazine vessel. They must be kept in a metal box or can with a metal cover and stored in the custodian's living quarters.

(l) *Firearms.* Firearms and ammunition (other than cargo) are not permitted on board a magazine vessel.

(m) *Fire extinguishing equipment.* No explosive may be received, stored, or dispensed from any magazine vessel, unless four 2½-gallon extinguishers of the soda-acid type and four 2-gallon pails filled with dry sand are placed about the vessel. The contents of each liquid extinguisher continuously exposed to a temperature lower than 40 degrees F. (45 degrees C.) must be modified or otherwise protected to prevent freezing.

(n) *Supervision.* A magazine vessel containing explosives must be continuously attended by a custodian employed for that purpose by the vessel's owner.

(o) *Unauthorized persons on magazine vessels.* The custodian of a magazine vessel shall prevent unauthorized persons from coming on board unless it

is necessary to abate a hazard to human life or a substantial hazard to property.

(p) *Repacking of explosives on board.* No explosive may be repacked on board a magazine vessel. Any broken or damaged package must be placed in an open box and carried to a safe location for repacking or other disposition.

(q) *Work boat.* Each magazine vessel must be equipped with a work boat.

(r) *Life preservers.* One approved personal flotation device must be available for each person employed on a magazine vessel.

(s) *Fenders.* Each magazine vessel must be fitted with fenders in sufficient number and size to prevent any vessel tieing up alongside from coming in contact with the hull.

Subpart H—Detailed Requirements for Compressed Gases

§ 176.200 General stowage requirements.

(a) Each package of compressed gas being transported by vessel must be prevented from making direct contact with the vessel's deck, side or bulwark by dunnage, shoring, or other effective means.

(b) When cylinders of compressed gas being transported by vessel are stowed horizontal, each tier must be stowed in the cantilines of the lower tier and the valves on cylinders in adjacent tiers must be at alternate ends of the stow. Each tier may be stepped back and the ends alternated in order to clear the flange. Lashing must be provided to prevent any movement.

(c) When cylinders of compressed gas being transported by vessel are stowed in a vertical position they must be stowed upright in a block and cribbed or boxed in with suitable sound lumber. The box or crib must be dunnaged at least 4 inches off any metal deck. The cylinders in the box or crib must be braced to prevent any movement. The box or crib must be securely chocked and lashed to prevent any movement.

(d) A compressed gas packaging, bearing a Poison label, must be stowed away from all foodstuffs.

(e) Compressed gas may not be stowed "on deck" over a hold or compartment containing coal.

§ 176.205 Under deck stowage requirements.

(a) When compressed gas is stowed below deck, it must be stowed in a ventilated hold or compartment with no source of artificial heat and clear of crew and passenger living spaces. No bulkhead or deck of the hold or compartment may be a common boundary with any boiler room, engine room, coal bunker, galley or boiler room uptake.

(b) When flammable compressed gas is stowed below deck, it must be stowed in a hold or compartment which complies with paragraph (a) of this section and the following requirements:

(1) Each hold or compartment must be equipped with an overhead water sprinkler system or fixed fire smothering system.

(2) Each electrical power line in the hold or compartment must be protected by a strong metal covering to prevent crushing by cargo being stowed against it.

(3) Except when fitted with electrical fixtures of the explosion-proof type, each electrical circuit serving the hold or compartment must be disconnected from all sources of power. No circuit may be energized until the flammable compressed gas cargo and any vapors have been removed from the hold or compartment. Portable lighting of the explosion-proof type may be used if the source of power is from electrical outlets outside the hold or compartment and above the weather deck.

(4) Any opening in a common bulkhead of an adjacent hold or compartment must be securely closed off and made gas tight, unless the adjacent hold or compartment is also used for the stowage of flammable compressed gas.

(5) Full and efficient hatch covers must be used. Tarpaulins, if fitted, must be protected by dunnaging before overstowing with any cargo. Each tarpaulin must be in one piece and free of rents, tears, and holes.

(6) A fire screen must be fitted at the weather end of each vent duct leading from the hold or compartment. The fire screen must completely cover the open area. It must consist of two layers of fine brass wire screen at least 20x20 mesh or finer, spaced not less than ½ inch or more than 1½ inches apart. The screen may be removable if means for securing it in place when in service are provided.

(7) The hold or compartment may not be fitted with any gooseneck type vent trunk head.

(8) All electrical apparatus located in the hold or compartment must have a positive means for disconnecting from power outside the hold or compartment containing any flammable compressed gas.

§ 176.210 On deck stowage requirements.

Cylinders of compressed gas being transported by vessel must be protected from the direct rays of the sun by structural erections or awnings. A tarpaulin covering the cylinders is not acceptable if it comes in contact with them.

§ 176.220 Smoking or open flame and posting of warning signs.

(a) Smoking or the use of open flame is prohibited in any hold or compartment containing a flammable compressed gas, near any flammable compressed gas stowed on deck, or near any ventilator leading to a hold containing this material.

(b) A sign carrying the legend:

FLAMMABLE VAPORS
KEEP LIGHTS AND FIRE AWAY
NO SMOKING

must be conspicuously posted at each approach to an "on deck" flammable compressed gas stowage area and near each cargo hold ventilator leading to a hold containing this material. The sign must be painted on a white background using red letters. The letters may not be less than 3 inches high.

§ 176.225 Stowage of chlorine.

Chlorine may not be stowed in the same hold or compartment with metallic sodium or potassium, phosphorus, copper or brass leaf sheets, powdered antimony, turpentine, ammonia, finely divided organic material, coal gas, hydrogen, or acetylene.

