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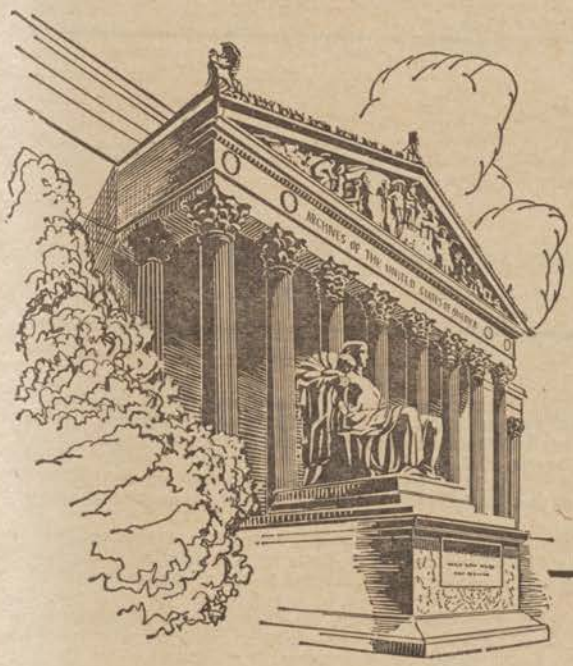

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Volume 78

UNITED STATES STATUTES AT LARGE

[88th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1964, the twenty-fourth amendment to the Constitution, and Presidential proclamations. Also included are: a subject index, tables of prior laws affected, a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

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PART 302—EMPLOYMENT IN THE EXCEPTED SERVICE

PART 337—EXAMINING SYSTEM

Miscellaneous Amendments

Sections 302.201, 302.302(a), and 337.101(b) are amended to grant five point preference to persons entitled to preference under section 2(7) of the Veterans' Preference Act of 1944, as amended by section 11 of the Veterans' Readjustment Benefits Act of 1966. These amendments are effective as to certificates of eligibles issued after March 2, 1966.

1. Sections 302.201 and 302.302(a) are amended to read:

§ 302.201 Persons entitled to veteran preference.

In actions subject to this part, each agency shall grant 5-point preference to persons entitled to preference under section 2(4), (6), and (7) of the Veterans' Preference Act, and 10-point preference to persons entitled to preference under section 2(1), (2), (3), and (5) of that Act.

§ 302.302 Examination of applicants.

(a) *Rating.* An agency may provide for an evaluation of the qualifications of applicants for a position who are available under §§ 302.202, 302.203, and 302.301 at any time before appointment is made to the position. Numerical ratings shall be assigned on a scale of 100 and each applicant rated 70 or more is eligible for appointment. Numerical ratings are not required when all qualified applicants will be offered immediate appointment. When there is an excessive number of applicants (1) numerical ratings are required only for a sufficient number of the highest qualified applicants to meet the anticipated needs of the agency within a reasonable period of time, and (2) the agency shall adopt procedures to insure the consideration of all preference eligibles in the order in which they would have been considered if all applicants had been assigned numerical ratings. Each agency shall add to the earned numerical ratings of applicants who make a passing grade:

(i) Five points for an applicant entitled to preference under section 2 (4), (6), and (7) of the Veterans' Preference Act; and

(ii) Ten points for an applicant entitled to preference under section 2 (1), (2), (3), and (5) of that Act.

An agency shall furnish a notice of the rating assigned to an applicant on his request.

* * * * *

2. Section 337.101(b) is amended to read:

§ 337.101 Rating applicants.

* * * * *

(b) The Commission shall add to the earned numerical ratings of applicants who make a passing grade:

(1) Five points for an applicant entitled to preference under section 2 (4), (6), and (7) of the Veterans' Preference Act of 1944, as amended; and

(2) Ten points for an applicant entitled to preference under section 2 (1), (2), (3), and (5) of that Act.

* * * * *

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-2334; Filed, Mar. 3, 1966; 8:51 a.m.]

SUBCHAPTER B—CIVIL SERVICE REGULATIONS

PART 870—LIFE INSURANCE

Exclusions

Section 870.202(a), Part 870, Subchapter B, Chapter I, Title 5 of the Code of Federal Regulations is amended: (1) By inserting, after the first word, ", as defined in the Federal Employees' Group Life Insurance Act of 1954, as amended,"; (2) by revoking subparagraphs (1), (2), (3), and (11);

(3) By amending subparagraph (4) by adding after "full-time employment" the phrase: "or part-time employment with a regular tour of duty";

(4) By amending subparagrph (5) to read: "An employee whose employment is of uncertain or purely temporary duration, or who is employed for brief periods at intervals, and an employee who is expected to work less than six months in each year, except an employee having a career-conditional or career appointment, or appointed under Schedule B of Part 213 of this chapter, who is employed under a cooperative work-study program of at least one year's duration which requires the employee to be in pay status during not less than one-third of the total time required for completion of the program.";

(5) By amending subparagraph (8) by changing "member" to "beneficiary" and by striking the hyphen in "patient-employee";

(6) By amending subparagraph (10) by changing "regular or full-time service" to "full-time service or part-time service with a regular tour of duty".

(Sec. 11, 68 Stat. 742; 5 U.S.C. 2100)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-2324; Filed, Mar. 3, 1966; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 3]

PART 1003—MILK IN WASHINGTON, D.C., MARKETING AREA

Order Amending Order

§ 1003.0 Findings and determinations.

The findings and determinations herein after 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 the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Washington, D.C., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will

reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(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.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective on March 1, 1966. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of Deputy Administrator was issued February 16, 1966, and the decision of the Under Secretary containing all amendment provisions of this order was issued February 25, 1966. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists, for making this order amending the order effective on March 1, 1966, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations*—It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Washington, D.C., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1003.50, the introductory text of paragraph (a) is revised to read as follows:

§ 1003.50 Class prices.

* * * * *

(a) *Class I price.* The price for Class I milk shall be $5.55 per hundredweight for the months of July 1966 through February 1967 and $4.90 per hundredweight for the months of March through June 1966 subject to any supply-demand adjustment computed pursuant to subparagraph (1) of this paragraph: *Provided,* That the Class I price shall not differ by more than 15 cents from the average price determined pursuant to subparagraph (2) of this paragraph: *And provided further,* That the Class I price for March, April, May, and June 1966 shall be not less than $5.40.

* * * * *

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

Effective date. March 1, 1966.

Signed at Washington, D.C., on: February 28, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-2268; Filed, Mar. 3, 1966; 8:47 a.m.]

[Milk Order 16]

PART 1016—MILK IN UPPER CHESAPEAKE BAY MARKETING AREA

Order Amending Order

§ 1016.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Chesapeake Bay marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(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.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective on March 1, 1966. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of Deputy Administrator was issued February 16, 1966, and the decision of the Under Secretary containing all amendment provisions of this order was issued February 25, 1966. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective on March 1, 1966, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8(c)(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Upper Chesapeake Bay marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1016.50, the introductory text of paragraph (a) is revised to read as follows:

§ 1016.50 Class prices.

* * * * *

(a) *Class I price.* The price for Class I milk shall be $5.55 per hundredweight for the months of July 1966 through February 1967 and $4.90 per hundredweight for the months of March through June 1966 subject to any supply-demand adjustment computed pursuant to subparagraph (1) of this paragraph: *Provided,* That the Class I price shall not differ by more than 15 cents from the average price determined pursuant to subpara-

graph (2) of this paragraph: *And provided further,* That the Class I price for March, April, May, and June 1966 shall be not less than $5.40.

* * * * *

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

Effective date. March 1, 1966.

Signed at Washington, D.C., on February 28, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-2269; Filed, Mar. 3, 1966; 8:48 a.m.]

MILK IN CHICAGO, ILL., MARKETING AREA ET AL.

Order Suspending Certain Provisions of the Orders

In the matter of:

7 CFR Parts and Marketing Areas

1030 Chicago, Ill.
1039 Milwaukee, Wis.
1051 Madison, Wis.
1038 Rock River Valley.
1063 Quad Cities-Dubuque.
1070 Cedar Rapids-Iowa City.
1078 North Central Iowa.
1079 Des Moines, Iowa.
1062 St. Louis, Mo.
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1031 Northwestern Indiana.
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1071 Neosho Valley.
1099 Paducah, Ky.
1098 Nashville, Tenn.
1097 Memphis, Tenn.
1108 Central Arkansas.
1106 Oklahoma Metropolitan.
1132 Texas Panhandle.
1126 North Texas.
1102 Fort Smith, Ark.
1044 Michigan Upper Peninsula.
1103 Mississippi.
1094 New Orleans.
1036 Northeastern Ohio.
1045 Northeastern Wisconsin.
1041 Northwestern Ohio.
1138 Rio Grande Valley.
1043 Upstate Michigan.
1003 Washington, D.C.
1016 Upper Chesapeake Bay.
1002 New York-New Jersey.
1004 Delaware Valley.
1001 Massachusetts-Rhode Island.
1015 Connecticut.
1011 Appalachian.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the above designated marketing areas, it is hereby found and determined that:

(a) The following provisions of the respective orders, at this time and in the circumstances now existing, no longer tend to effectuate the declared policy of the Act:

1. Part 1063—Regulating the handling of milk in the Quad Cities-Dubuque marketing area:

In § 1063.50(b), all of the text except that which reads as follows:

(b) *Class I milk price.* The Class I milk price shall be $4.40.

2. Part 1070—Regulating the handling of milk in the Cedar Rapids-Iowa City marketing area:

In § 1070.50(b), all of the text except that which reads as follows:

(b) *Class I milk price.* The Class I milk price shall be $4.40.

3. Part 1078—Regulating the handling of milk in the North Central Iowa marketing area:

In § 1078.50(b), all of the text except that which reads as follows:

(b) *Class I milk price.* The Class I milk price at plants located in Zone 1 shall be $4.35. "Zone 1" means all the territory in the counties of Humboldt, Wright, Franklin, Butler, Bremer, Webster, Hamilton, Hardin, Grundy, Black Hawk, and Buchanan, all in the State of Iowa.

4. Part 1064—Regulating the handling of milk in the Greater Kansas City marketing area:

The following provisions:

1. In § 1064.51(a), the provisions "plus $1.10 during each of the delivery periods of April, May, June, and July, and" and "plus 10 cents from the effective date of this amended order through February 28, 1965;".

5. Part 1071—Regulating the handling of milk in the Neosho Valley marketing area:

The following provisions:

1. In § 1071.51(a), the provisions "$1.00 during the delivery periods of April through June and" and "during the delivery periods of July through March, and plus 10 cents for the period from the effective date of this amended order through February 28, 1965".

6. Part 1126—Regulating the handling of milk in the North Texas marketing area:

The following provisions:

1. In § 1126.51(a), the provisions "plus $1.85 for the months of March through June and" and "plus 10 cents from the effective date of this amended order through March 31, 1965;".

7. Part 1030—Regulating the handling of milk in the Chicago, Ill., marketing area:

In § 1030.51(a), all of the text except:

(a) *Class I milk price.* The Class I price shall be $4.30.

8. Part 1032—Regulating the handling of milk in the Suburban St. Louis marketing area:

In § 1032.51(a)(1), all of the text except:

(a) *Class I price.* (1) The Class I price for plants located in the base zone shall be $4.70.

9. Part 1038—Regulating the handling of milk in Rock River Valley marketing area:

In § 1038.51(a), all of the text except:

(a) *Class I milk price.* The price for Class I milk shall be $4.22.

10. Part 1039—Regulating the handling of milk in the Milwaukee, Wis., marketing area:

In § 1039.51(a), all of the text except:

(a) *Class I milk price.* The price for Class I milk shall be $4.18.

11. Part 1051—Regulating the handling of milk in the Madison, Wis., marketing area:

In § 1051.51(a), all of the text except:

(a) *Class I milk price.* The Class I price shall be $4.18.

12. Part 1062—Regulating the handling of milk in the St. Louis marketing area:

In § 1062.51(a), all of the text except:

(a) *Class I milk price.* The Class I price shall be $4.80.

13. Part 1079—Regulating the handling of milk in the Des Moines, Iowa, marketing area:

In § 1079.50(b), all of the text except:

(b) *Class I milk price.* The Class I milk price shall be $4.55. For milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 10 cents.

14. Part 1031—Regulating the handling of milk in the Northwestern Indiana marketing area:

In § 1031.51(a), all of the text of the second proviso except: *"And provided further,* That the Class I price shall be $4.46."

15. Part 1097—Regulating the handling of milk in the Memphis, Tenn., marketing area:

In § 1097.51(a), all of the text preceding subparagraph (1) except:

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.91 and plus or minus a supply-demand adjustment computed as follows:

16. Part 1098—Regulating the handling of milk in the Nashville, Tenn., marketing area:

In § 1098.51(a), all of the text preceding subparagraph (1) except:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.53 and plus or minus a supply-demand adjustment calculated for each month as follows:

17. Part 1099—Regulating the handling of milk in the Paducah, Ky., marketing area:

In the second proviso § 1099.51(a), all of the text except: *"And provided further,* That the Class I price shall not be less than the following: $4.90 and the price for Class I milk at pool plants located within that portion of the marketing area in the State of Missouri shall be 10 cents higher than the applicable price for these months at the Paducah location."

18. Part 1106—Regulating the handling of milk in the Oklahoma Metropolitan marketing area:

In § 1106.51(a), all of the text preceding the proviso except:

(a) *Class I milk.* The basic formula price for the preceding month plus $1.88:

19. Part 1108—Regulating the handling of milk in the Central Arkansas marketing area:

In § 1108.51(a), all of the text preceding subparagraph (1) except:

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month plus $1.91 and plus or minus a supply-demand adjustment computed as follows:

20. Part 1132—Regulating the handling of milk in the Texas Panhandle marketing area:

In § 1132.51(a), all of the text except:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.15.

21. Part 1011—Regulating the handling of milk in the Appalachian marketing area:

In § 1011.51(a), the provisions "$1.67 during the months of March through July; and" and "other".

22. Part 1138—Regulating the handling of milk in the Rio Grande Valley marketing area:

In § 1138.51(a), the provision "during each of the months of July through February and plus $1.95 during each of the months March through June".

23. Part 1102—Regulating the handling of milk in Fort Smith, Ark., marketing area:

In § 1102.51(a), all of the introductory text except:

(a) *Class I milk.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.85; and plus or minus a supply-demand adjustment computed as follows:

24. Part 1094—Regulating the handling of milk in New Orleans, La., marketing area:

In § 1094.51(a), all of the text preceding the proviso except:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.71, plus or minus a supply-demand adjustment calculated for each month pursuant to subparagraphs (1) through (6) of this paragraph:

25. Part 1103—Regulating the handling of milk in Mississippi marketing area:

In § 1103.51(a), all of the text except:

(a) *Class I milk price.* The minimum Class I milk price shall be the basic formula price for the preceding month, plus $2.35.

26. Part 1043—Regulating the handling of milk in the Upstate Michigan marketing area:

In § 1043.51, all the provisions of paragraph (a) except that which reads as follows:

(a) *Class I milk.* The Class I milk price shall be the basic formula price plus $1.45.

27. Part 1041—Regulating the handling of milk in the Northwestern Ohio marketing area:

In § 1041.51(a), the provisions of subparagraph (1) and the introductory text immediately preceding except that which reads as follows:

(a) *Class I milk prices.* The monthly Class I milk price shall be the basic formula price for the preceding month, plus the sum of the amounts specified under subparagraphs (1) and (2) of this paragraph:

(1) The amount set forth below, subject to any adjustment for location pursuant to § 1041.53: $1.36.

28. Part 1036—Regulating the handling of milk in the Northeastern Ohio marketing area:

In § 1036.51(a), all the provisions in the introductory text immediately preceding subparagraph (1) except that which reads as follows:

(a) Add to the basic formula price for the preceding month $1.80 and add or subtract a "supply-demand adjustment" computed as follows:

29. Part 1003—Regulating the handling of milk in the Washington, D.C., marketing area:

In § 1003.50(a), suspend all of the introductory text of § 1003.50(a) except the following:

(a) *Class I price.* The price for Class I milk shall be $5.55 per hundredweight subject to any supply-demand adjustment computed pursuant to subparagraph (1) of this paragraph.

In § 1003.50(a)(1)(i), suspend the following: "unless it is outside the range calculated pursuant to subdivision (ii) of this subparagraph, in which case the end of the range closest to the two-month utilization percentage shall be the 'current utilization percentage'."

In § 1003.50(a)(1)(iii), suspend the proviso therein and all of the text below the headings of the table in that subdivision except the word "March" in the first column, "December–January" in the second column and the first figure "133" in the third column.

30. Part 1016—Regulating the handling of milk in the Upper Chesapeake Bay marketing area:

In § 1016.50(a), suspend all of the introductory text except the following:

(a) *Class I price.* The price for Class I milk shall be $5.55 per hundredweight subject to any supply-demand adjustment computed pursuant to subparagraph (1) of this paragraph.

In § 1016.50(a)(1)(i), suspend the following: "unless it is outside the range calculated pursuant to subdivision (ii) of this subparagraph, in which case the end of the range closest to the two-month utilization percentage shall be the 'current utilization percentage'."

In § 1016.50(a)(1)(iii), suspend the proviso therein and all of the text below the headings of the table in that subdivision except the word "March" in the first column, "December–January" in the second column and the first figure "133" in the third column.

31. Part 1044—Regulating the handling of milk in the Michigan Upper Peninsula marketing area:

In § 1044.51(a), all of the introductory text preceding subparagraph (1) except the following:

(a) *Class I milk price.* The Class I milk price for plants located in Zone 1 shall be the following amount plus or minus a supply-demand adjustment of not more than 24 cents computed pursuant to this paragraph: $4.51. For plants located in Zone 1(a) the price shall be the price specified for Zone 1 less 10 cents; for plants located in Zone 2 the price shall be the price specified for Zone 1 plus 20 cents; and for plants located outside of the marketing area and west of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 1 and for plants located outside the marketing area and east of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 2. The supply-demand adjustment shall be computed as follows:

32. Part 1045—Regulating the handling of milk in the Northeastern Wisconsin marketing area:

In § 1045.51(a), all of the introductory text preceding subparagraph (1) except the following:

(a) The following amount plus or minus a supply-demand adjustment of not more than 24 cents computed pursuant to this paragraph: $4.30. The supply-demand adjustment shall be computed as follows:

33. Part 1001—Regulating the handling of milk in the Massachusetts-Rhode Island marketing area:

For the month of April 1966, delete all of the figures in the table contained in § 1001.60(e) except the figure "5.71" in the column headed "Class I price,".

For each of the months of May and June 1966, delete all of the figures in the table contained in § 1001.60(e) except the figure "5.49" in the column headed "Class I price".