Subpart I—Detailed Requirements for Flammable Liquids and Combustible Liquids

§ 176.305 General stowage requirements.

(a) Except as otherwise provided in § 176.76(g), a package containing a flammable liquid and equipped with a vent or safety relief device must be stowed "on deck" only.

(b) The following requirements apply to each hold or compartment in which a flammable or cumbustible liquid is being transported:

(1) The hold or compartment must be ventilated;

(2) Stowage of these liquids within 20 feet of a bulkhead which forms a boundary or deck of a boiler room, engine room, coal bunker, galley, or boiler room uptake is not permitted. If the amount of the liquid to be stowed in a hold will not permit compliance with the requirement for a 20-foot separation, less separation distance is authorized if at least one of the following conditions exists:

(i) The bulkhead or deck is covered with at least 3 inches of insulation or the entire area subject to heat;

(ii) A temporary wooden bulkhead at least 2 inches thick is constructed in the hold at least 3 inches off an engine room or 6 inches off a boiler room bulkhead, covering the entire area of the bulkhead that is subject to heat and the space between the permanent bulkhead and the temporary wooden bulkhead is filled with bulk asbestos or mineral wool; or

(iii) A temporary wooden bulkhead is constructed of at least one inch thick tongue and groove sheathing, located 3 feet from the boiler room or engine room bulkhead, and filled with sand to a height of 6 feet above the tank top, or, if the cargo compartment is located between decks, 3 feet of sand.

(3) Combustible liquids may be stowed in a hold within 20 feet of a common bulkhead with the engine room if the means of vessel propulsion is internal combustion engines; and

(4) Each cargo opening in a bulkhead of an adjacent hold must be securely closed off and made gas tight, unless the adjacent hold is also used for the stowage of a flammable or combustible liquid.

(c) In addition to the requirements specified in paragraph (b) of this section, the following requirements apply to each

hold or compartment in which a flammable liquid is transported:

(1) Full and effective hatch covers must be used. Tarpaulins, if fitted, must be protected by dunnaging before overstowing with any cargo. Each tarpaulin must be in one piece and free of rents, tears, and holes;

(2) If flammable liquids in excess of one ton are stowed under deck in any one hold or compartment, a fire screen must be fitted at the weather end of each vent duct leading from that hold or compartment. The fire screen must completely cover the open area. It must consist of two layers of fine brass wire screen at least 20 x 20 mesh or finer spaced not less than ½ inch or more than 1½ inches apart. The screen may be removable if means for securing it in place when in service are provided;

(3) Each electrical power line in the hold or compartment must be protected by a strong metal covering to prevent crushing by cargo being stowed against it;

(4) Except when fitted with electrical fixtures of the explosion-proof type, each electrical circuit serving the hold or compartment must be disconnected from all sources of power from a point outside the hold or compartment containing the flammable liquid. No circuit may be energized until the flammable liquids and any vapors have been removed from the hold or compartment. Portable lighting of the explosion-proof type may be used if the source of power is from electrical outlets outside the hold or compartment and above the weather deck;

(5) Flammable liquids in excess of one ton may not be transported in any hold or compartment, that is fitted with a gooseneck type of vent head.

(d) On a passenger vessel, each hold or compartment used to transport flammable liquids must be equipped with an overhead water sprinkler system or fixed fire smothering system.

(e) On a passenger vessel, each hold or compartment used to transport a flammable liquid under a passenger space must have an overdeck of an A–60 type construction (see 46 CFR 72.05–10(c)(1)) or equivalent or have its underside covered with at least 3 inches of noncombustible insulation.

(f) No flammable liquid in a drum or wooden case, having inside packagings of more than one quart capacity each, may be stowed as a beam filler. A wooden barrel, a wooden box or a fiberboard box, with any flammable liquid in inside packagings of not more than one quart capacity each, may not be stowed as a beam filler unless it is possible to stow and observe any "THIS SIDE UP" marking.

§ 176.315 Fire protection requirements.

(a) For each 21,000 U.S. gallons (or part thereof) of any flammable or combustible liquid being transported on board a vessel in a portable tank, tank car, or a tank truck, there must be provided at least one B–V semiportable foam (40 gallon capacity) (see 46 CFR 95.50), dry chemical (100 lbs. minimum capacity) or equivalent fire extinguisher, or a fire hose fitted with an approved portable mechanical foam nozzle with pick-up tube and two 5 gallon cans of foam liquid concentrate. Each foam system must be suitable for use with each flammable or combustible liquid it is intended to cover. Each fire extinguisher must be accessible to the tank it is intended to cover.

(b) The fire hose at each fire hydrant in the vicinity of flammable or combustible liquid stowage areas must be fitted with an approved combination spray nozzle.

(c) The pressure must be maintained in the vessel's fire mains during the loading and unloading of the flammable or combustible liquid.

(d) Two 15-pound capacity hand portable dry chemical or two portable 2½-gallon form-type extinguishers must be accessible to any packaged flammable or combustible liquid and suitable for use with the lading.

§ 176.320 Use of hand flashlights.

Each hand flashlight used in a hold or compartment containing any flammable liquid, or on deck near any flammable liquid, must be of the non-sparking type.

§ 176.325 Smoking or open flame and posting of warning signs.

(a) Smoking or the use of open flame is prohibited in any hold or compartment containing a flammable or combustible liquid, near any flammable or combustible liquid stowed on deck, or near any ventilator leading to a hold containing such material.

(b) A sign carrying the legend:

FLAMMABLE VAPORS
KEEP LIGHTS AND FIRE AWAY
NO SMOKING

must be conspicuously posted at each approach to a flammable or combustible liquid stowed "on deck" and near each cargo-hold ventilator leading to a hold or compartment containing this material. This sign must be painted on a white background using red letters. The letters may not be less than 3 inches high.

§ 176.328 Motor vehicles or mechanical equipment powered by internal combustion engines.

(a) A motor vehicle or any mechanized equipment powered by an internal combustion engine is subject to the requirements of this subchapter when carried as cargo on a vessel if the engine or fuel tank contains any fuel or if either battery cable is connected. The requirements of this subchapter do not apply if the fuel tank is empty, the engine has been run until it has stalled from lack of fuel, both battery cables are disconnected, and no hazardous material is stowed in the vehicle.

(b) Before being loaded on a vessel, each vehicle must be inspected for leaks. A vehicle showing any signs of leakage may not be transported.

(c) Each vehicle stowed in a hold or compartment must have the battery cables disconnected and secured away from the battery terminals, unless it is stowed in a hold or compartment designated by the administration of the country in which the vessel is registered to be specially suited for vehicles. (See 49 CFR 95.15–5 (e) and (f) for U.S. vessels).

(d) The fuel tank of a vehicle being transported as cargo on a vessel may not be more than one-fourth full.

(e) All equipment used for handling vehicles must be designed so that the fuel tank and fuel system are protected from stress that might cause rupture or other damage incident to handling.

(f) Whenever possible each vehicle must be stowed to allow for its inspection during transit.

(g) Two hand-held, portable, dry chemical fire extinguishers of at least 10 pounds capacity each must be separately located in an accessible location in each hold or compartment in which any motor vehicle is stowed.

(h) "NO SMOKING" signs must be conspicuously posted at each access opening to the hold or compartment.

(i) The following additional requirements apply to the stowage of any vehicles containing a flammable compressed gas or flammable liquid:

(1) Each portable electrical light and hand flashlight used in the stowage area must be an approved, explosion-proof type. All electrical connections for any portable light must be made to outlets outside the space in which any vehicle is stowed;

(2) No hazardous material other than motor vehicles or mechanized equipment may be stowed in the same hold or compartment with any vehicle having a flammable liquid or flammable compressed gas in its fuel tank;

(3) Each hold or compartment must be ventilated and fitted with an overhead water sprinkler system or fixed fire extinguishing system;

(4) Each hold or compartment must be equipped with a smoke or fire detection system; and

(5) All electrical equipment in the hold or compartment other than fixed explosion-proof lighting must be disconnected from its power source at a location outside the hold or compartment during the handling and transportation of any vehicle. Where the disconnecting means is a switch or circuit breaker, it must be locked in the open position until all vehicles have been discharged.

(j) Motor vehicles may be refueled when necessary in the hold of a vessel in accordance with § 176.78.

(k) Motor vehicles with fuel in their tanks may not be stowed in closed (nonventilated) containers.

§ 176.331 Transportation of flammable liquids with foodstuffs.

Each package containing a flammable liquid which bears a Poison label must be stowed separate from foodstuffs.

Subpart J—Detailed Requirements for Flammable Solids, Oxidizers and Organic Peroxides

§ 176.400 Stowage of oxidizers and organic peroxides.

(a) No oxidizer or organic peroxide being transported by vessel may be stowed in the same hold or compartment with any readily combustible material such as a combustible liquid, a textile product, or with a finely divided substance such as an organic powder.

(b) No oxidizer or organic peroxide being transported by vessel may be stowed in a hold or compartment containing sulfur in bulk, or in any hold or compartment above, below, or adjacent to one containing sulfur in bulk.

§ 176.405 Stowage of charcoal.

(a) Before stowing charcoal on a vessel for transportation, the hold or compartment in which it is to be stowed must be swept broom clean. All residue of former cargo, including a petroleum product, a vegetable or animal oil, nitrate, or sulfur, must be removed.

(b) Charcoal packed in bags and offered for transportation on board a vessel in a quantity over one ton must be loaded so that the bags are laid horizontally and stacked with space for efficient air circulation. If the bags are not compactly filled and closed to avoid free space within, vertical and horizontal dunnage strips must be laid between the bags. Space for ventilating must be maintained near bulkheads, the shell of the vessel, the deck and the overhead. No more than 40 tons of charcoal may be stowed in a hold or compartment when other stowage space is available. If the unavailability of hold or compartment space requires the stowage of a larger amount, the arrangement of the stow for ventilation must be adjusted to ensure a sufficient venting effect.

(c) Any loose material from bags broken during loading must be removed. Broken bags may be repacked or have the closures repaired and the repaired bags restowed.

(d) Charcoal "screenings" packed in bags must be stowed to provide spaces for air circulation between tiers regardless of the quantity stowed.

§ 176.410 Nitro carbo nitrate and ammonium nitrates.

(a) This section prescribes requirements to be observed with respect to transportation of each of the following hazardous materials by vessel:

(1) Nitro carbo nitrate.

(2) Ammonium nitrate (no organic coating), containing 90 percent or more ammonium nitrate.

(3) Ammonium nitrate (organic coating), containing 90 percent or more ammonium nitrate, 3–4 percent clay and 1 percent or less organic material.

(4) Ammonium nitrate-carbonate mixture, containing 40 percent or more fine calcium carbonate or dolomite.

(5) Ammonium nitrate fertilizer (*containing no more than 0.2 percent carbon*).

(6) Non-acidic ammonium nitrate mixed fertilizer, containing less than 5 percent organic material and 60 percent or less ammonium nitrate.

(7) Ammonium nitrate-phosphate, containing 40 percent or more dicalcium phosphate.