34. Part 1015—Regulating the handling of milk in the Connecticut marketing area:

For the month of April 1966, delete all of the figures in the table contained in § 1015.60(e) except the figure "5.71" in the column headed "Price".

For each of the months of May and June 1966, delete all of the figures contained in the table contained in § 1015.60(e) except the figure "5.49" in the column headed "Price".

35. Part 1002—Regulating the handling of milk in the New York-New Jersey marketing area:

For the month of April 1966, delete all of the figures in the schedule contained in § 1002.40(a)(11) except the word "April" and the figure "1.00".

For each of the months of May and June 1966, delete all of the schedule contained in § 1002.40(a)(11) except the words "May" and "June" and the figure "0.95".

36. Part 1004—Regulating the handling of milk in the Delaware Valley area:

Delete all of the figures contained in the second column of the Class I price schedule in section 1004.50(a)(2) except the figure "6.00".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions

and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order has the purpose of eliminating part or all of the seasonal price declines in the markets affected. For most such markets, Class I prices currently provided by the respective orders will be maintained at about their January 1966 levels pending review of the pricing provisions of such orders in public hearing. This purpose is achieved either by eliminating the seasonal decrease in Class I price differential or, where a stated Class I price was effective for January, by specifying continuation of such Class I price. In the New York-New Jersey and New England markets, where customarily the seasonal price declines are greater than in other markets, a portion of the decline has been eliminated.

This action relating to price levels is necessary in recognition of present or potential milk shortages in many of such markets and a threatened general shortage of Grade A supplies. Remedial action should be taken immediately pending detailed review of the individual market situations in public hearing.

A public hearing for the purpose of reviewing supply and demand conditions in a group of midwestern Federal order markets was announced on February 28 to be held at St. Louis, Mo. Hearings covering other Federal order markets will be announced shortly.

Therefore, good cause exists for making this order effective March 2, 1966.

It is therefore ordered, That the aforesaid provisions of the orders are hereby suspended for an indefinite period.

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

Effective date: March 2, 1966.

Signed at Washington, D.C., on March 1, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-2304; Filed, Mar. 3, 1966; 8:51 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1966–1969 Payment-in-Kind Regulations—Price Support and Diversion

Sec.
1421.3773 Purpose.
1421.3774 Form of payment.
1421.3775 Description of certificates.
1421.3776 Setoffs and assignments.
1421.3777 Cash advance to payee.
1421.3778 Marketing of certificates.
1421.3779 Redemption in grain by payees.
1421.3780 Where to apply.
1421.3781 Grain under farm storage price support loan.
1421.3782 Grain under warehouse storage price support loan.
1421.3783 Deliveries of grain in warehouses to payee.
1421.3784 Deliveries to payee of grain from CCC bin sites.
1421.3785 Delivery of grain to payees in nonstorage areas.
1421.3786 Redemptions by subsequent holders.
1421.3787 Issuance of balance certificates.
1421.3788 Overdeliveries.
1421.3789 Administration.
1421.3790 ASCS commodity offices.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended; sec. 105(e), 63 Stat. 1051, as amended; sec. 16(1), 49 Stat. 1151, as amended; 15 U.S.C. 714 (b) and (c); 7 U.S.C. 1441 note, 16 U.S.C. 590(p).

§ 1421.3773 Purpose.

The regulations in this subpart provide for price support and diversion payments earned under the 1966–69 Feed Grain Program Regulations to be made by actual or constructive delivery of negotiable certificates, and for the making of cash advances to producers who wish Commodity Credit Corporation's (hereinafter called "CCC") assistance in the marketing of certificates earned by them. It also provides the methods by which CCC shall redeem certificates and market certificates for which its assistance in marketing has been requested.

§ 1421.3774 Form of payment.

A producer entitled to a payment under the 1966–69 Feed Grain Program Regulations (hereinafter called "payee") shall receive payment in the form of a negotiable Payment-In-Kind Certificate (Form CCC–139) (herein called "certificate"), issued by the county office, except that if a payee requests CCC's assistance in the marketing of his certificate at the time of applying for payment, the county office shall make a cash advance to such payee as provided in this subpart and credit a certificate pool with the value of the certificate earned by him.

§ 1421.3775 Description of certificates.

(a) *Terms.* Any certificate issued shall be subject to the provisions embodied in it and the provisions of this subpart.

(b) *Face value.* The face value of the certificate(s) issued to any payee shall be the amount(s) for which the payee is approved for payment. A certificate shall be accepted by CCC at face value if, within 30 days after the date of issuance shown thereon, it is tendered to CCC for redemption in grain or for marketing. If after such 30-day period the certificate is tendered to CCC for redemption in grain or for marketing, the value at which the certificate is accepted shall be the face value reduced by one twenty-fifth of 1 percent for each day beginning on the 31st day after issuance to but not including the date of redemption, or, if it is tendered for marketing, not including the date it is tendered to CCC. Such reduction in value shall cover storage and handling charges.

(c) *Date of issuance.* The date of issuance shown on the certificate shall be the date the certificate is issued. Substitute certificates issued to replace original certificates never received by the payee shall bear a current date of issuance. Substitute certificates issued to replace other original certificates shall bear the same date of issuance as the certificate being replaced.

(d) *Signature and countersignature.* To be valid, the certificates must be signed and countersigned by authorized representatives of CCC.

§ 1421.3776 Setoffs and assignments.

(a) *Producer indebtedness.* Setoffs against amounts due the producer under this program shall be made as provided in the Secretary's Setoff Regulations, Part 13 of this title (29 F.R. 9425) and any amendments thereto. Constructive delivery of certificates earned by the payee and representing the amounts setoff shall be made by crediting the certificate pool with their value. CCC shall make a cash advance in payment of the indebtedness setoff against the payment earned by the payee. Such cash advance shall be made by issuance of CCC sight draft(s) payable to the creditor agency(s) to which the producer is indebted, except that cash advances to CCC may be made by credit to the producer's account.

(b) *Right to contest.* A setoff shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness against which the setoff is made either by administrative appeal or by legal action.

(c) *Assignments.* Payments earned under a program cannot be assigned, except that certificates received by a payee may be negotiated to a subsequent holder.

§ 1421.3777 Cash advance to payee.

A cash advance shall be made by the county office to any payee who requests CCC's assistance in marketing of the certificate earned by him under a program. Only the payee shall have this option. If such request is made at the time the payee applies for payment, CCC shall make constructive delivery of the certificate to the payee by crediting a certificate pool with the value of the certificate earned by him. A payee who does not request CCC's assistance in marketing his certificate at such time may subsequently request CCC's assistance in marketing his certificate by delivering it to the county office. Such certificate shall also be credited to the certificate pool. A cash advance to a payee shall be made in the form of a CCC sight draft for the face value of the certificate earned by him less any applicable reduction in value for storage and carrying charges. A payee cannot utilize such sight drafts or the proceeds thereof to acquire grain from CCC under these regulations except as provided in § 1421.3778.

§ 1421.3778 Marketing of certificates.

(a) All certificates for which payees have requested CCC's assistance in marketing shall be pooled by CCC and shall lose their identity as individual certificates. The amount of the certificate pool(s) shall be the total of the value of certificates of which CCC has made constructive delivery to the payees and the

value of the certificates presented to the county office by the payees for marketing by CCC. Such amount shall be equal to the amount of cash advances. CCC shall market the rights represented by pooled certificates at such times and in such manner as it determines will best effectuate the purposes of the program. Such rights shall be marketed for immediate use by the purchaser to obtain delivery of grain from CCC. CCC reserves the right to determine the time and place of delivery and the kind, class, grade, quality, and quantity of grain for which such rights may be redeemed. Such grain delivered by CCC shall be valued at the market price at point of delivery as determined by CCC, but not less than the applicable current price support loan rate, plus reasonable carrying charges as determined by the Executive Vice President of CCC, or his designee. Such grain shall not be eligible for tender to CCC under the price support program.

(b) The term "Certificate Pool Sale—Feed Grain Program" when used in contracts of CCC shall be deemed to refer to a transaction involving the sale of rights represented by pooled certificates and the immediate use of such rights to acquire grain from CCC.

§ 1421.3779 Redemption in grain by payees.

At the option of CCC, certificates may be redeemed in corn and grain sorghum, and may be redeemed in barley during the marketing year beginning July 1, 1966, and any subsequent marketing year in which the Secretary designates barley as a "feed grain" under the acreage diversion program. Such grains are herein referred to as "grain." CCC reserves the right to determine the kind, class, grade, or quality of grain for which certificates may be redeemed and to restrict the availability of any grain in any area at any time whenever such action is deemed necessary, either to effectuate the purposes of the program or in the interest of CCC inventory management. Certificates held by a payee shall be redeemed, at the option of CCC, in grain in warehouses, in CCC bin sites or at points designated by CCC in the county in which the certificate was issued or in the nearest county in which grain is made available for redemption. Certificates may also be redeemed in grain delivered by a payee under such price support loans as may be designated by CCC. Grain delivered by CCC in redemption of certificates shall be valued at market price at point of delivery as determined by CCC, but not less than the applicable current loan rate, plus reasonable carrying charges as determined by the Executive Vice President of CCC, or his designee. Such grain shall not be eligible for tender to CCC under the price support program.

§ 1421.3780 Where to apply.

Payees who wish to obtain redemption of certificates in grain to be delivered by them under a price support loan must apply to the county office which approved the loan. Payees who wish to obtain redemption of certificates in other CCC-owned grain must apply to the county office which issued the certificates. If CCC-owned grain is not available in such county, the county office will direct the payee to the nearest county office having grain available for redemption.

§ 1421.3781 Grain under farm storage price support loan.

(a) Subject to the provisions of this subpart, in case of grain which a payee has under a farm storage price support loan, including any reseal or extended reseal loan, upon the request of the payee, CCC will (1) accelerate the maturity date of the loan, (2) permit delivery to CCC on the farm where stored of the payee's grain mortgaged to CCC as security for the loan in settlement of such loan, and (3) permit the payee to obtain redemption of certificates issued to him under the program by delivery to him of such grain on the farm where stored. Service charges will not be collected on the quantity delivered from a 1964 or 1965 crop year loan, and delivery charges will not be collected on the quantity delivered from a 1966 or subsequent crop year loan. An inspection of the grain will be made by a representative of the county committee prior to acceleration of the maturity date of the loan. If it is determined that all the grain under loan is still in storage, notwithstanding the provisions of the applicable price support regulations, settlement of the loan will be made on the basis of the quantity set forth in the loan documents. The quality for settlement purposes shall be as determined by CCC. If on inspection of the grain under loan a shortage is discovered, the loan shall be handled as provided in the applicable price support regulations. Certificates cannot be used to satisfy amounts due under the loan.

(b) In computing storage payments due under a reseal loan, the pro rata payments to which the producer is entitled shall be based on the storage period ending on the date the commodity is delivered to CCC in satisfaction of the loan.

(c) Subject to the provisions of this subpart, delivery of a portion of the grain under loan shall be permitted if a payee wishes to deliver to CCC a portion of the grain under loan and acquire such grain with certificates. In such event, CCC shall credit the note with the settlement value of the quantity and quality delivered. Notwithstanding the provisions of the price support regulations, the quantity delivered shall be determined by measurement. The quality for settlement purposes shall be as determined by CCC. The quantity so obtained must be removed from the storage structure and segregated from the grain which remains as collateral for the outstanding balance of the loan, unless such quantity is under separate seal. The provisions as to inspection and adjustment for storage charges in paragraphs (a) and (b) of this section shall apply to any grain so delivered. If on inspection a shortage is discovered, the loan shall be handled as provided in the applicable price support regulations.

§ 1421.3782 Grain under warehouse storage price support loan.

(a) Subject to the provisions of this subpart, in the case of grain which a payee has under a warehouse storage loan, at the request of the payee, CCC will (1) accelerate the maturity date of the loan, (2) acquire title to such grain in satisfaction of the loan, and (3) permit the payee to obtain redemption of certificates issued to him by delivery to him of the warehouse receipts representing such grain. Delivery charges collected on grain acquired under this section will be refunded to the producer. Settlement of such warehouse storage loan will be made as provided in the applicable loan documents and price support regulations.

(b) Subject to the provisions of this subpart, CCC will acquire title to a portion of the grain a payee has under warehouse loan storage and will deliver the receipt representing such grain in redemption of certificates if a payee wishes to redeem certificates in such grain. CCC will only honor such requests by payees as to the entire quantity of grain represented by a warehouse receipt. If the value of certificates held by the payee is insufficient to acquire all the grain represented by a warehouse receipt CCC will honor the payee's request as to the portion of the grain represented by a warehouse receipt for which he has certificates, provided at the time of redemption he repays in cash the balance of the amount due on the loan in connection with such receipts as computed under the loan documents and price support regulations. CCC shall credit the loan with the settlement value of the quantity and quality of the grain acquired by it and with an amount paid on the loan, in accordance with the settlement provisions of the loan documents and price support regulations.

(c) The provisions of this section apply only to warehouse storage loans on grain with no transit privileges. Title and risk of loss shall pass to the payee on delivery to him of the warehouse receipts. Any difference in grade, quality, and quantity of grain delivered by the warehouseman to the payee from that described on the warehouse receipts shall be settled between the payee and the warehouseman.

(d) In the case of grain delivered to a payee which had been under a warehouse storage loan, the payee shall be responsible to the warehouseman for payment of all warehouse charges on the grain. CCC will refund to the payee any storage charges which had been deducted by it from the loan proceeds on the quantity of grain delivered in redemption of certificates and will pay to the payee the receiving and load-out charge applicable to such grain in an amount not to exceed the rate specified in the Uniform Grain Storage Agreement.

§ 1421.3783 Deliveries of grain in warehouses to payee.

(a) *Use of delivery orders.* Warehouse-stored grain shall be delivered to payees "in-store." If delivery is to be made of warehouse-stored grain other

than deliveries under § 1421.3782 the county office shall issue a Delivery Order to the payee setting forth the net quantity, class, grade, and quality of the commodity to be delivered to the payee, and the warehouse in which the grain is to be delivered. The payee may obtain the grain by presenting the Delivery Order to the warehouseman. Such Delivery Orders shall not be transferable and may be presented to the warehouseman only by the payee to whom issued.

(b) *Delivery provisions.* Title and risk of loss to the grain specified in the Delivery Order shall pass to the payee on the date of issuance of the Delivery Order by the county office. CCC shall be responsible for all warehouse charges accruing through the date of issuance of the Delivery Order. CCC shall also pay the warehouseman the load-out charge applicable to the grain in an amount not to exceed the amount specified in Uniform Grain Storage Agreement. The producer shall be responsible for all other warehouse charges accruing after the date of issuance of the Delivery Order.

(c) *Grade, quality, and quantity differences.* Any difference in the value of the class, grade, quality, and net quantity of the grain delivered by the warehouseman to the payee from that shown in the Delivery Order shall be settled between the payee and the warehouseman.

(d) *Transit billing.* Grain transferred to payees will be grain with no transit privileges.

§ 1421.3784 Deliveries to payee of grain from CCC binsites.

(a) The price of binsite stored grain delivered to payees in redemption of certificates issued to them shall be determined on the basis of delivery f.o.b. the payee's conveyance at the binsite. CCC shall be responsible for bin emptying charges and the cost of weighing. Delivery weights on such redemptions shall be obtained at a usual weighpoint for the binsite determined by the county office. Trucking costs to such weighpoint shall be for the account of the payee.

(b) Title shall pass to the payee when the grain is weighed. Risk of loss to the grain shall pass to the payee when the grain is placed in the buyer's conveyance at the storage site unless the payee removes the grain from the storage structure. If the payee performs this service, risk of loss shall pass to the payee as the grain is removed from the storage structure.

(c) Applicable bin emptying, and weighing services on such redemptions shall be performed under the usual county office agreements, at the prevailing rates in the county, or by ASCS personnel, at the option of CCC.

(d) Binsite grain shall be delivered "as is". The value of grain on deliveries "as is" shall be based on the class, grade, and quality of the grain in the bin from which delivery will be made, as determined by CCC, with no adjustment for the grade and quality and dockage content actually delivered. CCC does not warrant the class, grade, and quality of any grain delivered "as is".

§ 1421.3785 Delivery of grain to payees in nonstorage areas.

(a) CCC may move grain into areas where no CCC-owned grain in warehouses or binsites is available for certificate redemption. Such grain will be consigned to the county committee and shall be delivered in redemption of certificates "as is" on a basis determined by CCC. On such redemptions, the grain shall be valued on the basis of a determination of grade and quality made prior to delivery, and such price shall not be subject to adjustment for the grade and quality of the grain actually delivered.

(b) Title and risk of loss on such redemptions shall pass to the payee upon delivery of the grain. The payee shall be responsible for risk of loss during such time as he may have possession of the grain prior to delivery.

(c) Grain shall be weighed at destination if scales approved by CCC are available, except on deliveries on which the payee is willing to settle on CCC determined weights. If approved scales are not available, settlement weights shall be as determined by CCC.

(d) CCC shall bear any charges it determines necessary for delivery of grain.

§ 1421.3786 Redemptions by subsequent holders.

Subsequent holders who wish to obtain redemption of a certificate shall apply to the ASCS commodity office or branch commodity office (hereafter called "ASCS commodity office") for the area in which the desired grain is located. The ASCS commodity office shall determine the time and place of delivery and the kind, class, grade, and quality of grain for which a certificate held by a subsequent holder may be redeemed. To the maximum extent practicable, the ASCS commodity office will make available to a warehouseman grain stored in his facility in redemption of certificates obtained by the warehouseman through sales of his own grain to payees. Applicable transit billing shall be transferred with grain delivered to a subsequent holder at the option of CCC, and the value of any billing transferred to the subsequent holder, as determined by CCC, shall be included in computing the value of the grain.

§ 1421.3787 Issuance of balance certificates.

If the full amount of the face value of a certificate is not redeemed in grain by the payee or a subsequent holder, a balance certificate shall be issued to the certificate holder for the unused amount less any deductions for the charges provided in § 1421.3775. If the amount is $3.00 or less, no balance certificate will be issued unless requested. The date of the balance certificate shall be a date determined by adding to the date of issuance of the original certificate the number of days for which discounts were charged. Balance certificates may be tendered to CCC for redemption in grain in the same manner as the original certificates. Balance certificates issued to the payee shown on the original certificate may be surrendered by the payee to CCC for marketing.

§ 1421.3788 Overdeliveries.

In the event of the delivery by CCC under the program of a quantity of grain which is in excess of the quantity ordered by the purchaser but not in excess of a carload or truckload lot, as applicable, such excess grain (if accepted by the purchaser) may be acquired with additional certificates or under a Certificate Pool Sale as described in § 1421.3778. The excess grain shall be valued at market price at point of delivery but not less than the current price support loan rate plus reasonable carrying charges.

§ 1421.3789 Administration.