(b) This section does not apply to any non-acidic ammonium nitrate mixed fertilizer containing 13 percent or less ammonium nitrate, less than 5 percent organic material, no other oxidizing material, and which does not meet the criteria for any other hazard class set forth in Part 173 of this subchapter.

(c) When nitro carbo nitrate or any of the ammonium nitrates listed in paragraph (a) of this section is transported by vessel:

(1) It must be stowed well away from any steam pipe, electric circuit, or other source of heat;

(2) Smoking may not be permitted except in designated areas away from the material and "No-Smoking" signs must be posted in accordance with § 176.60;

(3) Fire hoses must be connected, laid out, and tested before loading or unloading commences; and

(4) A fire watch must be posted in the hold or compartment where the material is being loaded or unloaded.

(d) When nitro carbo nitrate or any of the ammonium nitrates listed in paragraph (a) of this section are transported in bags by vessel:

(1) The requirements specified in paragraph (c) of this section must be complied with;

(2) The temperature of the bagged material may not exceed 130 degrees F.;

(3) Minimum dunnage and sweatboards must be used to prevent any friction or abrasion of bags, and to allow for the circulation of air and access of water in the event of fire;

(4) The bags must be stowed from side to side, out to the sweatboards;

(5) A space of 18 inches must be provided between any transverse bulkhead and the bags;

(6) The bags must be stowed so as to provide an 18-inch athwartship trench along the centerline of the compartment, continuous from bottom to top;

(7) The bags must be stowed so as to provide an 18-inch amidship trench running fore and aft from bulkhead to bulkhead;

(8) The bags may not be stowed closer than 18 inches from any overhead deck beam;

(9) The bags must be stowed so as to provide vent flues 14 inches square at each corner of the hatch continuous from top to bottom;

(10) Trenching must be accomplished by alternating the direction of the bags in each tier (bulkheading); and

(11) The bags must be blocked and braced as necessary to prevent shifting of the bagged cargo adjacent to any trench area.

(e) Nitro carbo nitrate or any of the ammonium nitrates listed in paragraph (a) of this section may be transported by vessel with dynamite, commercial boosters, or other non-priming, non-initiating types of explosives which are compatible with dynamite:

(1) In the same hold or compartment with the explosives or in a hold or compartment adjacent to the explosives if the nitro carbo nitrate or ammonium nitrate is packaged in strong metal cans, metal or fiber drums, barrels, kegs, or wooden or fiberboard boxes with non-combustible inside packagings; or

(2) In proximity to the explosives if the two are separated by a steel deck or bulkhead, or a fire retardant wooden bulkhead built to the specifications of § 176.138(b)(3). The deck or bulkhead must be sheathed on the oxidizing materials stowage side with one-inch asbestos board.

(f) An ammonium nitrate mixture containing any ingredient which would accelerate the decomposition of ammonium nitrate under conditions incident to transportation may not be transported by vessel.

§ 176.415 Permit requirements for nitro carbo nitrate and certain ammonium nitrates.

(a) Except as provided in paragraph (b) of this section, before any of the following material is loaded on or unloaded from a vessel at any waterfront facility in the United States, its territories, or its possessions (except Panama Canal Zone), the carrier concerned must obtain written permission from the nearest District Commander, U.S. Coast Guard:

(1) Ammonium nitrate (organic coating), limited to 90% or more ammonium nitrate, with 3–4 percent clay, and 1 percent or less organic material in any package.

(2) Ammonium nitrate mixtures containing more than 60 percent ammonium nitrate, ammonium nitrate-phosphate, or nitro carbo nitrate, packaged in a paper bag, burlap bag, or other non-rigid combustible packaging, or any rigid container with combustible inside packagings.

(3) Any other ammonium nitrate or ammonium nitrate mixture not listed in § 176.410 (a) or (b).

(b) Any of the following may be loaded on or unloaded from a vessel at any waterfront facility without a permit:

(1) Ammonium nitrate (no organic coating) in a rigid container with non-combustible inside packaging.

(2) Ammonium nitrate fertilizer in a rigid container with non-combustible inside packaging.

(3) Ammonium nitrate-phosphate in a rigid container with non-combustible inside packaging.

(4) Ammonium nitrate-carbonate.

(5) Ammonium nitrate mixed fertilizer.

(c) Before a permit may be issued the following requirements must be met in addition to any others the District Commander may require:

(1) If the material is ammonium nitrate (organic coating), ammonium nitrate-phosphate, or nitro carbo nitrate in non-rigid combustible packaging or

in a rigid container with combustible inside packaging, it must be loaded or unloaded at a facility remote from populous areas or high value or high hazard industrial facilities so that in the event of fire or explosion loss of lives and property may be minimized;

(2) If the material is ammonium nitrate (organic coated) in rigid metal drums with non-combustible inside packagings, nitro carbo nitrate in rigid containers with non-combustible inside packagings, an ammonium nitrate mixture containing more than 60% ammonium nitrate, or ammonium nitrate-phosphate, in rigid containers with combustible inside packagings, it must be loaded or unloaded at a facility removed from congested areas or high value or high hazard industrial facilities;

(3) Each facility at which the material is to be loaded or unloaded must conform with the requirements of the port security and local regulations and must have an abundance of water readily available for fire fighting; and

(4) Each facility at which the material is to be loaded or unloaded must be located so that each vessel to be loaded or unloaded has an unrestricted passage to open water. Each vessel must be moored bow to seaward, and must be maintained in a mobile status by the presence of tugs or the readiness of engines. Each vessel must have two wire towing hawsers, each having an eye spice, lowered to the water's edge, one at the bow and the other at the stern.

§ 176.419 Flammable solids or oxidizers transported with foodstuffs.

Each package containing a flammable solid or an oxidizer, bearing a Poison label and being transported on a vessel must be stowed separate from foodstuffs.

Subpart K—[Reserved]

Subpart L—Detailed Requirements for Poison A, Poison B, and Irritating Materials

§ 176.600 General stowage requirements.

Each package bearing a Poison label and being transported on a vessel must be stowed well away from living quarters and any ventilation ducts serving living quarters and separate from foodstuffs.

§ 176.605 Care following leakage or sifting of poisons A or B.

A hold or compartment containing a package of poison A or B which has leaked or sifted must be thoroughly cleaned and decontaminated after the cargo is unloaded and before the hold or compartment is used for the stowage of any other cargo.

Subpart M—Detailed Requirements for Radioactive Materials

§ 176.700 General stowage requirements.

(a) Each package or container bearing "RADIOACTIVE WHITE" or "RADIOACTIVE YELLOW" labels and being transported on a vessel must be stowed separately from any living accommodations and from any space continuously occupied by any person. Separate stowage is not required from a space occupied by a courier especially authorized to accompany a shipment.

(b) Mail bags may not be stowed in the same hold with radioactive materials.

(c) A package of radioactive materials which is a significant heat source may not be overstowed with any other cargo. If the package is stowed under deck, the hold or compartment in which it is stowed must be ventilated.

(d) Each Fissile Class III shipment must be stowed in a separate hold or compartment and be stowed and handled at least 20 feet from all other packages bearing "RADIOACTIVE YELLOW" labels.

(e) A person may not remain unnecessarily in a hold or compartment or in the immediate vicinity of any package on deck containing radioactive materials. A person may not be exposed to a total of more than 100 millirem in any 7-day period or more than 500 millirem per year whole body dose.

(f) The radiation level in any space or area continuously occupied by passengers, crew, or shipments of animals may not exceed 0.5 millirem per hour.

(g) In the case of a shipment or radioactive materials requiring supplemental operational procedures, the shipper shall furnish the master or person in charge of the vessel a copy of the necessary operational instructions.

(h) The following requirements apply to the stowage of packages of radioactive materials on board a vessel with regard to transport index numbers which are shown on the labels of individual packages:

(1) The sum of the transport indexes of any group of packages may not exceed 50. Each group of packages must be separated by at least 20 feet from all other packages bearing "RADIOACTIVE YELLOW" labels. This separation requirement does not apply to low specific activity or a full load if the consignor has the exclusive use of the entire vessel and the sum of the transport indexes of any group of Fissile Class II packages does not exceed 50.

(2) The sum of the transport indexes of all packages of radioactive materials on board a vessel may not exceed 200.

(3) Packages bearing "RADIOACTIVE YELLOW" labels may not be stowed any closer to persons or undeveloped film than the distances specified in the following table:

Sum of transport indexes of the packages	Minimum distance in feet from living accommodation or regularly occupied working space				Minimum distance[1] in feet from undeveloped films or plates											
					Less than 24-hour voyage	24 up to 48-hour voyage	Over 2 up to 4-day voyage				Over 4 up to 9-day voyage					
	A	B	C	D	A	A	A	B	C	D	A	B	C	D		
0 through 0.5----------	10	10	10	10	3	5	10	10	10	10	15	10	10	10		
Over 0.5 through 1.0----	10	10	10	10	5	7	15	10	10	10	20	10	10	10		
Over 1.0 through 2.0----	10	10	10	10	7	12	20	10	10	10	25	15	10	10		
Over 2.0 through 5.0----	10	10	10	10	12	16	35	10	10	10	40	15	10	10		
Over 5.0 through 10.0---	15	10	10	10	16	25	40	15	10	10	55	20	10	10		
Over 10.0 through 25.0--	25	10	10	10	25	35	65	20	10	10	100	30	10	10		
Over 25.0 through 50.0--	40	15	10	10	35	50	90	30	10	10	145	45	10	10		
Over 50.0 through 100---	60	20	10	10	50	70	140	45	10	10	210	65	10	10		
Over 100 through 200----	80	25	10	10	70	100	190	55	10	10	285	85	15	10		
Over 200 through 300[2]---	110	30	10	10	90	125	230	70	10	10	320	105	15	10		
Over 300 through 400[2]---	130	35	10	10	100	145	260	80	15	10	360	120	20	10		

Sum of transport indexes of the packages	Minimum distance[1] in feet from undeveloped films or plates--Con.															
	Over 9 up to 16-day voyage				Over 16 up to 25-day voyage				Over 25 up to 36-day voyage				Over 36 up to 49-day voyage			
	A	B	C	D	A	B	C	D	A	B	C	D	A	B	C	D
0 through 0.5----------	20	10	10	10	20	10	10	10	25	15	10	10	30	15	10	10
Over 0.5 through 1.0----	25	15	10	10	30	15	10	10	35	20	10	10	45	20	10	10
Over 1.0 through 2.0----	35	15	10	10	45	20	10	10	55	25	10	10	65	30	10	10
Over 2.0 through 5.0----	60	20	10	10	70	25	10	10	90	30	10	10	100	35	10	10
Over 5.0 through 10.0---	85	30	10	10	110	35	10	10	135	40	10	10	155	45	10	10
Over 10.0 through 25.0--	140	45	10	10	170	50	10	10	200	60	10	10	230	70	10	10
Over 25.0 through 50.0--	195	60	10	10	240	70	10	10	275	85	15	10	315	105	15	10
Over 50.0 through 100---	270	85	15	10	320	95	15	10	360	115	20	10	400	145	20	10
Over 100 through 200----	325	110	20	10	400	145	20	10	450	180	25	10	520	170	30	10
Over 200 through 300[2]---	400	145	25	10	460	175	25	10	560	220	30	10	[3]	240	35	10
Over 300 through 400[2]---	450	165	30	10	500	200	30	10	[3]	235	35	10	[3]	270	40	10