This subpart will be administered by Agricultural Stabilization and Conservation Service under the general direction and supervision of the Executive Vice President, CCC, and in the field will be carried out by Agricultural Stabilization and Conservation State committees and Agricultural Stabilization and Conservation county committees (herein called State and county committees), ASCS commodity offices, and the ASCS Data Processing Center. State and county committees, ASCS commodity offices, the ASCS Data Processing Center, and employees thereof do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

§ 1421.3790 ASCS commodity offices.

The address and telephone numbers of the ASCS commodity offices responsible for the redemption of certificates owned by subsequent holders are as follows:

(a) Kansas City ASCS Commodity Office, Post Office Box 205, Kansas City, Mo., 64141, Telephone: Emerson 1-0860.

(b) Evanston ASCS Branch Office, 2201 Howard Street, Evanston, Ill., 60202, Telephone: UNiversity 9-0600. (Branch of Kansas City ASCS Commodity Office.)

(c) Minneapolis ASCS Branch Office, Room 310, Grain Exchange Building, Minneapolis, Minn., 55415, Telephone: 334-2051. (Branch of Kansas City ASCS Commodity Office.)

(d) Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg., 97205, Telephone: 226-3361. (Branch of Kansas City ASCS Commodity Office.)

Signed at Washington, D.C., on February 28, 1966.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-2302; Filed, Mar. 3, 1966; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7035; Amdt. 39-202]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-25-235 Airplanes

Amendment 39-162 (30 F.R. 14780), AD 65-27-3, requires dye penetrant inspection, and repair where necessary, of the upper fuselage longerons on Piper Model PA-25-235 airplanes. Subsequent to the issuance of Amendment 39-162, the Agency has determined that the longeron cracks are the result of improper welding, and exist in low time as well as high time airplanes. Therefore, the AD is being superseded by a new AD that incorporates the requirements of the original AD with a 25 hour compliance time for all Piper Model PA-25-235 airplanes, and provides that the upper longerons, P/N 61001-5, may be inspected by X-ray in lieu of dye penetrant.

Although this amendment contains provisions that are a relaxation of the existing requirements, other provisions have been added that require compliance without further delay. Therefore, good cause exists for making this amendment effective without compliance with the notice, procedure, and effective date provisions of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER. Applies to Model PA-25-235 Airplanes, Serial Numbers 25-02, 25-2000 through 25-3731.

Compliance required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished.

(a) Inspect the left and right ⅞"x0.35" upper longerons, P/N 61001-5, located in the hopper bay, for cracks by dye penetrant technique and a glass of at least 10-power, or by X-ray inspection in accordance with Piper Service Letter No. 463A, dated February 14, 1966, or later FAA-approved revision, or by an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

NOTE: If the inspection specified in paragraph (a) is accomplished by the dye penetrant technique, which requires removal of the hopper tank, particular attention should be given to the area of the forward hopper attachment fittings.

(b) If cracks are found during the inspection required by paragraph (a), inspect the right and left ¾"x0.35" upper longerons, P/N's 64001-13 and -14, located in the fuel bay, for cracks by dye penetrant technique and a glass of at least 10-power.

(c) Repair longerons with cracks aft of the wing lift strut fitting in accordance with Piper Service Letter No. 463, dated November 12, 1965, or later FAA-approved revision, or an FAA-approved equivalent. Repair longerons with cracks forward of the wing lift strut fitting in an FAA-approved manner.

This supersedes Amendment 39-162 (30 F.R. 14780), AD 65-27-3.

This amendment becomes effective March 4, 1966.

[Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421 and 1423)

Issued in Washington, D.C., on February 28, 1966.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 66-2239; Filed, Mar. 3, 1966; 8:45 a.m.]

[Docket No. 7103; Amdt. 39-203]

PART 39—AIRWORTHINESS DIRECTIVES

Thomas A. Edison and Garwin, Inc. Engine Gage Units

A proposal to amend Part 39 of the Federal Aviation Regulations to supersede Amendment 586 (28 F.R. 7394), AD 63-15-3, with a new directive covering both Thomas A. Edison and Garwin, Inc., engine gage units was published in 31 F.R. 352.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

EDISON AND GARWIN. Applies to Thomas A. Edison Models 195 and 273 aircraft engine gage units (Models manufactured for Military use are identified as AN 5773-1A or -T1A, AN 5773-2 or -72, MS 28043-1 or -T1, and MS 28043-2 or -T2), and Garwin, Inc. engine gage units, P/N's 22-802-03 through -014 and 22-802-022, with date stamp before April 1, 1961.

Compliance required within the next 300 hours' time in service after the effective date of this AD.

Numerous instances of failure of the fuel pressure diaphragm assembly used in the gages affected have been reported. When the gage is under pressure, the diaphragm ruptures resulting in failure of the fuel pressure indicator portion of the gage, causing a serious fire hazard as well as malfunctioning of the fuel pressure indicating portion of the instrument. To prevent recurrence of this condition, accomplish the following:

(a) Overhaul gage units manufactured prior to June 30, 1962, by replacing the diaphragm and capillary tube assembly, P/N 45010- with a new assembly, P/N 45010- in accordance with T. A. Edison Service Bulletin No. 05-75AB-1-SB-1 or FAA-approved equivalent. The new assemblies are identified by the manufacturer with a ¼-inch wide white band painted on the capillary tube adjacent to the solder joint of the tube to the diaphragm assembly. Identify gage units overhauled in accordance with this AD by placing a white paint dot approximately ¼ inch in diameter, directly below the nameplate and between the "fuel" and "vent" bosses on the outside of the instrument nameplate.

(b) All gage units shall be vented overboard by means of a fuel drain line leading from the fuel pressure gage vent connection and routed such that it will not terminate at a point where the discharge of fuel from the outlet would constitute a fire hazard or from which fumes could enter personnel compartments.

This supersedes Amendment 586 (28 F.R. 7394) AD 63-15-3.

This amendment becomes effective April 3, 1966.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on February 28, 1966.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66-2240; Filed, Mar. 3, 1966; 8:45 a.m.]

[Airspace Docket No. 65-SW-28]

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

Control Zone and Transition Area; Amendment of Designation and Alteration

On January 8, 1966, F.R. Doc. 66-229 was published in the FEDERAL REGISTER (31 F.R. 250) which designated a control zone and altered the transition area in the Gallup, N. Mex., terminal area. This document included reference to the McKinley County Airport (latitude 35°-30'35" N., longitude 108°47'00" W.) at Gallup, N. Mex.

Subsequent to the publication of this rule in the FEDERAL REGISTER, notification was received that the name of the airport had been changed from the McKinley County Airport to Senator Clarke Field and accordingly, the rule is amended herein. Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, paragraphs numbered 1 and 2 of F.R. Doc. No. 66-229 are amended to read as follows:

1. In § 71.171 (29 F.R. 17581) the following control zone is added:

GALLUP, N. MEX.

That airspace within a 5-mile radius of the Senator Clarke Field (latitude 35°30'35" N., longitude 108°47'00" W.), within 2 miles each side of the Gallup VOR 232° and 061° radials, extending from the 5-mile radius zone to 6.5 miles SW of the VOR. This control zone is effective during the dates and times published in the Airman's Information Manual.

2. In Section 71.181 (29 F.R. 17665) the Gallup, N. Mex., transition area is amended to read as follows:

GALLUP, N. MEX.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Senator Clarke Field (latitude 35°30'35" N., longitude 108°47'00" W.); within 2 miles each side of the Gallup VOR 232° radial,

extending from the 8-mile radius area to 8 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 35°47'30" N., longitude 108°34'00" W.; to latitude 35°25'00" N., longitude 108°38'30" W.; to latitude 35°15'00" N., longitude 109°00'00" W.; to latitude 35°25'00" N., longitude 109°07'00" W.; to latitude 35°52'00" N., longitude 108°47'00" W.; to point of beginning.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on February 24, 1966.

HENRY L. NEWMAN,
SW-1.

[F.R. Doc. 66-2241; Filed, Mar. 3, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-1036]

PART 13—PROHIBITED TRADE PRACTICES

Benson & Rixon Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections.* 13.15-235 Producer status of dealer or seller: 13.15-235(m) Manufacturer; § 13.155 *Prices.* 13.155-45 Fictitious marking. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* 13.1055-50 Preticketing merchandise misleadingly. Subpart—Misrepresenting oneself and goods—Business Status, Advantages or Connections: § 13.1400 *Dealer as manufacturer; Misrepresenting oneself and goods—Prices.* § 13.1810 *Fictitious marking.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Benson & Rixon Co. et al., Chicago, Ill., Docket C-1036, Jan. 20, 1966]

In the Matter of Benson & Rixon Co., a Corporation, and Loyal Flag Co., a Corporation, and Edward Freeman, and Donald B. Weren, Individually and as Officers of Said Corporation

Consent order requiring Chicago, Ill., distributors of flags and banners to cease misrepresenting themselves as manufacturers through use of the word "Manufacturers" on letterheads and in advertising and promotional material, and preticketing their flag kits with a deceptive retail selling price.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Benson & Rixon Co., a corporation, and its officers, and Loyal Flag Co., a corporation, and its officers, and Edward Freeman and Donald B. Weren, individually and as officers of said Loyal Flag Co., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of flag kits or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that they are manufacturers or that they own, operate or control a factory or other manufacturing facility or facilities or that they manufacture the merchandise offered for sale or sold by them.

2. Representing, by preticketing or in any other manner, that any amount is the retail price of any article of merchandise, unless said amount is respondents' good faith estimate of the said article's actual retail price and said amount does not appreciably exceed the highest price at which substantial sales of said article are made in respondents' trade area.

3. Placing in the hands of jobbers, retailers, dealers and others, the means and instrumentalities by and through which they may mislead or deceive the purchasing public concerning the retail selling price of any article of merchandise in respondents' trade area.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 20, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-2246; Filed, Mar. 3, 1966; 8:45 a.m.]

[Docket C-1037]

PART 13—PROHIBITED TRADE PRACTICES

Continental School of Denver, Inc., and Paul A. Schaefer

Subpart—Advertising falsely or misleadingly: § 13.60 *Earnings and profits.* § 13.115 *Jobs and employment service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1615 *Earnings and profits.* § 13.1670 *Jobs and employment.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Continental School of Denver, Inc., et al., Denver, Colo., Docket C-1037, Jan. 20, 1966]

Consent order requiring a Denver, Colo., correspondence school in insurance claims adjusting, to cease making false training and employment offers and exaggerated earning claims and other misrepresentations in its newspaper and magazine advertising.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Continental School of Denver, Inc., a corporation, and its officers, and Paul A. Schaefer, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of courses of study or instruction in insurance claims adjusting or any other subject, trade or occupation, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

(1) Persons who complete respondents' course in insurance claims adjusting will be fully trained and qualified insurance claims adjusters; or misrepresenting, in any manner, the training afforded by any of respondents' courses of instruction.

(2) Respondents have an exclusive arrangement with any employment agencies; or that such agencies will provide special services or preferential treatment to respondents' graduates; or misrepresenting, in any manner, the assistance furnished to graduates of any of respondents' courses in securing employment.

(3) Respondents know how many openings for insurance claims adjusters will occur at any time or in any place; or representing, in any manner, that respondents are able to determine the demand for insurance claims adjusters.

(4) Persons completing respondents' course are assured of placement as an insurance claims adjuster; or misrepresenting, in any manner, the assurances of or opportunities for employment available to graduates of respondents' courses.

(5) Persons completing respondents' course in insurance claims adjusting will earn $450 per month and up as insurance claims adjusters by virtue of such training; or misrepresenting, in any manner, the earnings of persons completing respondents' courses.

(6) Employment agencies have agreed with respondents to furnish special services in referring respondents' graduates to employers seeking insurance claims adjusters.

(7) Any claim adjusting company or insurance company makes it a practice to interview graduates of respondents' claim adjusters course before interviewing other prospective employees.

(8) Claim adjusting companies and insurance companies are saving up to $5,000 or any other amount in training costs for each new claims adjuster by hiring graduates of respondents' course.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 20, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-2247; Filed, Mar. 3, 1966; 8:45 a.m.]

[Docket C-1038]

PART 13—PROHIBITED TRADE PRACTICES

Ralph DeSalvo Trading as Eastern Golf Co.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—GOODS: § 1695 *Old, secondhand, reclaimed or reconstructed as new.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45.) [Cease and desist order, Ralph DeSalvo trading as Eastern Golf Co., Bronx, N.Y., Docket C-1038, aJn. 25, 1966]

Consent order requiring a Bronx, N.Y., individual trading as Eastern Golf Co. to disclose affirmatively by proper labeling of packages and wrappers that the previously used golf balls he sells have been rewashed and repainted.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Ralph DeSalvo trading as Eastern Golf Co., or under any other trade name and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of used, rewashed or repainted golf balls in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Failing clearly to disclose on the boxes in which respondent's rewashed or repainted golf balls are packaged, on the wrapper and on said golf balls themselves, that they are previously used balls which have been rewashed or repainted: *Provided, however,* That disclosure need not be made on the golf balls themselves if respondent establishes that the disclosure on the boxes and/or wrappers is such that retail customers, at the point of sale, are informed that the golf balls are previously used and have been rewashed or repainted.

2. Placing any means or instrumentality in the hands of others whereby they may mislead the public as to the prior use and rewashed or repainted nature of their golf balls.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: January 25, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-2248; Filed, Mar. 3, 1966; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-7826]

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

Insider Trading; Exemption of Certain Transactions

On November 18, 1965, in Securities Exchange Act Release No. 7750 (see 30 F.R. 14742, November 27, 1965), the Securities and Exchange Commission published proposed amendments to Rule 16b-8 (17 CFR 240.16b-8) and Rule 16b-9 (17 CFR 240.16b-9) and invited all interested persons to comment thereon. After consideration of the comments received and further consideration of the matter, the Commission has determined to adopt the amendments as hereinafter set forth.

Section 16(b) of the Act was enacted for the purpose of discouraging the unfair use of information in short-term trading by beneficial owners of more than 10 percent of a class of equity security registered pursuant to section 12 of the Act and officers and directors of the issuer of such a security. Section 16(b) provides that profits realized by such persons from the purchase and sale, or sale and purchase, of any equity security, whether or not registered, of the issuer, within a period of less than 6 months, inure to and are recoverable by or on behalf of the company.

Rule 16b-8. The amended Rule 16b-8 provides that the acquisition and disposition of equity securities pursuant to the deposit or withdrawal of such securities under a voting trust or deposit agreement are exempt from the operation of section 16(b) of the Act, subject to certain conditions. The amended rule requires as a condition to the exemption that substantially all of the assets held under the voting trust or deposit agreement immediately after the deposit or immediately prior to the withdrawal consisted of equity securities of the class deposited or withdrawn.

The proposed amendments to the rule as published for public comment stated that the amended rule should not be construed to exempt from the operation of section 16(b) any purchase or sale of one class of equity security involved in a transaction exempted by the rule and any sale or purchase of the other class involved (otherwise than in a transaction exempted by this rule or any other rule adopted by the Commission under section 16(b)) within a period of less than 6 months. The Commission has determined that this provision is unnecessary and, instead, the amended rule provides that the exemption shall not be available to the extent that there has been a purchase or sale of securities of the class deposited and a sale or purchase of certificates representing such securities within a period of less than 6 months. Under this provision, the exemption would not be rendered unavailable in its entirety by a purchase or sale and sale or purchase of an amount of securities less than the amount deposited or withdrawn from deposit, but only to the extent of the securities involved in the purchase and sale or sale and purchase transaction.

The rule as published for public comment would also have provided for retroactive effectiveness of the amended rule. This provision has also been omitted from the amended rule as adopted.

Rule 16b-9. The amended Rule 16b-9 provides an exemption from section 16(b) for the conversion of an equity security which by its terms or pursuant to the terms of the corporate charter or other governing instruments is convertible into another equity security of the same issuer, provided that no more than 15 percent of the value of the security received at the time of the conversion is received or paid in cash or other property (other than the convertible security given in exchange) in connection with the conversion. The amended rule does not apply to the exercise of an option to purchase a security. However, provision is made whereby a cash or other payment may be required not to exceed 15 percent of the value of the equity security issued upon conversion.

The proposed amendments to the rule as published for public comment stated that the amended rule should not be construed to exempt from section 16(b) any purchase or sale of any convertible equity security and any sale or purchase of any equity security as to which the conversion privilege relates (otherwise than in a transaction exempted by this rule or any other rule under section 16(b)) within a period of less than 6 months. The Commission has determined that this statement is unnecessary and, instead, the amended rule as adopted provides that the rule shall not apply to the extent that there has been any purchase (including any acquisition of or change in a conversion privilege) or sale of convertible securities and any sale or purchase of securities of the class issuable upon the conversion (unless otherwise exempt under section 16(b)) within a period of less than 6 months. Under this provision, the exemption would not be rendered unavailable in its entirety by a purchase or sale and sale or purchase of an amount of securities less than the amount converted, but only to the extent of the securities involved in the purchase and sale or sale and purchase transaction.

The rule as published for public comment would also have provided for retroactive effectiveness of the amended rule. This provision has also been omitted from the amended rule as adopted.

The exemption granted by the amended rule applies to conversions which occur by virtue of the provisions in the security or a governing instrument as well as to the conversion at the elec-

tion of the holder of a convertible security or of some other person, such as the issuer.

Commission action. Sections 240.16b–8 and 240.16b–9 of Title 17 of the Code of Federal Regulations are amended to read as follows:

§ 240.16b–8 Exemption from section 16(b) of transactions involving the deposit or withdrawal of equity securities under a voting trust or deposit agreement.

Any acquisition or disposition of an equity security involved in the deposit of such security under, or the withdrawal of such security from, a voting trust or deposit agreement, and the acquisition or disposition in connection therewith of the certificate representing such security, shall be exempt from the operation of section 16(b) of the Act if substantially all of the assets held under the voting trust or deposit agreement immediately after the deposit or immediately prior to the withdrawal, as the case may be, consisted of equity securities of the same class as the security deposited or withdrawn: *Provided, however,* That this section shall not apply to the extent that there shall have been either (a) a purchase of an equity security of the class deposited and a sale of any certificate representing an equity security of such class, or (b) a sale of an equity security of the class deposited and a purchase of any certificate representing an equity security of such class (otherwise than in a transaction involved in such deposit or withdrawal or in a transaction exempted by any other rule under section 16(b)), within a period of less than 6 months which includes the date of the deposit or withdrawal.

§ 240.16b–9 Exemption from section 16(b) of transactions involving the conversion of equity securities.