[1]Column A applies when no intervening cargo or bulkheads screen the radioactive material from the living accommodation or undeveloped photographic film or plate. Column B applies when the radioactive material is to be surrounded by at least 2 feet of cargo of unit density and at least 1 steel bulkhead between the radioactive material and the living accommodation or undeveloped photographic film or plate. Column C applies when the radioactive material is to be surrounded by at least 6 feet of cargo of unit density and at least 2 steel bulkheads between the radioactive material and the living accommodation or undeveloped photographic film or plate. Column D applies when the radioactive material is to be surrounded by at least 14 feet of cargo of unit density and at least 2 steel bulkheads between the radioactive material and the living accommodation or undeveloped photographic film or plate.

"Cargo of unit density" means cargo stowed at a density of 1 ton per 36 cubic feet (1 ton metric per cubic meter). Where the density of the cargo is less than this, the depth of the cargo specified in this note for columns B, C, and D (i.e. 2 feet, 6 feet, and 14 feet) must be increased in proportion.

"Minimum distance" means the least distance in any direction, whether vertical or horizontal.

[2]The total consignment on board at any time must not exceed transport indexes totaling 200 without prior authorization by the Department.

[3]Not to be carried unless screening by other cargo and bulkheads can be arranged in accordance with columns B, C, or D.

§ 176.710 Care following leakage or sifting of radioactive materials.

(a) In case of fire, collision, or breakage involving any shipment of radioactive materials, other than materials of low specific activity, the package of material must be segregated from unnecessary contact with personnel. In case of obvious leakage, or if the inside container appears to be damaged, the stowage area (hold, deck area, or compartment) containing this cargo must be isolated as much as possible to prevent radioactive material from entering any person's body through contact, inhalation, or ingestion. No person may handle the material or remain in the vicinity unless supervised by a qualified person.

(b) A hold or compartment in which leakage of radioactive materials has occurred may not be used for other cargo until it is decontaminated in accordance with the requirements of § 176.715.

(c) For reporting requirements, see § 171.15 of this subchapter.

§ 176.715 Contamination control.

Each hold, compartment, or deck area used for the transportation of low specific activity radioactive material as a full load must be surveyed with appropriate radiation detection instruments after each use. It may not be used again until the radiation dose rate at any accessible surface is less than 0.5 millirem per hour, and there is no significant removable radioactive surface contamination remaining.

Subpart N—Detailed Requirements for Corrosive Materials

§ 176.800 General stowage requirements.

(a) Each package of a corrosive material being transported on a vessel must be stowed well away from living quarters, foodstuffs, and cargo of an organic nature.

(b) Each package of a corrosive material must be stowed so as to be readily observable.

(c) A package of corrosive material may not be stowed over any combustible substance.

(d) Glass carboys containing corrosive material may not be stowed on board any vessel, other than a barge, more than two tiers high unless each carboy is boxed or crated with neck protection expending to the sides of the carboy box. This protective construction must be strong enough to permit stacking one on top of the other.

(e) A corrosive material may not be stowed over a hold or compartment containing cotton unless the deck is of steel and the hatch is fitted with a tight coaming. In addition, the deck must be tight against leakage and the corrosive material may not be stowed over the square of the hatch.

§ 176.805 On deck stowage.

(a) When corrosive materials being transported on a vessel are stowed "on deck", provisions must be made for leakage from any package to drain away from other cargo into an overboard scupper or freeing port. The drainage may not enter an enclosed drainage system other than a direct overboard scupper. If this stowage is not practical, sufficient clean dry sand must be placed under and around the lower tier of packages to absorb any leakage.

(b) Dunnage must be provided on the deck and arranged so that any leakage will be apparent.

(c) Any leakage that occurs must be washed down, using liberal quantities of water.

Subpart O—Detailed Requirements for Other Regulated Materials (ORM)

§ 176.900 Stowage of cotton and fibers generally.

(a) Cotton or fibers being transported on a vessel must be securely baled and bound. Each cotton or fiber bale must be covered with bagging on at least three-fourths of its surface, including both ends. Cut cotton linters may be accepted for transportation by vessel when baled and covered with bagging on the soft sides only if the bale is compressed to a density of at least 32 pounds per cubic foot and it is bound with at least six bands per bale. Any poorly compressed bale or any bale having damaged bindings may not be transported by vessel.

(b) Each wet bale must be stowed separately from any dry bales, preferably in a 'tween deck space and not overstowed. Any bale which is saturated with water may not be transported by vessel.

(c) Bales showing contact with oil or grease may not be accepted for transportation by vessel.

(d) Cotton or fibers must be stowed in a hold or compartment in accordance with the following requirements:

(1) All traces of oil or residue in the hold or compartment must be removed;

(2) A recently painted hold or compartment may not be used unless it is thoroughly dry;

(3) Each ventilation cowl serving the hold or compartment must be fitted with a spark screen;

(4) When a bulkhead of the hold or compartment is common with a boiler room, engine room, coal bunker, or gallery and subjected to heat, a wooden bulkhead must be erected between the bulkhead and any cotton or fibers. This wooden bulkhead must be at least 6 inches from a boiler room bulkhead, and at least 2 inches from an engine room, coal bunker, or galley bulkhead;

(5) Each 'tween deck hatch must be closed with hatch covers, tarpaulins, and dunnage; however, metal hatch covers which are sealed by other means to provide equivalent protection may be used;

(6) Each hold or compartment must be equipped with a carbon dioxide, steam smothering, or overhead water sprinkler system or other approved fixed smothering system. Before loading, the extinguishing system must be examined to ensure that it is in good working condition; and

(7) Each hold or compartment must be clear of all debris and swept broom clean before loading.