(a) Any acquisition or disposition of an equity security involved in the conversion of an equity security which, by its terms or pursuant to the terms of the corporate charter or other governing instruments, is convertible immediately or after a stated period of time into another equity security of the same issuer, shall be exempt from the operation of section 16(b) of the Act: *Provided, however,* That this section shall not apply to the extent that there shall have been either (1) a purchase of any equity security of the class convertible (including any acquisition of or change in a conversion privilege) and a sale of any equity security of the class issuable upon conversion, or (2) a sale of any equity security of the class convertible and any purchase of any equity security issuable upon conversion (otherwise than in a transaction involved in such conversion or in a transaction exempted by any other rule under section 16(b)) within a period of less than 6 months which includes the date of conversion.

(b) For the purpose of this section, an equity security shall not be deemed to be acquired or disposed of upon conversion of an equity security if the terms of the equity security converted require the payment or entail the receipt, in connection with such conversion, of cash or other property (other than equity securities involved in the conversion) equal in value at the time of conversion to more than 15 percent of the value of the equity security issued upon conversion.

(c) For the purpose of this section, an equity security shall be deemed convertible if it is convertible at the option of the holder or of some other person or by operation of the terms of the security or the governing instruments.

(Secs. 16, 23; 48 Stat. 896, 901, as amended; 15 U.S.C. 78p, 78w)

The Commission finds that the transactions exempted by the foregoing rules are not comprehended within the purpose of section 16(b) of the Act and has taken the foregoing action pursuant to the Securities Exchange Act of 1934, particularly sections 16(b) and 23(a) thereof. Inasmuch as the amended rules grant or recognize exemptions or relieve restrictions, the Commission finds that they may be made effective immediately. Accordingly, the amended rules shall be effective February 17, 1966.

By the Commission, February 17, 1966.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66–2266; Filed, Mar. 3, 1966; 8:47 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–288; Order No. 318]

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES AND LICENSEES

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

Prescribing Electric and Gas Plant Instructions

FEBRUARY 28, 1966.

In the matter of Work Order and Property Record System in Uniform System of Accounts Prescribed for Class C Public Utilities, Licensees, and Natural Gas Companies, Docket No. R–288; Order No. 318.

The Commission, in this order, is amending the Uniform System of Accounts applicable to Class C public utilities, licensees, and natural gas companies, to require that all construction and retirement of electric and gas plants, respectively, be recorded by work orders or job orders and other detail and be maintained in relation to plant additions or retirements.

On October 26, 1965, we issued a notice of proposed rule making in this proceeding, published it in the FEDERAL REGISTER on November 2, 1965 (30 F.R. 13877), and, thereby, invited the submission of comments concerning the proposal. No responses have been received.

An instruction similar to the one here prescribed has always been included in the system of accounts applicable to Classes A and B companies, but at the time the system was being drafted in cooperation with the National Association of Railroad and Utilities Commissioners it was felt that the requirement might be too much of a burden on the small Class C companies. Latterly, however, several of the state commissions have experienced difficulties because of the lack of a work order accounting system for the Class C companies and, as a result, the Committee on Accounts of the NARUC included the following recommendation in the minutes of a meeting held on April 20 and 21, 1965:

> The present System of Accounts for Class C Electric, Gas, and Water Utilities does not specifically require a work order system in accounting for plant. The consensus of opinion was that this class of utilities is large enough that a work order system should be maintained, and that it was the only feasible way in which accurate records could be maintained of construction costs. Accordingly, it was recommended that paragraphs (a) and (b) of Utility Plant Instruction 11, of the Classes A and B System of Accounts be adopted also for Class C Utilities.

The Commission therefore finds: In view of the foregoing, it is necessary and appropriate for the administration of the Federal Power Act and Natural Gas Act that the amendments to the Uniform System of Accounts, as proposed in the notice of proposed rule making heretofore issued in this proceeding, now be prescribed.

The Commission, acting pursuant to the authority of the Federal Power Act, as amended, particularly sections 301 and 309 thereof (49 Stat. 854, 858; 16 U.S.C. 825, 825h) and the Natural Gas Act, as amended, particularly sections 8 and 16 thereof (52 Stat. 825, 830; 15 U.S.C. 717g, 717o), orders:

(A) The Uniform System of Accounts, prescribed for Class C public utilities, licensees, and natural gas companies by Part 104, Subchapter C, and Part 204, Subchapter F, respectively, of Chapter I, Title 18 of the Code of Federal Regulations, are amended by adding to the Plant Instructions contained in each, the following new paragraph 13:

In Part 104—Uniform System of Accounts for Class C Public Utilities and Licensees:

Electric Plant Instructions

* * * * *

13. *Work Order and Property Record System Required.*

A. Each utility shall record all construction and retirements of electric plant by means of work orders or job orders. Separate work orders may be opened for additions to and retirements of electric plant or the retirements may be included with the construction work order, provided, however, that all items relating to the retirements shall be kept separate from those relating to construc-

tion and provided, further, that any maintenance costs involved in the work shall likewise be segregated.

B. Each utility shall keep its work order system so as to show the nature of each addition to or retirement of electric plant, the total cost thereof, the source or sources of costs, and the electric plant account or accounts to which charged or credited. Work orders covering jobs of short duration may be cleared monthly.

* * * * *

In Part 204—Uniform System of Accounts for Class C Natural Gas Companies.

Gas Plant Instructions

* * * * *

13. *Work Order and Property Record System Required.*

A. Each utility shall record all construction and retirements of gas plant by means of work orders or job orders. Separate work orders may be opened for additions to and retirements of gas plant or the retirements may be included with the construction work order, provided, however, that all items relating to the retirements shall be kept separate from those relating to construction and provided, further, that any maintenance costs involved in the work shall likewise be segregated.

B. Each utility shall keep its work order system so as to show the nature of each addition to or retirement of gas plant, the total cost thereof, the source or sources of costs, and the gas plant account or accounts to which charged or credited. Work orders covering jobs of short duration may be cleared monthly.

(Secs. 301, 309, 49 Stat. 854, 858, 16 U.S.C. 825, 825h; secs. 8, 16, 52 Stat. 825, 830, 15 U.S.C. 717g, 717o)

(B) The amendments here prescribed shall be effective March 30, 1966.

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-2274; Filed, Mar. 3, 1966; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950_____)

Subpart D—Entitlement to Hospital Insurance Benefits

ADDITIONS TO SUBPART

Subpart D of Part 404, Chapter III of Title 20 of the Code of Federal Regulations is amended by adding §§ 404.366–404.373 to reflect the provisions of section 226 of the Act and section 103 of P.L. 89–97 (Social Security Amendments of 1965) relating to entitlement to hospital insurance benefits.

Sections 404.366–404.373 as added to Subpart D read as follows:

§ 404.366 Hospital insurance benefits; entitlement in general.

Subject to certain conditions and limitations on scope of benefits (see section 1812 of the Act), entitlement of an individual to hospital insurance benefits means entitlement to have payment made on his behalf for inpatient hospital services (see section 1861(b) of the Act), posthospital extended care services (see section 1861(i) of the Act), posthospital home health services (see section 1861(n) of the Act), and outpatient hospital diagnostic services (see section 1861(p) of the Act) if such services are furnished him in the United States, or outside the United States only in the case of certain emergency inpatient hospital services (see section 1814(f) of the Act).

§ 404.367 Hospital insurance benefits; conditions of entitlement.

An individual is entitled to hospital insurance benefits as described in part A of title XVIII of the Social Security Act, as amended, if such individual has attained age 65 and;

(a) Is entitled to monthly insurance benefits under section 202 of the Act as described in this Subpart D, or

(b) Is a qualified railroad retirement beneficiary (see § 404.368), or

(c) Is deemed entitled to monthly insurance benefits under section 202 of the Act as provided in section 103 of the Social Security Amendments of 1965 (see § 404.370).

§ 404.368 Hospital insurance benefits; qualified railroad retirement beneficiary.

For purposes of § 404.367(b), the term "qualified railroad retirement beneficiary" means an individual whose name has been certified to the Administration by the Railroad Retirement Board under section 21 of the Railroad Retirement Act of 1937. An individual shall cease to be a qualified railroad retirement beneficiary at the close of the month preceding the month which is certified by the Railroad Retirement Board as the month in which he ceased to meet the requirements of section 21 of the Railroad Retirement Act of 1937.

§ 404.369 Hospital insurance benefits; duration of entitlement.

An individual is entitled to hospital insurance benefits beginning with the first month after June 1966, for which he meets the conditions described in § 404.367, and for each month thereafter for which he continues to be entitled, or deemed entitled, to monthly insurance benefits as described in this Subpart D, or continues to be a qualified railroad retirement beneficiary, except (a) that no payment may be made for posthospital extended care services (see section 1861(i) of the Act) furnished before January 1967, and (b) that no payment may be made for posthospital extended care services or posthospital home health services (see section 1861(n) of the Act), unless the discharge from the hospital required to qualify such services for payment (see section 1861(n) of the Act) occurred after June 1966, or on or after the first day of the month in which he attains age 65, whichever is later. For purposes of this section an individual will be deemed entitled to a monthly insurance benefit under section 202 of the Act, or to be a qualified railroad retirement beneficiary, for the month in which he dies if he would have been entitled to a monthly benefit under section 202 of the Act, or would have been a qualified railroad retirement beneficiary, for such month had he died in the next month.

§ 404.370 Transitional provisions for deemed entitlement of uninsured individuals to monthly benefits under section 202 of the Act.

(a) *Requirements.* Unless excluded under the provisions described in §§ 404.372 and 404.373, an individual who has attained age 65 will be deemed entitled to monthly insurance benefits under section 202 of the Act, solely for purposes of entitlement to hospital insurance benefits, if such individual:

(1) (i) Attained age 65 before 1968, or

(ii) Attained age 65 after 1967 and has not less than 3 quarters of coverage (as defined in Subpart B of Part 404 of this chapter or in section 5(1) of the Railroad Retirement Act of 1937), whenever acquired, for each calendar year after 1965 and before the year he attained age 65;

(2) Is not entitled to hospital insurance benefits as provided in § 404.367(a) and would not be entitled to such benefits upon filing an application for monthly benefits under section 202 of the Act;

(3) Is not certifiable as a qualified railroad retirement beneficiary (see § 404.368);

(4) Is a resident of the United States (for definition of United States see § 404.2(c)(6)), and

(i) Is a citizen of the United States, or

(ii) Is an alien lawfully admitted for permanent residence who has resided in the United States continuously during the 5 years immediately preceding the month in which he filed his application required under subparagraph (5) of this paragraph; and

(5) Has filed an application for entitlement to hospital insurance benefits under this section. (See § 404.371.)

(b) *Duration of "deemed entitlement."* For purposes of § 404.367 an individual shall be deemed entitled to monthly insurance benefits under section 202 of the Act, solely for purposes of entitlement to hospital insurance benefits for each month beginning with the first month after June 1966 in which such individual meets the requirements of paragraph (a) of this section and ending with the month in which he dies or, if earlier, the month before the month in which he becomes (or upon application for

benefits under section 202 of the Act would become) entitled to monthly benefits under section 202 of the Act or becomes certifiable as a qualified railroad retirement beneficiary (see § 404.368).

§ 404.371 Application for hospital insurance entitlement by uninsured individual.

An application for hospital insurance entitlement filed by an individual not insured for monthly benefits under section 202 of the Act and which is filed more than 3 months before the first month in which he meets the requirements of subparagraphs (1), (2), (3), and (4) of paragraph (a) of § 404.370 is not considered to be an application for purposes of § 404.370(a)(5). An individual who would have met the requirements of subparagraphs (1), (2), (3), and (4) of paragraph (a) of § 404.370 in any month had he filed an application before the end of such month will be deemed to have met such requirements in such month if he files such application within 12 months following such month.

§ 404.372 Exclusions from "deemed entitlement"; Federal employees.

(a) *Coverage or eligibility under Federal Employee Health Benefits Act.* Except as provided in paragraph (b) of this section an individual cannot qualify for deemed entitlement to monthly benefits under section 202 of the Act, for purposes of § 404.370, if he either:

(1) Was covered by an enrollment in a health benefits plan under the Federal Employees Health Benefits Act of 1959 as of February 16, 1965, or as of the first day of the first month in which he meets the requirements set forth in § 404.370(a); or

(2) Could have been covered by a health benefits plan under the Federal Employees Health Benefits Act of 1959 for the first month in which he meets the requirements in § 404.370(a) if he or some other person had availed himself of opportunities to enroll in a health benefits plan under such Act and to continue such enrollment; however, the provisions in this paragraph apply only if he or such other person was a Federal employee at any time after February 15, 1965.

(b) *Nonapplicability of exclusion.* The exclusion described in paragraph (a) of this section does not apply in the case of any individual for the month (or any month thereafter) in which:

(1) His coverage under such health benefits plan ceases (or would have ceased if he had had such coverage);

(2) Such cessation of coverage was by reason of his or some other person's separation from Federal service; and

(3) He, or such other person, was not (or would not have been) eligible to continue such coverage after such separation.

§ 404.373 Exclusion from deemed entitlement; membership in Communist organizations, convictions for subversion, treason.

An individual cannot qualify for deemed entitlement to monthly insurance benefits under section 202 of the Act, for purposes of § 404.370, if:

(a) At the beginning of the first month in which he meets the requirements of § 404.370(a), he is a member of an organization which is registered, or there is in effect a final order of the Subversive Activities Control Board requiring such organization to register, under the Internal Security Act of 1950, as amended, as a Communist-action organization, a Communist-front organization, or a Communist-infiltrated organization; or

(b) Before the beginning of the first month in which he meets the requirements of § 404.370(a), he has been convicted of any offense under chapter 37 (relating to espionage and censorship), or chapter 115 (relating to treason, sedition, and subversive activities), or chapter 105 (relating to sabotage) of title 18 of the United States Code, or sections 4 (relating to conspiracy to establish dictatorship), 112 (relating to espionage or sabotage), or 113 (relating to individuals assisting others wanted in connection with espionage or sabotage) of the Internal Security Act of 1950, as amended.

(Secs. 205, 226, 1102, 53 Stat. 1368, as amended, 53 Stat. 1362, as amended, 53 Stat. 647; sec. 103 of Pub. Law 89-97, 79 Stat. 333; sec. 5 of the Reorg. Plan No. 1 of 1953; 67 Stat. 18,631; 42 U.S.C. 405, 426, 1302)

Effective date. The foregoing effective upon date of publication in the FEDERAL REGISTER.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

FEBRUARY 9, 1966.

Approved: February 24, 1966.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

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[Reg. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950_____)

Subpart F—Adjustment of Underpayments

MISCELLANEOUS AMENDMENTS

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are amended as follows:

1. Section 404.501 is amended to read as follows:

§ 404.501 General applicability of section 204(a).

Section 204(a) of the Act provides for adjustments, as set forth in §§ 404.502 and 404.503, in cases where an error has been made which results in an overpayment or underpayment to an individual under title II of the Act, including overpayments and underpayments prior to January 1940. As used in this part, the term "overpayment" includes a payment where nothing was payable under title II of the Act and a payment resulting from the failure to impose timely deductions under section 203(b) (as may be modified by section 203(h)), or (c) of the Act (hereinafter referred to as a "deduction-overpayment"). The term "underpayment" as used in this subpart refers only to monthly insurance benefits and means nonpayment where some amount of such benefits was payable. An underpayment may be in the form of an accrued, unpaid benefit amount for which no check has been drawn or in the form of an unnegotiated check payable to a deceased individual. The provisions for adjustment also apply in cases where through error:

(a) A reduction required under section 203(a), 202(j)(1), 202(k)(3), or 205(n) of the Act is not made, or

(b) An increase required under section 202(d)(2), 202(m), or 215(g) of the Act is not made, or

(c) A deduction required under section 203(b) (as may be modified by section 203(h)), 203(c), or 203(i) of the Act or section 907 of the Social Security Act Amendments of 1939 is not made, or

(d) A suspension required under section 202(n) of the Act is not made, or

(e) Such a reduction, increase, deduction, or suspension is made which is either larger or smaller than required.

2. Section 404.503 is amended to read as follows:

§ 404.503 Underpayments.

Underpayments will be adjusted as follows:

(a) *Individual underpaid is living.* If an individual to whom an underpayment was made is living, the amount of such underpayment will be paid to such individual either in a single payment (if he is not entitled to a monthly benefit or a lump-sum death payment) or by increasing one or more monthly benefits or a lump-sum death payment to which such individual is or becomes entitled.

(b) *Individual dies before adjustment of underpayment resulting from error.* Except as provided in paragraph (d) of this section, if an individual to whom an underpayment was made dies before adjustment is completed under paragraph (a) of the section and such underpayment resulted from mistake, adjustment will be made by increasing subsequent benefits payable with respect to the wages and self-employment income which were the basis of benefits of such deceased individual. Nonpayment, without mistake, is not error.

(c) *Increasing benefits payable to person entitled to lump-sum death payment.* No amount will be paid under the provisions of paragraph (b) of this section to a person to whom a lump sum is payable as one equitably entitled within the meaning of § 404.360 (and to whom no other benefits under paragraph (b) of this section are payable) in excess of the amount of burial expenses of the deceased individual paid by such person and no such payment shall be made to a person only entitled to a lump sum payable under § 404.358.

(d) *Underpayment does not exceed amount of monthly benefit.* Notwithstanding the provisions of paragraph (b) of this section, if an individual dies before any payment due him under title II of the Act is complete, and the total amount due at the time of his death does not exceed the amount of the monthly

insurance benefit to which he was entitled for the month preceding the month in which he died, payment of the amount due shall be made to the person, if any, determined to be the surviving spouse of the deceased individual and to have been living in the same household with the deceased at the time of his death.

(e) *Payment to estates.* If an underpayment or any part thereof cannot be adjusted under the provisions of paragraph (b) or (c) of this section, or if there is no person to whom an underpayment under paragraph (d) of this section can be paid, the amount of such underpayment or such part thereof shall be paid only to the legal representative of the estate of the underpaid individual.

(Secs. 204, 205, 1102, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; sec. 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 404, 405, 1302)

3. *Effective date.* The foregoing amendments shall become effective on the date of publication in the FEDERAL REGISTER.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

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[Reg. No. 4, Further Amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950_____)

Subpart J—Procedures, Payment of Benefits, and Representation of Parties

NEGOTIATION BY SURVIVORS OF CHECK ISSUED TO TWO OR MORE BENEFICIARIES

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended as follows:

1. Section 404.904 is amended to read as follows:

§ 404.904 Joint payments to a family.

(a) *Two or more beneficiaries in same family.* Where an amount is payable under title II of the Act for any month to two or more individuals who are members of the same family, the Administration may, in its discretion, certify any two or more of such individuals for joint payment of the total benefits payable to them for such month.

(b) *Joint payee dies before negotiation of check.* Where a check has been issued for joint payment of the total benefits payable to two or more beneficiaries and one of such beneficiaries dies before the check has been negotiated the Administration may, if the check represents payment for the month of death or for the month preceding the month of death, authorize the surviving payee beneficiary or beneficiaries to negotiate the check. Such beneficiary or beneficiaries will be authorized to negotiate only one such check except where the Administration finds that this restriction will result in undue hardship. Such authorization shall be made by the placement on the face of the check of a stamped legend signed by an official of the Administration redesignating the survivor or survivors as the payee of the check. (See 31 CFR 360.4.) Where the unnegotiated check represents benefits for a month after the month of death or for a month before the month preceding the month of death, negotiation of such check by the surviving payee or payees will not be authorized.

(c) *Adjustment or recovery of overpayment.* Where a check representing payment of the total benefits payable for a month to two or more beneficiaries is negotiated by the surviving payee or payees pursuant to authorization under paragraph (b) of this section and where the amount of the check exceeds the amount to which the surviving payee or payees are entitled for such month, appropriate adjustment or recovery, with respect to such excess amount, shall be made in accordance with section 204(a) of the Act.

(Secs. 205 (a), (n), 1102, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; sec. 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405(a), (n), 1302)

2. *Effective date.* The foregoing amendment shall become effective on the date of publication in the FEDERAL REGISTER.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

FEBRUARY 9, 1966.

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[Reg. No. 4, Further Amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950_____)

Subpart Q—Use of Benefits for Support of Legally Dependent Spouse, Child, or Parent

SUPPORT OF LEGALLY DEPENDENT SPOUSE, CHILD, OR PARENT

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.) are further amended as follows:

1. Section 404.1607 is amended to read as follows:

§ 404.1607 Support of legally dependent spouse, child, or parent.

If current maintenance needs of a beneficiary are being reasonably met, a relative or other person to whom payments are certified as representative payee on behalf of the beneficiary may use part of the payments so certified for the support of the legally dependent spouse, a legally dependent child, or a legally dependent parent of the beneficiary.

(Secs. 205, 1102, 53 Stat. 1368, as amended, 49 Stat. 647, as amended, 42 U.S.C. 405, 1302)

2. *Effective date.* The foregoing amendment shall become effective on the date of publication in the FEDERAL REGISTER.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

FEBRUARY 9, 1966.

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Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

MINERAL OIL

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4B1311) filed by Humble Oil and Refining Co., Post Office Box 2180, Houston, Tex., 77001, and other relevant material, has concluded that the food additive regulations should be amended to provide for additional safe uses of mineral oil in the production of articles that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended in the following respects:

1. Section 121.2531(a) is amended by adding a new subparagraph (3), as follows:

§ 121.2531 Surface lubricants used in the manufacture of metallic articles.

* * * * *

(a) * * *

(3) Mineral oil conforming to the identity prescribed in § 121.2589(c).

* * * * *

2. Section 121.2589 is amended by adding a new paragraph (c), as follows:

§ 121.2589 Mineral oil.

* * * * *

(c) Mineral oil identified in subparagraph (1) of this paragraph may be used as provided in subparagraph (2) of this paragraph.

(1) The mineral oil consists of virgin petroleum distillates refined to meet the following specifications:

(i) Initial boiling point of 450° F. minimum.

(ii) Color 5.5 maximum as determined by ASTM Method D–1500.

(iii) Ultraviolet absorbance limits as follows as determined by the analytical method described in subparagraph (3) of this paragraph:

Wavelength (mu):	*Maximum absorbance per centimeter optical pathlength*
280–289	0.7
290–299	0.6
300–359	0.4
360–400	0.09

(2) The mineral oil may be used wherever mineral oil is permitted for use as a component of nonfood articles complying with §§ 121.2519, 121.2520, 121.-2531 (for use only in rolling of metallic foil and sheet stock), 121.2535, 121.2536, 121.2557, and 121.256.

(3) The analytical method for determining ultraviolet absorbance limit is as follows:

GENERAL INSTRUCTIONS

Because of the sensitivity of the test, the possibility of errors arising from contamination is great. It is of the greatest importance that all glassware be scrupulously cleaned to remove all organic matter such as oil, grease, detergent residues, etc. Examine all glassware, including stoppers and stopcocks, under ultraviolet light to detect any residual fluorescent contamination. As a precautionary measure it is recommended practice to rinse all glassware with purified isooctane immediately before use. No grease is to be used on stopcocks or joints. Great care to avoid contamination of oil samples in handling and to assure absence of any extraneous material arising from inadequate packaging is essential. Because some of the polynuclear hydrocarbons sought in this test are very susceptible to photo-oxidation, the entire procedure is to be carried out under subdued light.

APPARATUS

Separatory funnels. 250-milliliter, 500-milliliter, 1,000-milliliter, and preferably 2,000-milliliter capacity, equipped with tetrafluoroethylene polymer stopcocks.

Reservoir. 500-milliliter capacity, equipped with a 24/40 standard taper male fitting at the bottom and a suitable ball-joint at the top for connecting to the nitrogen supply. The male fitting should be equipped with glass hooks.

Chromatographic tube. 180 millimeters in length, inside diameter to be 15.7 millimeters ±0.1 millimeter, equipped with a coarse, fritted-glass disc, a tetrafluoroethylene polymer stopcock, and a female 24/40 standard tapered fitting at the opposite end. (Overall length of the column with the female joint is 235 millimeters.) The female fitting should be equipped with glass hooks.

Disc. Tetrafluoroethylene polymer 2-inch diameter disc approximately 3/16-inch thick with a hole bored in the center to closely fit the stem of the chromatographic tube.

Suction flask. 250-milliliter or 500-milliliter filter flask.

Condenser. 24/40 joints, fitted with a drying tube, length optional.

Evaporation flask (optional). 250-milliliter or 500-milliliter capacity all-class flask equipped with standard taper stopper having inlet and outlet tubes to permit passage of nitrogen across the surface of contained liquid to be evaporated.

Spectrophotometric cells. Fused quartz cells, optical path length in the range of 5,000 centimeter ±0.005 centimeter; also for checking spectrophotometer performance only, optical path length in the range 1,000 centimeter ±0.005 centimeter. With distilled water in the cells, determine any absorbance differences.

Spectrophotometer. Spectral range 250 millimicrons–400 millimicrons with spectral slit width of 2 millimicrons or less; under instrument operating conditions for these absorbance measurements, the spectrophotometer shall also meet the following performance requirements:

Absorbance repeatability, ±0.01 at 0.4 absorbance.

Absorbance accuracy,[1] ±0.05 at 0.4 absorbance.

Wavelength repeatability, ±0.2 millimicron.

Wavelength accuracy, ±1.0 millimicron.

Nitrogen cylinder. Water-pumped or equivalent purity nitrogen in cylinder equipped with regulator and valve to control flow at 5 p.s.i.g.

REAGENTS AND MATERIALS

Organic solvents. All solvents used throughout the procedure shall meet the specifications and tests described in this specification. The isooctane, benzene, acetone, and methyl alcohol designated in the list following this paragraph shall pass the following test:

To the specified quantity of solvent in a 250-milliliter Erlenmeyer flask, add 1 milliliter of purified *n*-hexadecane and evaporate on the steam bath under a stream of nitrogen (a loose aluminum foil jacket around the flask will speed evaporation). Discontinue evaporation when not over 1 milliliter of residue remains. (To the residue from benzene add a 10-milliliter portion of purified isooctane, reevaporate, and repeat once to insure complete removal of benzene.)

Alternatively, the evaporation time can be reduced by using the optional evaporation flask. In this case the solvent and *n*-hexadecane are placed in the flask on the steam bath, the tube assembly is inserted, and a stream of nitrogen is fed through the inlet tube while the outlet tube is connected to a solvent trap and vacuum line in such a way as to prevent any flow-back of condensate into the flask.

Dissolve the 1 milliliter of hexadecane residue in isooctane and make to 25 milliliters volume. Determine the absorbance in the 5-centimeter path length cells compared to isooctane as reference. The absorbance of the solution of the solvent residue (except for methyl alcohol) shall not exceed 0.01 per centimeter path length between 280 and 400 mμ. For methyl alcohol this absorbance value shall be 0.00.

Isooctane (2,2,4-trimethylpentane). Use 180 milliliters for the test described in the preceding paragraph. Purify, if necessary, by passage through a column of activated silica gel (Grade 12, Davison Chemical Company, Baltimore, Maryland, or equivalent) about 90 centimeters in length and 5 centimeters to 8 centimeters in diameter.

Benzene, A.C.S. reagent grade. Use 150 milliliters for the test. Purify, if necessary, by distillation or otherwise.

[1] As determined by procedure using potassium chromate for reference standard and described in National Bureau of Standards Circular 484, Spectrophotometry, U.S. Department of Commerce, 1949. The accuracy is to be determined by comparison with the standard values at 290, 345, and 400 millimicrons.

Acetone, A.C.S. reagent grade. Use 200 milliliters for the test. Purify, if necessary, by distillation.

Eluting mixtures:

1. *10 percent benzene in isooctane.* Pipet 50 milliliters of benzene into a 500-milliliter glass-stoppered volumetric flask and adjust to volume with isooctane, with mixing.

2. *20 percent benzene in isooctane.* Pipet 50 milliliters of benzene into a 250-milliliter glass-stoppered volumetric flask and adjust to volume with isooctane, with mixing.

3. *Acetone-benzene-water mixture.* Add 20 milliliters of water to 380 milliliters of acetone and 200 milliliters of benzene, and mix.

n-Hexadecane, 99-percent olefin-free. Dilute 1.0 milliliter of *n*-hexadecane to 25 milliliters with isooctane and determine the absorbance in a 5-centimeter cell compared to isooctane as reference point between 280 mμ–400 mμ. The absorbance per centimeter path length shall not exceed 0.00 in this range. Purify, if necessary, by percolation through activated silica gel or by distillation.

Methyl alcohol, A.C.S. reagent grade. Use 10.0 milliliters of methyl alcohol. Purify, if necessary, by distillation.

Dimethyl sulfoxide. Spectrophotometric grade (Crown Zellerbach Corporation, Camas, Washington, or equivalent). Absorbance (1-centimeter cell, distilled water reference, sample completely saturated with nitrogen).

Wavelength:	*Absorbance (Maximum)*
261.5	1.00
270	0.20
275	0.09
280	0.06
300	0.015

There shall be no irregularities in the absorbance curve within these wavelengths.

Phosphoric acid. 85 percent A.C.S. reagent grade.

Sodium borohydride. 98 percent.

Magnesium oxide (Sea Sorb 43, Food Machinery Company, Westvaco Division, distributed by chemical supply firms, or equivalent). Place 100 grams of the magnesium oxide in a large beaker, add 700 milliliters of distilled water to make a thin slurry, and heat on a steam bath for 30 minutes with intermittent stirring. Stir well initially to insure that all the adsorbent is completely wetted. Using a Buchner funnel and a filter paper (Schleicher & Schuell No. 597, or equivalent) of suitable diameter, filter with suction. Continue suction until water no longer drips from the funnel. Transfer the adsorbent to a glass trough lined with aluminum foil (free from rolling oil). Break up the magnesia with a clean spatula and spread out the adsorbent on the aluminum foil in a layer about 1 centimeter to 2 centimeters thick. Dry for 24 hours at 160° C. ±1° C. Pulverize the magnesia with mortar and pestle. Sieve the pulverized adsorbent between 60–180 mesh. Use the magnesia retained on the 180-mesh sieve.

Celite 545. Johns Mansville Company, diatomaceous earth, or equivalent.

Magnesium oxide-Celite 545 mixture (2+1) by weight. Place the magnesium oxide (60–180 mesh) and the Celite 545 in 2 to 1 proportions, respectively, by weight in a glass-stoppered flask large enough for adequate mixing. Shake vigorously for 10 minutes. Transfer the mixture to a glass trough lined with aluminum foil (free from rolling oil) and spread it out on a layer about 1 centimeter to 2 centimeters thick. Reheat the mixture at 160° C. ±1° C. for 2 hours, and store in a tightly closed flask.

Sodium sulfate, anhydrous, A.C.S. reagent grade, preferably in granular form. For each bottle of sodium sulfate reagent used, establish as follows the necessary sodium sulfate

prewash to provide such filters required in the method: Place approximately 35 grams of anhydrous sodium sulfate in a 30-milliliter course, fritted-glass funnel or in a 65-millimeter filter funnel with glass wool plug; wash with successive 15-milliliter portions of the indicated solvent until a 15-milliliter portion of the wash shows 0.00 absorbance per centimeter path length between 280 mμ and 400 mμ when tested as prescribed under "Organic solvents." Usually three portions of wash solvent are sufficient.

Before proceeding with analysis of a sample, determine the absorbance in a 5-centimeter path cell between 250 millimicrons and 400 millimicrons for the reagent blank by carrying out the procedure, without an oil sample, recording the spectra after the extraction stage and after the complete procedure as prescribed. The absorbance per centimeter path length following the extraction stage should not exceed 0.02 in the wavelength range from 280 mμ to 400 mμ; the absorbance per centimeter path length following the complete procedure should not exceed 0.02 in the wavelength range from 280 mμ to 400 mμ. If in either spectrum the characteristic benzene peaks in the 250 mμ–260 mμ region are present, remove the benzene by the procedure under "Organic solvents" and record absorbance again.

Place 300 milliliters of dimethyl sulfoxide in a 1-liter separatory funnel and add 75 milliliters of phosphoric acid. Mix the contents of the funnel and allow to stand for 10 minutes. (The reaction between the sulfoxide and the acid is exothermic. Release pressure after mixing, then keep funnel stoppered.) Add 150 milliliters of isooctane and shake to pre-equilibrate the solvents. Draw off the individual layers and store in glass-stoppered flasks.

Weigh a 20-gram sample of the oil and transfer to a 500-milliliter separatory funnel containing 100 milliliters of pre-equilibrated sulfoxide-phosphoric acid mixture. Complete the transfer of the sample with small portions of preequilibrated isooctane to give a total volume of the oil and solvent of 75 milliliters. Shake the funnel vigorously for 2 minutes. Set up three 250-milliliter separatory funnels with each containing 30 milliliters of pre-equilibrated isooctane. After separation of liquid phases, carefully draw off lower layer into the first 250-milliliter separatory funnel and wash in tandem with the 30-milliliter portions of isooctane contained in the 250-milliliter separatory funnels. Shaking time for each wash is 1 minute. Repeat the extraction operation with two additional portions of the sulfoxide-acid mixture and wash each extractive in tandem through the same three portions of isooctane.

Collect the successive extractives (300 milliliters total) in a separatory funnel (preferably 2-liter) containing 480 milliliters of distilled water; mix, and allow to cool for a few minutes after the last extractive has been added. Add 80 milliliters of isooctane to the solution and extract by shaking the funnel vigorously for 2 minutes. Draw off the lower aqueous layer into a second separatory funnel (preferably 2-liter) and repeat the extraction with 80 milliliters of isooctane. Draw off and discard the aqueous layer. Wash each of the 80-milliliter extractives three times with 100-milliliter portions of distilled water. Shaking time for each wash is 1 minute. Discard the aqueous layers. Filter the first extractive through anhydrous sodium sulfate prewashed with isooctance (see Sodium sulfate under "Reagents and Materials" for preparation of filter) into a 250-milliliter Erlenmeyer flask (or optionally into the evaporation flask). Wash the first separatory funnel with the second 80-milliliter isooctane extractive and pass through the sodium sulfate. Then wash the second and first separatory funnels successively with a 20-milliliter portion of isooctane and pass the solvent through the sodium sulfate into the flask. Add 1 milliliter of *n*-hexadecane and evaporate the isooctane on the steam bath under nitrogen. Discontinue evaporation when not over 1 milliliter of residue remains. To the residue, add a 10-milliliter portion of isooctane, reevaporate to 1 milliliter of hexadecane, and repeat this operation once.

Quantitatively transfer the residue with isooctane to a 200-milliliter volumetric flask, make to volume, and mix. Determine the absorbance of the solution in the 1-centimeter pathlength cells compared to isooctane as reference between 280 mμ–400 mμ (take care to lose none of the solution in filling the sample cell). Correst the absorbance values for any absorbance derived from reagents as determined by carrying out the procedure without an oil sample. If the corrected absorbance does not exceed the limits prescribed in this paragraph, the oil meets the ultraviolet absorbance specifications. If the corrected absorbance per centimeter pathlength exceeds the limits prescribed in this paragraph, proceed as follows: Quantitatively transfer the isooctane solution to a 125-milliliter flask equipped with 24/40 joint, and evaporate the isooctane on the steam bath under a stream of nitrogen to a volume of 1 milliliter of hexadecane. Add 10 milliliters of methyl alcohol and approximately 0.3 gram of sodium borohydride. (Minimize exposure of the borohydride to the atmosphere. A measuring dipper may be used.) Immediately fit a water-cooled condenser equipped with a 24/40 joint and with a drying tube into the flask, mix until the borohydride is dissolved, and allow to stand for 30 minutes at room temperature, with intermittent swirling. At the end of this period, disconnect the flask and evaporate the methyl alcohol on the steam bath under nitrogen until the sodium borohydride begins to come out of the solution. Then add 10 milliliters of isooctane and evaporate to a volume of about 2–3 milliliters. Again, add 10 milliliters of isooctane and concentrate to a volume of approximately 5 milliliters. Swirl the flask repeatedly to assure adequate washing of the sodium borohydride residues.