(e) Naked lights or any fire likely to produce sparks are not permitted on the vessel, dock area, or any lighters alongside during loading or unloading of cotton or fibers.

(f) Upon completion of stowage, each hatch opening must be completely closed. Where required, tarpaulins must be fitted and secured in place to provide a tight hold. During a period of temporary stoppage of loading or unloading, a hatch may be left open. However, a fire watch, designated by the master or officer-in-charge, must be stationed in the hold or compartment in which the cotton or fibers are stowed.

(g) At least one fire hose must be connected while cotton or fibers are being loaded or unloaded. Each fire pump must be operated before any loading or unloading. Pressure must be maintained on each fire main during the loading and the fire hose laid out ready for immediate use. Portable fire extinguishers must be placed to be readily available. The fire hose, fire pumps and fire extinguishers may be the vessel's equipment or shore equipment.

(h) Smoking is not permitted on a vessel during the loading or unloading of cotton or fibers except at those times and in those places designated by the master or officer-in-charge. "NO SMOKING" signs must be conspicuously posted in appropriate places and the officer in charge of the loading or unloading must see that they are observed.

(i) All cotton or fibers must be segregated in accordance with the requirements applicable to flammable solids (see § 176.83(b)).

(j) Cotton or fibers may be stowed in the same hold over bulk sulfur if the sulfur has been trimmed and leveled and the hold is thoroughly cleaned of sulfur dust. A tight floor of two 1-inch crossed clean dunnage boards must be laid on the sulfur before cotton or fibers are stowed. These substances may be stowed alongside each other in the same hold if they are separated by a tight dustproof wood bulkhead.

(k) Cotton or fibers may not be stowed in a 'tween deck hold over bulk sulfur in a lower hold unless the 'tween deck hold has been thoroughly cleaned of all sulfur dust and the 'tween deck hatch covers are in place and covered with tarpaulins and dunnage.

(l) Cotton or fibers may not be stowed in the same hold with any combustible liquid. Cotton or fibers may be stowed in a hold adjacent to any hold above, or any hold below one containing these materials if the holds are separated by a tight steel bulkhead or deck.

§ 176.901 Stowage of cotton or fibers with rosin or pitch.

Cotton or fibers being transported on a vessel may not be stowed in the same hold or compartment with rosin or pitch being transported on the same vessel. When separate stowage is not practicable, the cotton or fibers may be stowed in the same hold or compartment with rosin or pitch if they are separated by clean dunnage or a cargo of a non-com-

bustible nature. When stowage within the same hold or compartment involves large amounts of cotton or fibers and rosin or pitch, the rosin or pitch must be floored off with at least two layers of 1-inch dunnaging and the cotton or fibers stowed above.

§ 176.902 Stowage of cotton or fibers with vegetable, animal, or rosin oil.

(a) When practicable, fish oil, whale oil, vegetable oil, animal oil, or rosin oil being transported on a vessel may not be stowed in the same hold or compartment with any cotton or fibers being transported on the same vessel. When separate stowage is not practicable, the cotton and fibers must be stowed so that there is no contact with any of those oils. If cotton or other fibers are transported over any of those oils, a tight 2-inch floor of dunnage boards must be laid over the oils before the cotton or fibers are placed on top.

(b) Cotton or fibers may not be stowed in a hold below one in which any of those oils are stowed unless the 'tween deck hatch is fitted with a tight coaming and the deck is of steel and made tight against leakage.

§ 176.903 Stowage of cotton fibers with coal.

Cotton or fibers being transported on a vessel may not be stowed in the same hold with coal. They may be stowed in adjacent holds if the holds are separated by a tight steel bulkhead and the cotton or fibers are dunnaged at least 2 inches off the bulkhead. Cotton or fibers may be stowed in a hold above or below one in which coal is stowed if there is a tight steel intervening deck and all hatch covers are in place and covered with tarpaulins.

§ 176.904 Cotton or fibers with synthetic nitrate of soda.

Cotton or fibers being transported on a vessel may not be stowed in the same hold with synthetic nitrate of soda. They may be stowed in adjacent holds if the holds are separated by a tight steel bulkhead. Cotton or fibers may be stowed in a hold above or below one in which synthetic nitrate of soda is stowed if there is a tight steel intervening deck and all hatch covers are in place and covered with tarpaulins.

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302. The heading for Part 177 is revised to read as follows:

PART 177—CARRIAGE BY PUBLIC HIGHWAY

303. In Part 177 Table of Section, §§ 177.804 and 177.816 are deleted; §§ 177.803, 177.815, and 177.823 and the authority citation following the Table of Sections are revised to read as follows:

Sec.

177.803 Export and import shipments by domestic carriers by motor freight.
177.815 Lost or destroyed labels.
177.823 Marking and placarding motor vehicles.

AUTHORITY: The provisions of this Part 177 are issued under 18 U.S.C. 834 and 49 CFR 1.53(g).

§§ 177.800—177.802 and 177.805—177.810 [Amended]

304. In §§ 177.800 through 177.802 and §§ 177.805 through 177.810 the word "chapter" is changed to read "subchapter" each time it appears.

305. Section 177.803 is revised to read as follows:

§ 177.803 Export and import shipments by domestic carriers by motor vehicles.

See § 171.12 of this subchapter.

306. Section 177.804 is deleted.

307. In § 177.811 paragraph (a) is revised; paragraph (b) is added to read as follows:

§ 177.811 Astray shipments.