Fit the tetrafluoroethylene polymer disc on the upper part of the stem of the chromatographic tube, then place the tube with the disc on the suction flask and apply the vacuum (approximately 135 millimeters Hg pressure). Weigh out 14 grams of the 2:1 magnesium oxide-Celite 545 mixture and pour the adsorbent mixture into the chromatographic tube in approximately 3-centimeter layers. After the addition of each layer, level off the top of the adsorbent with a flat glass rod or metal plunger by pressing down firmly until the adsorbent is well packed. Loosen the topmost few millimeters of each adsorbent layer with the end of a metal rod before the addition of the next layer. Continue packing in this manner until all the 14 grams of the adsorbent is added to the tube. Level off the top of the adsorbent by pressing down firmly with a flat glass rod or metal plunger to make the depth of the adsorbent bed approximately 12.5 centimeters in depth. Turn off the vacuum and remove the suction flask. Fit the 500-milliliter reservoir onto the top of the chromatographic column and prewet the column by passing 100 milliliters of isooctane through the column. Adjust the nitrogen pressure so that the rate of descent of the isooctane coming off the column is between 2–3 milliliters per minute. Discontinue pressure just before the last of the isooctane reaches the level of the adsorbent. (Caution: Do not allow the liquid level to recede below the adsorbent level at any time.) Remove the reservoir and decant the 5-milliliter isooctane concentrate solution onto the column and with slight pressure again allow the liquid level to recede to barely above the adsorbent level. Rapidly complete the transfer similarly with two 5-milliliter portions of isooctane, swirling the flask repeatedly each time to assure adequate washing of the residue. Just before the final 5-milliliter wash reaches the top of the adsorbent, add 100 milliliters of isooctane to the reservoir and continue the percolation at the 2–3 milliliters per minute rate. Just before the last of the isooctane reaches the adsorbent level, add 100 milliliters of 10 percent benzene in isooctane to the reservoir and continue the percolation at the aforementioned rate. Just before the solvent mixture reaches adsorbent level, add 25 milliliters of 20 percent benzene in isooctane to the reservoir and continue the percolation at 2–3 milliliters per minute until all this solvent mixture has been removed from the column. Discard all the elution solvents collected up to this point. Add 300 milliliters of the acetone-benzene-water mixture to the reservoir and percolate through the column to elute the polynuclear compounds. Collect the eluate in a clean 1-liter separatory funnel. Allow the column to drain until most of the solvent mixture is removed. Wash the eluate three times with 300-milliliter portions of distilled water, shaking well for each wash. (The addition of small amounts of sodium chloride facilitates separation.) Discard the aqueous layer after each wash. After the final separation, filter the residual benzene through anhydrous sodium sulfate pre-washed with benzene (see Sodium sulfate under "Reagents and Materials" for preparation of filter) into a 250-milliliter Erlenmeyer flask (or optionally into the evaporation flask). Wash the separatory funnel with two additional 20-milliliter portions of benzene which are also filtered through the sodium sulfate. Add 1 milliliter of *n*-hexadecane and completely remove the benzene by evaporation under nitrogen, using the special procedure to eliminate benzene as previously described under "Organic solvents." Quantitatively transfer the residue with isooctane to a 200-milliliter volumetric flask and adjust to volume. Determine the absorbance of the solution in the 1-centimeter pathlength cells compared to isooctane as reference between 250 mμ–400 mμ. Correct for any absorbance derived from the reagents as determined by carrying out the procedure without an oil sample. If either spectrum shows the characteristic benzene peaks in the 250 mμ–260 mμ region, evaporate the solution to remove benzene by the procedure under "Organic solvents." Dissolve the residue, transfer quantitatively, and adjust to volume in isooctane in a 200-milliliter volumetric flask. Record the absorbance again. If the corrected absorbance does not exceed the limits proposed in this paragraph, the oil meets the proposed ultraviolet absorbance specifications.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by

grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

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

Dated: February 25, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-2286; Filed, Mar. 3, 1966; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 166—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

MISCELLANEOUS AMENDMENTS

Effective on date of publication of this document in the FEDERAL REGISTER, §§ 166.4(a) and 166.7(a) are amended by changing the references to "§ 2.90" to read "§ 2.120".

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: February 23, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-2249; Filed, Mar. 3, 1966; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER T—CODE OF ETHICAL CONDUCT

PART 200—CODE OF ETHICAL CONDUCT

NOTE: Federal Register Document 66-2106, published at page 3234 in the issue for Tuesday, March 1, 1966, was approved by the Civil Service Commission on February 2, 1966, to be effective upon publication in the FEDERAL REGISTER.

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER A—POLICY, PRACTICE, AND PROCEDURE

CHARGES AND FEES FOR CERTAIN SERVICES

Miscellaneous Amendments

In F.R. Doc. 65-10742 appearing in the FEDERAL REGISTER issue of October 9, 1965 (30 F.R. 12889), notice was given of proposed new charges and fees for certain services. Written comments thereon were permitted to be filed by close of business on November 8, 1965. Notices of extension of time were published in the FEDERAL REGISTER issues of November 5 and December 2, 1965. The ultimate time within which comments were permitted to be filed was by the close of business on December 8, 1965. No comments or objections were received.

In accordance with the provisions of sec. 4, Administrative Procedure Act (5 U.S.C. 1003), notice is given that as of the date hereof, the Maritime Administration/Maritime Subsidy Board hereby adopts the charges and fees previously appearing as aforesaid, without change.

Dated: February 25, 1966.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[General Order 106]

PART 251—APPLICATION FOR SUBSIDIES AND OTHER DIRECT FINANCIAL AID (CONSTRUCTION)

1. A new section is hereby added to this part reading as follows:

§ 251.31 Charges for processing applications for authorization to transfer ownership of ships built with construction-differential subsidy.

(a) Applications for an amendment or addendum to construction-differential subsidy contracts to provide for the sale of a vessel built under Title V, Merchant Marine Act, 1936, as amended, to a buyer who assumes the obligations under said contracts, shall be filed with the Secretary, Maritime Subsidy Board, Washington, D.C., 20235.

(b) *Fee.* Each such application shall be accompanied by the sum of $200, which sum will be retained to recover the cost of processing the application.

[General Order 105]

PART 206—MISCELLANEOUS FEES

Subpart C—Applications for Sale of Subsidized Vessel

2. A new subpart is hereby added to this part reading as follows:

§ 206.20 Charges for processing applications.

(a) Applications by owners for the sale of subsidized vessels to a private party where appraisal is made for the Maritime Administration by an independent vessel appraiser shall be filed with the Secretary, Maritime Subsidy Board, Washington, D.C., 20235.

(b) *Fee.* Each such application shall be accompanied by the sum of $400, which sum will be retained to recover the cost of processing the application.

[General Order 41, 3d Rev., Amdt. 1]

PART 201—RULES OF PRACTICE AND PROCEDURE

Subpart U—Charges for Orders, Notices, Rulings, Decisions

3. A new subpart is hereby added to this part reading as follows:

§ 201.186 Charges for documents.

(a) Copies of orders, notices, rulings, decisions (initial and final) issued by Hearing Examiners, the Maritime Subsidy Board and the Maritime Administration in all docketed proceedings may be obtained by parties other than those involved in docketed proceedings by requesting to be placed on the (monthly) mailing list.

(b) *Fees.* (1) Each request to be placed on the mailing list for one year shall be accompanied by the sum of $15, which sum will be retained to recover the cost of processing.

(2) A subscriber on the mailing list will automatically receive copies of all orders, notices, rulings and initial and final decisions without charge.

(3) Single copies of initial and/or final decisions may be obtained upon request to Secretary, Maritime Subsidy Board, Washington, D.C., 20235. Such request shall be accompanied by the sum of $1.00, which sum will be retained to recover the cost of processing the request.

[General Order 38, 2d Rev., Amdt. 1]

PART 287—ESTABLISHMENT OF CONSTRUCTION RESERVE FUNDS

4. A new paragraph is hereby added to § 287.4 of this part reading as follows:

§ 287.4 Application to establish fund.

* * * * *

(c) *Fee.* Each such application shall be accompanied by the sum of $225, which sum will be retained to recover the cost of processing the application.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

[F.R. Doc. 66-2271; Filed, Mar. 3, 1966; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15262; FCC 66-199]

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

PART 15—RADIO FREQUENCY DEVICES

Prohibiting Use of Radio Devices for Eavesdropping Purposes

1. On January 17, 1964, the Commission released a notice of proposed rule making (FCC 64-27, 29 F.R. 577) looking towards the adoption of rules prohibiting the use of radio devices for eavesdropping. The notice invited interested parties to file comments on or before March 16, 1964, and reply comments on or before April 16, 1964.

2. Comments were received from the following parties: Columbia Broadcasting System (CBS), Glenn A. Zimmerman, New Brunswick, N.J., City of San Diego, Calif., Association of the Bar of

the City of New York, Fargo Co., San Francisco, Calif.

No reply comments were received. It is noteworthy that the comments filed by the Association of the Bar of the City of New York were prepared by its Special Committee on Science and Law which has conducted a study of the effect which recent scientific and technological advances are having on privacy in the United States. The Fargo Co. manufactures miniature radio transmitters for sale to law enforcement agencies.

3. At the outset, it should again be noted that the rules discussed herein do not pertain to the unauthorized interception of communications by wire or radio. That practice is prohibited by the provisions of section 605 of the Communications Act of 1934, as amended, 47 U.S.C. § 605.[1] The rules with which we are concerned apply solely to the use of radio devices to transmit private conversations which have been overheard by one means or another.

4. Advances in the miniaturization of radio transmitters have fostered an apparent increase in the use of such devices for eavesdropping. Virtually every radio eavesdropping device known to be used today is essentially a wireless microphone, i.e., a unit having the combined capabilities of a sensitive microphone and a radio transmitter. Though wireless microphones are often used by entertainers, lecturers and others for innocuous and useful purposes (provision is made for the use of these devices in certain licensed services and under Part 15 of the rules), most of those devices are readily adaptable to an eavesdropping use. Wireless microphones which are constructed specifically for eavesdropping are designed either to permit easy concealment or to resemble some commonplace item, e.g., a pack of cigarettes, or the now-famous martine olive.[2]

5. Each of the parties who filed comments commended the Commission for its recognition of the problems raised by the increased use of radio eavesdropping devices, and the city of San Diego and the Fargo Co. recommended adoption of the rules as proposed. The other parties raised questions concerning the proposal which we shall discuss in the following paragraphs.

6. The Association of the Bar of the city of New York (Association) urged initially that public hearings be held (preferably before a Congressional Committee, but under Commission auspices if necessary) to review the whole subject of eavesdropping, its effect upon society, the state of the existing law in the area, the need, if any, for additional laws or regulations, etc. The Association believes that without such a hearing the Commission risks changing the vital balance of society without an adequate understanding either of what is involved or the consequences of its actions. They feel the Commission will affect the public consensus as to where the line should be drawn between encroachments on privacy which are permissible and those which are not.

7. Senate hearings encompassing the question of eavesdropping were held on May 9–12, 1961, before the Subcommittee on Constitutional Rights of the Committee on the Judiciary in connection with four bills dealing with wiretapping and eavesdropping which were introduced in the 87th Congress, 1st Session. On February 18, 1965, Senate hearings on electronic eavesdropping were initiated by the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary. Testimony regarding this Commission's role in the matter of radio eavesdropping was submitted by the Commission on May 5, 1965. The information developed during both these hearings has been of benefit to the Commission in formulating this Report and Order.

8. The Commission's decision to take action with respect to the matter of radio eavesdropping is consistent with its public interest responsibilities under the Communications Act. Eavesdropping, by any means, has traditionally been regarded as contrary to the public interest. Blackstone (4 Commentaries, ch. 13 § 5 (6)) defined the practice as a common nuisance punishable before the court. Section 605 of the Communications Act of 1934, as amended, though enacted to prohibit the unauthorized interception of communications by wire or radio, reflects the intent of Congress to preserve the privacy of communications in those areas where the Federal Government has unquestioned jurisdiction to act. This concern for the privacy of communications has been stressed by President Johnson.[3] Eavesdropping by means of a listening device has been held to be an actionable violation of one's right of privacy.[4] Moreover, seven States have seen fit to adopt statutes prohibiting electronic eavesdropping.[5] Thus, the Commission's action is calculated to insure that the authority to operate radio devices, whether under a license granted by the Commission or pursuant to Part 15 of the Commission's rules, cannot be claimed to permit the use of those devices for eavesdropping purposes.

9. Objection was made by the Association to that provision of the proposed rules which would make the prohibition against eavesdropping inapplicable where the use of the device is authorized by one or more of the parties engaging in the conversation. It was contended that this approach fails to recognize a distinction between the risk that a party to a conversation may divulge what he remembers from the conversation and may be believed by others, and the risk that a party to a conversation will use a radio device to overhear and record the conversation verbatim, or authorize another to so overhear or record it. Doubt was expressed as to whether most persons assume, or should assume, the risk that their converations are being overheard or recorded by the use of such devices. The Association also expressed the view that the real significance of this provision of the proposed rules would be to enlarge the area of permitted eavesdropping beyond that likely to be condoned by the public or by the courts.

10. Our proposal was based upon the tentative view, set forth in paragraph 6 of the notice of proposed rule making, that anyone who engages in conversation with others must assume the risk that anything he says may be divulged without his knowledge by any other party to the conversation. However, upon further consideration, we have decided that the objections to this view are well founded and that we should not sanction the unannounced use of listening or recording devices merely because one party to any otherwise private conversation is aware that the conversation is in fact no longer private.

11. The right of privacy is precious, and should not be sacrificed to the eavesdropper's needs without compelling reason. We cannot find such reason here, subject to the single exception made in paragraph 13, infra, for law enforcement officers operating under lawful authority. We agree that the ordinary risk of being overheard is converted into another risk entirely when the electronic device is made the instrument of the intruder. Coupled to a recording device, this new eavesdropping tool puts upon the speaker a risk he has not deliberately assumed, and goes far toward making private conversation impossible. We do not believe the assumption of such a risk should be made the basis of our rules. We are commanded by the Communications Act to "encourage the larger and more effective use of radio in the public interest," section 303(g). Upon reflection, we do not believe it to be consistent with the Public interest to permit this new product of man's ingenuity to destroy our traditional right to privacy.

12. As stated in the Notice, there are precedents in this or analogous fields which lend support to the adoption of the rule as proposed, i.e., with an exemption where one party consents to the radio

[1] A common violation of sec. 605 involves the unauthorized interception of telephone communications. This practice is popularly known as wiretapping and is normally accomplished either by making direct contact with the telephone wire or by placing an induction coil within the magnetic field surrounding the wire. (The words "unauthorized interception" when used with respect to sec. 605 in this document include the divulging or beneficial use of the intercepted communications.)

[2] See Senate hearings on electronic eavesdropping before the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary, Feb. 18, 1965.

[3] See the New York Times, July 16, 1965.

[4] See McDaniel v. Atlanta Coca-Cola Bottling Co., 2 S.E. 2d 810 (Ga. 1939); Roach v. Harper, 105 S.E. 2d 564 (W. Va. 1958); and Hamberger v. Eastman, 206 A. 2d 239 (N.H. 1964).

[5] See Cal. Ann. Codes, Penal Code § 653j (West 1956); Ill. Ann. Stat. ch. 38 § 14–1 (Smith-Hurd 1941); Md. Code Ann. Art. 27 and 125(A) (Michie 1957); Mass. Ann. Laws ch. 272 § 99 (Michie 1956); Nev. Rev. Stat. ch. 200.650 (1957); N.Y. Consol. Laws Ann., Penal Law Art. 73 § 738 (McKinney 1944); and Oreg. Rev. Stat. § 165.540(1)(c).

eavesdropping.[6] But the matter is one of policy and, for the reasons just stated, it is our judgment that the appropriate policy balance should be struck in favor of protecting the traditional right of privacy. The position we take here on this question is the same one we took in requiring that telephone recording devices be equipped with an automatic tone warning device, so that all parties to the conversation may be on notice where any party is making a recording of a telephone conversation. See Use of Recording Devices, 11 FCC 1033 (1947).

13. The proposed rules would except the operations of law enforcement officers conducted under lawful authority. The Association and Mr. Zimmerman commented that the phrase "under lawful authority" does not describe precisely what authority would be required to permit law enforcement officers to conduct such operations.

14. The problem of providing an exception to the rules for the operations of law enforcement officers has been closely analyzed. Because of the complex and varying structure of law enforcement authority existing in the various States and their political subdivisions, it is extremely difficult to specify a source or type of authority which is common to all jurisdictions. Initially, it may be assumed that law enforcement officials conduct their activities within the framework of existing law and authority. Should these officials intend to engage in radio eavesdropping, it would be incumbent on them first to determine the validity of such practice under applicable local law. This being so, the burden of establishing that radio eavesdropping activities are being carried on under lawful authority rests with the law enforcement agency. In view of the diverse sources of possible authority, we believe that this is the best approach to follow in establishing a standard under which law enforcement officers would be exempted from the Commission's radio eavesdropping rules. However, if inadequacy of this standard should be revealed or other developments of a more basic nature occur, further exploration of this question will be undertaken and appropriate revision of the rules will be made.

15. It is important that law enforcement officers understand that this exception is by no means intended to waive the Part 15 rules governing the use of nonlicensed low power communication devices (e.g., operation within specified frequency bands, power and radiation limitations, etc.); to authorize the use of unlicensed transmitters for eavesdropping; or to authorize the use of licensed transmitters in such a manner that other Commission rules are violated (e.g., abandonment of control, transmission of unauthorized communications, etc.).

[6] For example, the statutes of California, Illinois, Massachusetts, Nevada, and New York do not apply if any party to the conversation has consented to the eavesdropping. The statutes of Maryland and Oregon apply unless all parties to the conversation have consented.

16. CBS opposed adoption of the proposed rules on the grounds that they would hamper and impede broadcast activities heretofore generally accepted. As examples of situations which CBS feels would be prohibited by the rules, they cited (1) the CBS Reports broadcast entitled "Biography of a Bookie Joint" and (2) coverage of newsworthy events in public and semipublic places or any other place where persons may reasonably expect that their conversations may be overheard. The Association also questioned the effect of the rules on the radio or television coverage of public interest events, as well as the effect upon the protective or beneficial monitoring of conversations, e.g., of apartment elevators for the protection of young ladies, of assembly lines for efficiency and economy of production, and of public places for the safety, security and comfort of those who frequent them.

17. The fears expressed by CBS and the Association with respect to the coverage of news events are believed to be unwarranted. The rules adopted herein should not impede broadcast programing any more than the prohibitions against wiretapping in section 605 have impeded programing in the past. The proposed rules specifically refer to "private conversations." The interpretations applied to that phrase by the courts indicate that the phrase does not embrace conversations carried on within earshot of others not engaged in the conversation.[7] Thus, conversations in public and semipublic places or in any other place where persons may reasonably expect their conversations to be overheard would not be protected by the rules. With respect to the instances of protective or beneficial monitoring mentioned by the Association, the public, in those instances, should be given adequate notice of the fact that the area is being monitored. Thus, persons engaged in conversation in such an area would have consented by implication to the monitoring. The absence of adequate notice could well result in an invasion of privacy since the monitoring would then be conducted without the consent of those being monitored.

18. We are amending the rules by adding a new subpart, as set forth in the Appendix hereto, to Part 2 of the rules as a general prohibition against the use for eavesdropping of any device required to be licensed by section 301 of the Communications Act of 1934, as amended. (Specific reference to this prohibition will be added to those parts of the rules where it is deemed appropriate.) Additionally, we are adding a similar prohibition to Subpart A of Part 15 of the rules. A reference to the latter prohibition is being made in Subpart E governing the operation of low power communication devices, the Part 15 devices most susceptible to use by eavesdroppers.

[7] It has been held that a conversation between a husband and wife in a railroad station waiting room with people coming and going is not a private conversation. Linnell v. Linnell, 143 N.E. 813 (Mass. 1924). In Freeman v. Freeman, 130 N.E. 220 (Mass. 1921), the court found that a conversation between husband and wife in a public street was private because "none of the passers-by or persons in the vicinity paid any attention to them, or even could hear the words."