(a) Any carrier in possession of an astray shipment of hazardous materials (other than explosives) shall forward it promptly to its destination, if known, after inspection has shown the package to be in proper condition for transportation.

(b) If the package is not labeled and the exact classification of the contents is not determinable, the carrier shall apply a FLAMMABLE LIQUID label.

§ 177.812 [Amended]

308. In § 177.812(a) the word "chapter" is changed to read "subchapter".

309. § 177.815 is revised to read as follows:

§ 177.815 Lost or destroyed labels.

Each carrier shall maintain an adequate supply of the labels specified in Subpart E of Part 172 of this subchapter to replace those that become lost or destroyed. The carrier shall replace each lost or destroyed label based on the information on the shipping papers.

§ 177.816 [Reserved]

310. § 177.816 is deleted.

311. § 177.817 is revised to read as follows:

§ 177.817 Shipping papers.

(a) *General requirements.* A carrier may not transport a hazardous material unless it is accompanied by a shipping paper that is prepared in accordance with §§ 172.201, 172.202, and 172.203 of this subchapter.

(b) *Shipper certification.* A carrier initially accepting a hazardous material from a shipper may not transport that material unless it is accompanied by a shipping paper that includes the shipper's certification required by § 172.204 of this subchapter.

(c) *Requirements when interlining with carriers by rail.* A motor carrier shall mark on the shipping paper required by this section, if it offers or delivers a freight container or transport vehicle to a rail carrier for further transportation:

(i) A description of the freight container or transport vehicle; and

(ii) The kind of placard affixed to the freight container or transport vehicle.

(d) *Limitations upon applicability.* This section—

(1) Applies to ORM–A, B, or C only if its transportation also involves transportation by air or water; and—

(2) Applies to ORM–D only if its transportation also involves transportation by air.

(e) *Shipping paper accessibility—accident or inspection.* A driver of a motor vehicle containing hazardous material, and each carrier using such a vehicle, shall ensure that the shipping paper required by this section is readily available to, and recognizable by, authorities in the event of accident or inspection. Specifically, the driver and the carrier shall—

(1) Clearly distinguish the shipping paper, if it is carried with other shipping papers or other papers of any kind, by either distinctively tabbing it or by having it appear first; and

(2) Store the shipping paper as follows:

(i) When the driver is at the vehicle's controls, the shipping paper shall be: (A) Within his immediate reach while he is restrained by the lap belt; and (B) either readily visible to a person entering the driver's compartment or in a holder which is mounted to the inside of the door on the driver's side of the vehicle.

(ii) When the driver is not at the vehicle's controls, the shipping paper shall be: (A) In a holder which is mounted to the inside of the door on the driver's side of the vehicle; or (B) on the driver's seat in the vehicle.

§§ 177.819, 177.821 and 177.822 [Amended]

312. In §§ 177.819, 177.821, and 177.822, the word "chapter" is changed to read "subchapter" each time it appears.

313. § 177.823 is revised to read as follows:

§ 177.823 Marking and placarding motor vehicles.

(a) A carrier may not move a transport vehicle containing a hazardous material unless the vehicle is marked and placarded in accordance with Part 172 of this subchapter, or unless, in an emergency—

(1) The vehicle is escorted by a representative of a state or local government;

(2) The carrier has permission from the Department; or—

(3) Movement of the transport vehicle is necessary to protect life or property.

§§ 177.824 and 177.834—177.840 [Amended]

314. In §§ 177.824 and 177.834 through 177.840 the word "chapter" is changed to read "subchapter" each time it appears.

315. In § 177.841 paragraph (e) is revised to read as follows:

§ 177.841 Poisons.

* * * * *

(e) A carrier may not transport a package bearing a poison label in the same transport vehicle with material that is marked as or known to be foodstuff, feed or any other edible material

intended for consumption by humans or animals.

§§ 177.842, 177.843, 177.848, 177.853—177.861, and 177.870 [Amended]

316. In §§ 177.842, 177.843, 177.848, 177.853 through 177.861, and 177.870 the word "chapter" is changed to read "subchapter" each time it appears in the sections.

Effective date: This amendment is effective July 1, 1976. However—(1) Materials newly identified as hazardous materials by this amendment and not previously subject to the Department's Hazardous Materials Regulations need not be in compliance with the Department's Hazardous Materials Regulations when offered or accepted for transportation or transported in commerce until January 1, 1977.

(2) The new or modified marking, labeling, and shipping paper requirements provided in this amendment need not be complied with until January 1, 1977, except that compliance with the shipping paper format provisions of 49 CFR 172.201(a)(1) is not mandatory until July 1, 1977. (In addition, see note in 49 CFR 172.204(a) with respect to delayed compliance date for use of the newly worded shipper's certification statement provided for in that section.)

(3) The new placarding requirements provided in this amendment (Subpart F of Part 172) need not be complied with until July 1, 1977, except that compliance with the placarding requirements issued under Docket HM-102 (39 FR 2768, January 24, 1976; 40 FR 57433, December 10, 1975) pertaining to tank cars containing combustible liquids is required on or after January 1, 1977.

(4) When the new or modified marking, labeling, or shipping paper requirements are not complied with (as authorized in paragraph (2) above) or the new placarding requirements are not complied with (as authorized by paragraph (3) above) during the period July 1, 1976 to the mandatory compliance dates provided above, the applicable placarding, marking, labeling, and shipping paper requirements in effect on June 30, 1976 shall be complied with.

Issued in Washington, D.C., on March 31, 1976.

JAMES T. CURTIS, Jr.,
Director,
Materials Transportation Bureau.

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