19. The reference in the rules to both direct and indirect use has been included to encompass any radio operation in connection with an eavesdropping arrangement. For example, the amendment will prohibit the use of a Part 15 wireless microphone to relay a conversation which is picked up initially by some form of nonradio eavesdropping device.[8] Thus, irrespective of the combination of devices employed by the eavesdropper to accomplish his objective, the proposed rules will apply if any one of the combination is a radio device.

20. The rules reflect Commission policy. Their violation could result in loss of license where that remedy is appropriate (see sections 307(d) and 312 (a) of the Communications Act), or the imposition of fines under section 502. What constitutes a crime under State law reflecting State policy applicable to radio eavesdropping is, of course, unaffected by our rules.

21. A question was raised as to the basis for the Commission's authority to establish rules prohibiting radio eavesdropping. The Commission, of course, has broad licensing authority over radio devices in section 301 of the Communications Act and has exercised that authority in the rules promulgated by it as to both specific licensing and the Part 15 facet of its functions. Under section 303 of the Communications Act, the Commission is empowered by Congress, as the public convenience, interest and necessity requires, to prescribe the nature of the service to be rendered by radio stations and to make such rules and regulations as may be necessary to carry out that function. Thus, the establishment of rules prohibiting radio eavesdropping

[8] There are numerous other eavesdropping devices which, through not operated on radio principles, could employ a radio transmitter for purposes of relaying a conversation picked up initially by the nonradio device. These may include miniature wired microphones concealed in the room where the conversation is to take place and connected to a radio transmitter by means of wire or transparent conductive paint. A radio transmitter could also be used in conjunction with a contact or "spike" microphone which is operated by attaching the microphone to a spike which has been driven into a stud common to both the room in which the eavesdropping equipment is located and the room in which the conversation is to take place. A parabolic microphone may also conceivably be used for eavesdropping in conjuncture with a radio transmitter. This is an audio device which uses an acoustically solid reflector to focus sound waves to a point where a small microphone magnifies the sound received. Such devices are used innocuously at sports events and conventions to pick up the voices of persons out of normal earshot. (See Senate hearings on electronic eavesdropping before the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary Feb. 18, 1965.)

is consistent with the authority of the Commission to prescribe the nature of the service rendered by radio devices.

22. In view of the foregoing, and pursuant to authority contained in sections 4(i), 301, 303(b) and 303(r) of the Communications Act of 1934, as amended: *It is ordered*, That effective April 8, 1966, Part 2 and Part 15 of the Commission's Rules are amended as set forth in the attached Appendix, and the proceedings in Docket No. 15262 are terminated.

(Secs. 4, 301, 303, 48 Stat. 1066, 1081, 1082, as amended; 47 U.S.C. 154, 301, 303)

Adopted: February 25, 1966.

Released: February 28, 1966.

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

1. Part 2 is amended by adding a new Subpart H to read as follows:

Subpart H—Prohibition Against Eavesdropping

§ 2.701 Prohibition against use of a radio device for eavesdropping.

(a) No person shall use, either directly or indirectly, a device required to be licensed by section 301 of the Communications Act of 1934, as amended, for the purpose of overheating or recording the private conversations of others unless such use is authorized by all of the parties engaging in the conversation.

(b) Paragraph (a) of this section shall not apply to operations of any law enforcement officers conducted under lawful authority.

2. Part 15 is amended by adding a new section to Subpart A to read as follows:

§ 15.11 Prohibition against eavesdropping.

(a) No person shall use, either directly or indirectly, a device operated pursuant to the provisions of this part for the purpose of overhearing or recording the private conversations of others unless such use is authorized by all of the parties engaging in the conversation.

(b) Paragraph (a) of this section shall not apply to operations of any law enforcement officers conducted under lawful authority.

3. Subpart E of Part 15 is amended by adding a new section to read as follows:

§ 15.220 Eavesdropping prohibited.

As provided in § 15.11, the use of a low power communication device for eavesdropping is prohibited.

[F.R. Doc. 66-2288; Filed, Mar. 3, 1966; 8:49 a.m.]

[a] Commissioner Wadsworth absent.

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Ankeny National Wildlife Refuge, Oreg.

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

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

OREGON

ANKENY NATIONAL WILDLIFE REFUGE

Sport fishing on the Ankeny National Wildlife Refuge, Marion County, Oreg., is permitted only in the Sidney Irrigation Canal as designated by signs as open to fishing. This open area, comprising 1.5 miles of stream is delineated on maps available at refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg., 97208. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from April 23 through October 1, 1966, inclusive.

(2) The use of boats is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through October 1, 1966.

PHILIP A. SCHENBAUER,
Refuge manager, Ankeny National Wildlife Refuge, Marion County, Oreg.

FEBRUARY 15, 1966.

[F.R. Doc. 66-2263; Filed, Mar. 3, 1966; 8:47 a.m.]

PART 33—SPORT FISHING

William L. Finley National Wildlife Refuge

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

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

OREGON

WILLIAM L. FINLEY NATIONAL WILDLIFE REFUGE

Sport fishing on the William L. Finley National Wildlife Refuge, Benton County, Oreg., is permitted only on Muddy Creek designated by signs as open to fishing. This open area, comprising 4 miles of stream, is delineated on maps available at refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg., 97208. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from April 23 through October 1, 1966, inclusive.

(2) The use of boats is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through October 1, 1966.

PHILIP A. SCHENBAUER,
Refuge Manager, William L. Finley National Wildlife Refuge, Benton County, Oreg.

February 15, 1966.

[F.R. Doc. 66-2264; Filed, Mar. 3, 1966; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 76]

HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Department of Agriculture proposes to amend the regulations relating to hog cholera and other communicable swine diseases (9 CFR Part 76) pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134–134h), in the following respects:

1. Section 76.1(f) would be amended to read:

§ 76.1 **Definitions.**

* * * * *

(f) *Virulent hog cholera virus.* The living agent capable of causing hog cholera found:

(1) In the clear serum, plasma, defibrinated blood, whole blood, or other tissue derived from pigs sick of hog cholera; or

(2) In any material used as a vehicle for perpetuating such living agent; or

(3) In living hog cholera virus vaccine commonly known as "hog cholera vaccine, live virus modified, porcine origin."

* * * * *

2. The introductory language of § 76.4 would be amended to read:

§ 76.4 **Interstate movement of virulent hog cholera virus prohibited, except as provided.**

Virulent hog cholera virus shall not be moved interstate except that:

* * * * *

3. Section 76.5 would be amended to read:

§ 76.5 **Interstate movement of swine treated with virulent hog cholera virus prohibited, except as provided.**

Swine treated with virulent hog cholera virus shall not be moved interstate except that:

(a) Swine treated with virulent hog cholera virus prior to April 1, 1966, and not known to be affected with hog cholera may be moved interstate if:

(1) Such swine are consigned for immediate slaughter; or

(2) Such swine have not been treated within 21 days immediately prior to movement interstate, except that in the case of sows, treatment shall not have been within 150 days immediately prior to such movement; are accompanied by a permit from the appropriate official of the State of destination; are accompanied by a certificate issued by the Division; are moved directly to a farm of destination without contact with other swine during movement; and are moved interstate under such other conditions as may be imposed by the Director of the Division in order to prevent such swine from endangering other swine or impairing the hog cholera eradication program.

(b) Swine treated with virulent hog cholera virus for research and biologics production, and not known to be affected with hog cholera, may be moved interstate if such swine are moved directly to a point of destination designated by the Veterinary Biologics Division without contact with other swine during movement; are accompanied by a permit from the appropriate official of the State of destination; are moved under such other conditions as may be imposed by the Director of the Veterinary Biologics Division in order to prevent such swine from endangering other swine or impairing the hog cholera eradication program; and are accompanied by a certificate issued by the Veterinary Biologics Division specifying any such conditions imposed regarding the specific movement.

The foregoing proposed amendments would (1) include "hog cholera vaccine, live virus modified, porcine origin," within the definition of hog cholera virus in 9 CFR 76.1(f); (2) specify that virulent hog cholera virus cannot be moved interstate, except as provided in 9 CFR 76.4; and (3) amend § 76.5 to provide that swine treated with virulent hog cholera virus cannot be moved interstate, except as provided in paragraphs (a) and (b) of said section.

The hog cholera eradication program has progressed to the point where the continued use of "hog cholera vaccine, live virus modified, porcine origin," may be a deterrent to the eradication of hog cholera. Experimental and field evidence indicates that the use of such vaccine virus can cause hog cholera in treated swine and can also cause hog cholera in swine that come in contact with such treated animals. Therefore, the use of said vaccine does not appear to provide the margin of safety desired in vaccines used while the nationwide hog cholera eradication program is in effect. Accordingly, consideration is being given to issuing the foregoing amendments.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md., within 30 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 28th day of February 1966.

R. J. ANDERSON,
Deputy Administrator,
Agricultural Research Service.

[F.R. Doc. 66-2270; Filed, Mar. 3, 1966; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Parts 1062, 1030–1032, 1038, 1039, 1051, 1061, 1063, 1064, 1067, 1070, 1071, 1073, 1074, 1078, 1079, 1090, 1096, 1097, 1098, 1099, 1104, 1106, 1108, 1120, 1126–1130, 1132]

[Docket No. AO 10-A34, etc.]

MILK IN ST. LOUIS MARKETING AREA ET AL.

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CRF Part	Marketing Area	Docket Nos.
1062	St. Louis	AO 10-A34.
1030	Chicago	AO 101-A32.
1031	Northwestern Indiana	AO 170-A19.
1032	Suburban St. Louis	AO 313-A10.
1038	Rock River Valley	AO 194-A11.
1039	Milwaukee	AO 212-A17.
1051	Madison	AO 329-A4.
1061	St. Joseph, Mo.	AO 327-A9.
1063	Quad Cities-Dubuque	AO 105-A22.
1064	Kansas City	AO 23-A29.
1067	Ozarks	AO 222-A19.
1070	Cedar Rapids-Iowa City	AO 229-A13.
1071	Neosho Valley	AO 227-A7.
1073	Wichita	AO 173-A18.
1074	Southwest Kansas	AO 249-A8.
1078	North Central Iowa	AO 272-A8.
1079	Des Moines	AO 295-A9.
1090	Chattanooga	AO 266-A5.
1096	Northern Louisiana	AO 257-A11.
1097	Memphis	AO 219-A17.
1098	Nashville	AO 184-A21.
1099	Paducah	AO 183-A14.
1104	Red River Valley	AO 208-A7.
1106	Oklahoma Metropolitan	AO 210-A19.
1108	Central Arkansas	AO 243-A14.
1120	Lubbock-Plainview	AO 328-A4.
1126	North Texas	AO 231-A25.
1127	San Antonio	AO 232-A14.
1128	Central West Texas	AO 238-A16.
1129	Austin-Waco	AO 256-A10.
1130	Corpus Christi	AO 259-A13.
1132	Texas Panhandle	AO 262-A11.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held

at the Ramada Inn, 9636 Natural Bridge Road, St. Louis, Mo., beginning at 10 a.m., c.s.t., on March 9, 1966, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the St. Louis, Chicago, Northwestern Indiana, Suburban St. Louis, Rock River Valley, Milwaukee, Madison, St. Joseph, Mo., Quad Cities-Dubuque, Kansas City, Ozarks, Cedar Rapids-Iowa City, Neosho Valley, Wichita, Southwest Kansas, North Central Iowa, Des Moines, Chattanooga, Northern Louisiana, Memphis, Nashville, Paducah, Red River Valley, Oklahoma Metropolitan, Central Arkansas, Lubbock-Plainview, North Texas, San Antonio, Central West Texas, Austin-Waco, Corpus Christi, and Texas Panhandle marketing areas to reflect appropriate Class I prices in light of economic and marketing conditions anticipated for the next few months.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the appropriate levels of Class I prices to be established for the next several months under each of the aforesaid orders. At the hearing, evidence also will be received on the question of whether the due and timely execution of the functions of the Secretary imperatively and unavoidably requires the omission of a recommended decision in connection with any emergency amendatory action that may be required with respect to any of the aforesaid orders.

This notice is issued on representation by producers that emergency action is necessary to avert present or potential milk shortages.

The aforesaid proposals have not received the approval of the Secretary of Agriculture.

Signed at Washington, D.C., on February 28, 1966.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-2303; Filed, Mar. 3, 1966; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 33]

SPORT FISHING

Lake Woodruff, Fla., and Cross Creeks, Tenn., National Wildlife Refuges

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715) and the Fish and Wildlife Coordination Act, as amended (48 Stat. 401; 16 U.S.C. 661) it is proposed to amend 50 CFR 33.4 by the addition of Lake Woodruff National Wildlife Refuge, Fla., and Cross Creeks National Wildlife Refuge, Tenn., to the list of wildlife refuges open to public sport fishing as legislatively permitted.

It has been determined that regulated public sport fishing may be permitted on Lake Woodruff and Cross Creeks National Wildlife Refuges without detriment to the objectives for which the areas were established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 33.4 is amended by the addition of the following refuges as areas where sport fishing is authorized:

§ 33.4 List of open areas: sport fishing.

* * * * *

FLORIDA

Lake Woodruff National Wildlife Refuge.

TENNESSEE

Cross Creeks National Wildlife Refuge.

* * * * *

CLARENCE F. PAUTZKE,
Deputy Assistant Secretary
of the Interior.

MARCH 2, 1966.

[F.R. Doc. 66-2323; Filed, Mar. 3, 1966; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

RADIATION AND RADIATION SOURCES INTENDED FOR USE IN THE PRODUCTION, PROCESSING, AND HANDLING OF FOOD

Notice of Proposed Rule Making

In the matter of various radiations regulated under Subpart G of the food additive regulations, further consideration has been given to the conditions under which the foods subject to these regulations may be safely used. The Commissioner of Food and Drugs has concluded that food treated by radiation should have such fact declared on its label, and where retreatment might cause the permitted maximum dose to be exceeded, an additional warning against retreatment should be included. In the case of radiation for the disinfestation of wheat it is further concluded that the term "wheat products" is too broad and indefinite and, therefore, the existing regulation should be restricted to "wheat and wheat flour." Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (d), 72 Stat. 1787; 21 U.S.C. 348(d)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), it is proposed that Subpart G of Part 121 be amended:

1. By changing in § 121.3002 the section heading and the introduction to the section and by adding a new subparagraph (d). The affected portions read as follows:

§ 121.3002 High-dose gamma radiation for the processing of food.

Gamma radiation may be safely used for the processing of food under the following conditions:

* * * * *

(d) To assure safe use, the label of any food so processed shall bear, in addition to the other information required by the act, the statement: "Processed by ionizing radiation."

2. By changing in § 121.3003 the section heading and paragraph (b) and by adding a new paragraph (c). The affected portions read as follows:

§ 121.3003 Low-dose gamma radiation for the treatment of wheat and potatoes.

* * * * *

(b) The gamma radiation is used or intended for use in a single treatment as follows:

Food for irradiation	Limitations	Use
Wheat	Absorbed dose: 20,000 to 50,000 rads.	Control of insect infestation.
Wheat flour from unirradiated wheat.	do	Do.
White potatoes	Absorbed dose: 5,000 to 15,000 rads.	Inhibit sprout development.

(c) To assure safe use, the label and labeling of any market package of food so treated shall bear, in addition to the other information required by the act, the statement: "Treated with ionizing radiation—do not treat again." In the case of bulk shipment, the invoices or bills of lading shall bear such statement when the bulk commodity has been so treated.

3. By changing in § 121.3004 the section heading and by adding a new subparagraph (e), as follows:

§ 121.3004 High-dose electron beam radiation for the processing of food.

* * * * *

(e) To assure safe use, the label of any food so processed shall bear, in addition to the other information required by the act, the statement: "Processed by ionizing radiation."

4. By changing in § 121.3005 the section heading and by adding a new paragraph (d), as follows:

§ 121.3005 High-dose X-radiation for the processing of food.

* * * * *

(d) To assure safe use, the labeling of any food so processed shall bear, in addition to the other information required by the act, the statement: "Processed by ionizing radiation."

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: February 23, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-2258; Filed, Mar. 3, 1966; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 16473; FCC 66-173]

DISCOVERY PROCEDURES

Notice of Proposed Rule Making

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

2. Recommendation No. 30 of the Interim Administrative Conference of the United States approved "* * * the principle of discovery in adjudicatroy proceedings and recommend[ed] that each agency adopt rules providing for discovery to the extent and in the manner appropriate to its proceedings." [1] Subsequently, the Practice and Procedure Committee of the Federal Communications Bar Association passed a resolution urging the adoption by the Commission of rules 26–37 of the Federal Rules of Civil Procedure for use "in all Commission proceedings involving the imposition of sanctions * * * as well as other proceedings involving noncomparative issues which might lead to the ultimate disqualification of an applicant." The Commission has undertaken a study of this matter and has tentatively concluded that discovery procedures would appear to be a useful addition to the rules of practice and procedure. In Federal civil cases, the discovery rules are designed to facilitate preparation for trial, to provide full access to the relevant facts, to eliminate surprise, and to narrow the issues. The use of pretrial discovery can shorten actual trial time to a considerable extent. We believe that our administrative hearing procedures might also be improved by the adoption of discovery procedures similar to those in use in the Federal district courts. Since this proposal is a substantial departure from our present practice, it is important that we receive the views of all interested persons before taking final action. Accordingly, the attached appendix contains a set of proposed rules which, to the extent practicable, adapt rules 26–37 of the Federal Rules of Civil Procedure to certain Commission hearings. The proposed rules also codify for Commission proceedings the doctrine of Jencks v. United States, 353 U.S. 657 (1957), relating to access to a witness' previous statements, and makes the new procedure applicable to all parties.

Availability of discovery. 3. The discovery rules proposed herein, like the Federal rules, are designed to facilitate preparation for hearing and are thus applicable only after a proceeding has been designated for hearing. Proposed § 1.311 provides for discovery in all adjudicatory proceedings.[2] Discovery would thus be available in all hearings on license applications, renewals, revocations, and transfers. Forfeiture proceedings are not included per se, since they do not usually entail a hearing. Discovery procedures are, of course, subsequently available in a trial de novo in a Federal district court (47 U.S.C. 504). However, if a hearing is held to determine whether a forfeiture or some other sanction is warranted, the new rules would apply.

Proposed procedures. 4. The principal discovery tool is the deposition, either written or oral. Although depositions have been available for some time under the Commission's rules as an evidentiary substitute for direct testimony (§ 1.311 et seq.), depositions for the purpose of discovery have not been permitted. We propose to add discovery depositions within the existing framework of the rules. Proposed § 1.312 closely parallels Federal rule 26. Under this section, deponents may be examined on any nonprivileged matter relevant to the subject matter of the issues on which discovery is permitted. Unlike rule 26, permission is not needed to initiate the deposition procedure, no matter when it is begun (rule 26 requires permission of the court at certain early stages of the action). The only other substantive departure from rule 26 is that rule 26(c) is not adopted. This subsection, along with rule 32, deals with objections to, and irregularities in, depositions. See paragraph 12, infra, where this subject is treated.

5. The scope of examination permitted under § 1.312(b) is applicable to all of the proposed discovery procedures. It should be noted at this point that discovery may only be had of matters which are "not privileged." Therefore, while the proposed rules provide for discovery against the Commission, and go beyond the present rules (§ 0.417) providing for public inspection of many Commission records, there are appropriate limitations on the use of discovery against the Commission which follow from the nature of its functions, and which we are proposing to incorporate in the rules. These limitations are set forth in § 1.312(c), which both clarifies and adds certain matter to paragraph (b). For the most part, these limitations do not circumscribe a party's right to use discovery against the Commission more narrowly than the Federal rules, as interpreted by the courts. For example, staff memoranda and investigative reports can often be withheld under the "work product" privilege,[3] and the statements and identity of persons interviewed may be withheld under the informer's privilege.[4] Under paragraph (c), the informer's privilege would be given a broader application than under the Federal rules. This is desirable because Commission proceedings raise problems of protecting the names of persons interviewed which are not ordinarily raised in civil proceedings. The proposed rule would also permit oral depositions of Commission personnel only insofar as a particular individual has personal knowledge of the information sought. Thus, a staff member would be questioned where he was present and observed certain violations, but not where his knowledge of an alleged violation is hearsay. The multiplicity of demands on the Commission's limited staff necessitates this limitation in the interest of administrative efficiency. However, matters which could not be inquired into on oral deposition would still be subject to written interrogatories or orders for the production of documents where not privileged. Finally, material specifically held by the Commission upon a confidential basis (see § 0.417(c) of the rules) will be made available only in accordance with § 0.417 (c). We believe that these limitations upon discovery are necessary to protect staff independence of action and to prevent improper divulgence of certain confidential material; we do not believe they will unduly limit the effectiveness of the new discovery procedures.

6. Section 1.312(b) states that a deposition may cover "the identity and location of persons having knowledge of relevant facts." The courts have held under the Federal rules that discovery does not require the furnishing of a list of witnesses,[5] and such a list will not be required under our proposed rules. The courts have recognized that such a list may not serve the purposes of discovery, since it might contain only a portion of the persons who have knowledge of the relevant facts. Furthermore, the purpose of discovery is to enable a party to learn the relevant facts in order to be better prepared for trial (or hearing), and not to enable him to find out how the other party intends to conduct his case. The proposed rule should be adequate to prevent surprise, since it does permit a party to obtain a list of the persons from

[1] App. IV, Final Report of the Administrative Conference of the United States (1962).

[2] In mixed adjudicatory and rulemaking proceedings, discovery is applicable only in those issues which are wholly or partly adjudicatory.

[3] See Hickman v. Taylor, 329 U.S. 495 (1947); Mid-South Broadcasting, 12 Pike & Fischer, R.R. 1447 (1955).

[4] Mohawk Refining Corp. v. F.T.C., 263 F. 2d 818 (C.A. 3, 1959); United Air Lines, Inc. v. C.A.B., 281 F. 2d 53 (C.A.D.C., 1960); Gonzales v. United States, 364 U.S. 59 (1960); Zuzich Truck Line, Inc. v. United States, 224 F. Supp. 457 (D. Kans., 1963).

[5] United States v. Proctor and Gamble Co., 25 FRD 252 (D.N.J., 1960); Wirtz v. Continental Finance and Loan Co. of West End, 326 F. 2d 561 (C.A. 5, 1964); Wirtz v. B.A.C. Steel Products, Inc., 312 F. 2d 14 (C.A. 4, 1962).

which the witnesses will undoubtedly be chosen.[6] It should be noted at this point that the proposed rules do not affect the present prehearing conference procedure of § 1.251. Under that procedure the parties can exchange a great deal of information, including a list of witnesses in appropriate cases. Such exchanges are purely voluntary,[7] and the FCBA has suggested that the Commission adopt the provision of Federal rule 16 for mandatory exchanges of information, which may include lists of witnesses. We will be giving further consideration to use of the other Federal Rules of Civil Procedure, including rule 16, and the question of lists of witnesses can be considered at that time. However, it would appear desirable in any event to await experience with the new discovery procedures before attempting to decide whether the mandatory furnishing of witnesses' names, with the attendant problems it may raise,[8] particularly in cases involving sanctions, should be adopted for Commission proceedings.

7. Proposed § 1.313 is modeled after Federal rule 27. Depositions are allowed pending appeal, but not before designation for hearing. There is little, if any, apparent need for depositions prior to designation for hearing.

8. Section 1.314 is the present § 1.314. It describes those persons who may preside at the taking of a deposition. It has been retained in lieu of Federal rule 28 because the latter rule is somewhat inappropriate, and the present Commission rule is workable for discovery.

9. The proposed § 1.315 adopts Federal rule 29 verbatim. This rule permits the parties to stipulate freely on the manner of taking depositions.

10. Proposed §§ 1.316–1.320 are five important procedural rules. They are roughly parallel to Federal rule 30. They relate to oral depositions, but certain sections are made applicable to other discovery procedures as well. Under § 1.316, which is equivalent to Federal rule 30(a), notice that depositions are to be taken must be given to the other parties, as well as to the person to be examined. The contents of the notice are the same as are required by present § 1.312; except that § 1.312(b) (4) and (5), relating to the need for a deposition and to the need for multiple depositions, have been deleted as not being wholly consonant with discovery depositions. Section 1.317, which resembles Federal rule 30 (b) and (d), is the same as the present § 1.313, with only a few minor changes. It provides for the issuance of orders by the presiding officer to protect parties and deponents. The major difference between § 1.317 and the Federal rule is that under the former the presiding officer can act on his own motion, while under Federal rule 30 (b) a judge must await a motion. We are adding the words "or a subsequent motion" to paragraph (d) of § 1.317 to make clear that a presiding officer may consider questions of scope, etc., after the examination has commenced. Thus, a motion can be made to terminate or limit the examination during the taking of a deposion. Federal rule 30(d) is more specific on this point, but no different in substance. Section 1.318 is the present § 1.315 verbatim (oath; transcript) and is the equivalent of Federal rule 30(c). Section 1.319 is the present § 1.316 (submission to witness; changes; signing) and is the equivalent of Federal rule 30(e). Finally, § 1.320 is the present § 1.317 (certification and filing; copies) and contains the substance of Federal rule 30(f). See paragraph 18, infra, as to why there is no equivalent to Federal rule 30(g).

11. The proposed § 1.321, which relates to written interrogatories to witnesses, follows Federal rule 31 with slight editorial changes.

12. The proposed § 1.322 is present § 1.319. This section covers all objections to depositions, whether made during the taking of the deposition or at the hearing. It is like Federal rule 32 and also takes the place of the Federal rules 26 (c) and 30(d).

13. The proposed § 1.323 covers interrogatories to parties (note the difference from § 1.321) and is the same as Federal rule 33.

14. The proposed § 1.324 is based upon Federal rule 34, and permits the discovery and production of documents and other tangible objects.

15. The proposed § 1.325 is based upon Federal rule 36, which provides for requesting admissions of fact from parties. Paragraph (b) of the Federal rule, which limits the use of an admission to the proceeding in which it is made, has been deleted. We do not believe that an admission made to the Commission in one case should be unavailable before us in another case. In addition, our responsibilities necessarily extend beyond securing admissions just to resolve particular issues. The admissions permitted to be requested under this rule are like forced stipulations. This procedure is usually used in coordination with prehearing procedures. It should be noted in passing that the mental and physical examinations of Federal rule 35 are not included in the proposed rules because their need in Commission proceedings seems remote.

16. The proposed § 1.326 is a codification of the rule enunciated in Jencks v. United States, 353 U.S. 657 (1957), and modified in 18 U.S.C. 3500. When a witness has testified, and it is established that there is a written statement made by the witness in the possession of a party, which is related to the witness' direct testimony, this statement may be requested by any party. If the party possessing the statement should refuse to furnish the statement, that part of the witness' direct testimony which relates to the subject matter of the requested statement will be stricken. This request by a party must be made after the witness has given his direct testimony and before the witness is excused. This rule is not a prehearing discovery procedure, but it is proposed here because of its similarity of purpose and effect, and because it has been under consideration for some time. As proposed, § 1.326 applies Jencks to our proceedings, despite the view of some authorities that such application is not necessary. We are proposing to apply the rule equally to all parties since, as a matter of policy, we see no reason to limit its application in our proceedings to statements in the Commission's possession.

17. The final proposed addition to the rules, which is similar to Federal rule 45, is a method of obtaining a simplified subpena for enforcing discovery. Section 1.333(e) authorizes the presiding officer to issue a subpena ad testificandum for the purpose of enforcing a notice to take depositions if the notice has not been challenged by the person to be examined, a party, or the presiding officer, within the 10-day period specified in § 1.317(c). Adequate opportunity to challenge the taking of the deposition is afforded by the notice to take depositions. The rule also provides for a subpena duces tecum to accompany the subpena ad testificandum. The parties, the person to be examined, and the presiding officer, must be given an opportunity to challenge this part of the subpena request. The entire subpena request is therefore subject to § 1.317 if it is submitted at the same time as the notice to take depositions. However, if the subpena request is submitted after the notice to take depositions has gone unchallenged, or has met all challenges, only that part of the subpena request which asks for a subpena duces tecum will be subject to § 1.317. At any time, a subpena duces tecum request must meet the requirements of § 1.33 (b) and (d). Finally, § 1.33(f) provides for a subpena duces tecum to enforce an order for the production of documents and things for inspection and copying under § 1.324.

18. Federal rules 30(g) and 37 have no counterparts in the proposed rules. These rules deal with the imposition of costs on recalcitrant witnesses and erring parties. We doubt our authority to impose such costs. However, an unreasonable refusal to admit a fact subsequently proved, unexplained failure to respond to a notice for the taking of a deposition, or other misuse of these procedures will be considered as reflecting upon a party's fitness to be a licensee. Witnesses who are not parties are of course subject to subpena and to appropriate enforcement remedies.

19. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments herein on or before April 8, 1966,

[6] The government may, of course, properly decline to reveal the names of informants who have furnished information in the course of an investigation. Roviaro v. United States, 353 U.S. 53 (1956); Arnstein v. United States, 296 Fed. 946 (C.A.D.C., 1924); Mitchell v. Roma, 265 F. 2d 633 (C.A. 3, 1959). Cf. Mitchell v. Bass, 252 F. 2d 513 (C.A. 8, 1958). See also the discussion in par. 5.

[7] See also the procedure set out in D and E Broadcasting Co., 5 Pike & Fischer, R.R. 2d 475 (1965), requiring the appropriate Commission Bureau to submit bills of particulars in certain cases.

[8] See United States v. Manhattan Brush Co., Inc., 38 FRD 4 (S.D.N.Y. 1965).

with reply comments due on or before April 22, 1966. In reaching its decision herein, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

20. Authority for adoption of the rules proposed herein is found in sections 4 (i) and (j), 303(r) and 409(h) of the Communications Act of 1934, as amended.

Adopted: February 23, 1966.

Released: February 28, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[9]

[SEAL] BEN F. WAPLE, *Secretary.*

1. The undesignated center heading preceding § 1.311 is amended, §§ 1.311–1.319 are deleted, and §§ 1.311–1.326 are added in lieu thereof to read as follows:

DEPOSITIONS AND DISCOVERY

§ 1.311 When discovery is available.

The procedures for discovery contained in §§ 1.312–1.325 shall be available in any adjudicatory proceeding which has been designated for hearing.

§ 1.312 Depositions pending action.

(a) *The purpose of depositions.* Any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for the purpose of discovery or for use as evidence in the hearing or for both purposes. The deposition may be taken without an order therefor. The attendance of witnesses may be compelled by the use of subpoena as provided in §§ 1.331–1.340.

NOTE: The parties may, of course, utilize informal exchanges of information, including such matters as the identity of the persons with knowledge of particular facts.

(b) *Scope of examination.* Except as provided by paragraph (c) of this section and unless otherwise ordered by the presiding officer (see par. (d) of this section) as provided by § 1.317, the deponent may be examined regarding any matter, not privileged, which is relevant to the hearing issues, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts. It is not ground for objection that the testimony will be inadmissible at the hearing if the testimony sought appears reasonably calculated to lead to the discovery of admissible evidence.

(c) *Limitations on discovery from the Commission.* Discovery from the Commission shall be subject to the following further limitations:

(1) Staff memoranda, staff investigative reports, and statements in the Commission's possession by persons interviewed shall be considered privileged documents. (See, however, § 1.326 as to statements of Commission witnesses.)

(2) The informer's privilege shall be construed broadly and shall encompass information which may lead to the disclosure of an informer's identity.

(3) Commission personnel may be questioned on oral deposition as to matters within their direct personal knowledge only. Other information, if not privileged, may be sought by other discovery procedures.

(4) Information submitted to the Commission in confidence under the provisions of this chapter (see, e.g., § 0.417 (c)(1)–(3)) is not subject to discovery. It must be requested under § 0.417(c).

(d) *Who shall act.* The presiding officer (see § 1.241), or the Commission, or the Review Board, or the Chief Hearing Examiner, if the matter to which the deposition pertains is before one of them (see § 0.341), shall take the actions provided for in §§ 1.311–1.326. The term "presiding officer," as used in these sections, shall be understood to refer to the appropriate officer or body.

(e) *Examination and cross-examination.* Examination and cross-examination of deponents may proceed as permitted at the hearing.

(f) *Use of depositions.* At the hearing (or in a pleading), any part or all of a deposition, so far as admissible, may be used against any party who was present or represented at the taking of the deposition or who had due notice thereof, in accordance with any one of the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of deponent as a witness.

(2) The deposition of a party or of any one who at the time of taking the deposition was an officer, director, or managing agent of a public or private corporation, partnership or association which is a party may be used by an adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the presiding officer finds: (i) That the witness is dead; or (ii) that the witness is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition; or (iii) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (iv) upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open hearing, to allow the deposition to be used.

(4) If only part of a deposition is offered in evidence by a party, an adverse party may require him to introduce all of it which is relevant to the part introduced, and any party may introduce any other parts.

(5) Substitution of parties does not affect the right to use depositions previously taken; and, when an action in any hearing has been dismissed and another action involving the same subject matter is afterward brought between the same parties or their representatives or successors in interest, all depositions lawfully taken and duly filed in the former action may be used in the latter as if originally taken therefor.

(g) *Effect of taking or using depositions.* A party shall not be deemed to make a person his own witness for any purpose by taking his deposition. The introduction in evidence of the deposition or any part thereof for any purpose other than that of contradicting or impeaching the deponent makes the deponent the witness of the party introducing the deposition, but this shall not apply to the use by an adverse party of a deposition as described in subparagraph (2) of paragraph (f) of this section. At the hearing any party may rebut any relevant evidence contained in a deposition whether introduced by him or by any other party.

§ 1.313 Depositions pending appeal.

If an appeal has been taken from a final decision of the Commission, or before the taking of an appeal if the time therefor has not expired, the Commission (or the Review Board, or presiding officer, in a case where review was not granted by a higher authority) may allow the taking of the depositions of witnesses to perpetuate their testimony for use in the event of further proceedings, on motion, and solely to avoid a failure of justice.

§ 1.314 Persons before whom depositions may be taken.

Depositions shall be taken before any judge or any court of the United States; any United States Commissioner; any clerk of a district court; any chancellor, justice or judge of a supreme or superior court; the mayor or chief magistrate of a city; any judge of a county court, or court of common pleas of any of the United States; any notary public, not being of counsel or attorney to any party, nor interested in the event of the proceeding; or presiding officers, as provided in § 1.243.

§ 1.315 Stipulations regarding the taking of depositions.

If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used like other depositions.

§ 1.316 Notice to take depositions upon oral examination.

(a) A party to a hearing desiring to take a deposition of any person shall give a minimum of 15 days notice in writing to every other party and to the person to be examined. An original and 14 copies of the notice shall be filed with the Commission.

(b) The notice shall contain the following information:

(1) The name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs.

(2) The time and place for taking the deposition of each person to be examined, and the name and address of the person before whom the deposition is to be taken.

[9] Commissioner Bartley absent.

(3) The matters upon which each person will be examined.

§ 1.317 Orders to protect parties and deponents.

(a) On his own motion or upon motion seasonably made by any party or by the person to be examined, the presiding officer may order:

(1) That the deposition shall not be taken.

(2) That it may be taken only at some designated time or place other than that stated in the notice.

(3) That it may be taken only on written interrogatories.

(4) That certain matters shall not be inquired into.

(5) That the scope of the examination shall be limited to certain matters.

(6) That the examination shall be held under such circumstances as will effectuate the ends of justice.

(7) That, after being sealed, the deposition shall be opened only by order of the presiding officer.

(b) Motions opposing the taking of depositions shall be filed and served on all parties to the proceeding within 10 days of filing of the notice to take depositions. The presiding officer may in his discretion direct the parties or their attorneys to appear at a specified time and place for a conference to consider matters raised by the notice or the opposition.

(c) If a motion opposing the taking of depositions is not filed, and if no action is taken by the presiding officer on his own motion within 10 days after filing of the notice to take depositions, the depositions described in the notice may be taken.

(d) In acting on the notice to take depositions, or a subsequent motion, the presiding officer may consider the following matters:

(1) The relevancy to the hearing issues of the matters upon which each person will be examined, and the competency of such person to testify on such matters.

(2) Any measures which justice may require to protect a party or witness from annoyance, embarrassment, or oppression.

(3) The necessity for taking multiple depositions to establish the facts in question.

(e) No inference concerning the admissibility of a deposition in evidence shall be drawn because of favorable action on the notice to take depositions.

§ 1.318 Oath; transcript of depositions.

The officer before whom the deposition is to be taken shall administer an oath or affirmation to the witness and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed, unless the parties agree otherwise. In lieu of participating in the oral examination, parties served with notice of taking a deposition may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim.

§ 1.319 Submission of deposition to witness; changes; signing.

When the testimony is fully transcribed, the deposition of each witness shall be submitted to him for examination and shall be read to or by him. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing, or the witness is ill, cannot be found, or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver, the illness or absence of the witness, or of his refusal to sign, together with the reason (if any) given therefor; and the deposition may then be used as fully as though signed, unless upon a motion to suppress, the presiding officer holds that the reason given for the refusal to sign requires rejection of the deposition in whole or in part.

§ 1.320 Certification of deposition and filing by officer; copies.

The officer shall certify on the deposition that the witness was duly sworn by him, that the deposition is a true record of the testimony given by the witness, and that said officer is not of counsel or attorney to either of the parties, nor interested in the event of the proceeding or investigation. He shall then securely seal the deposition in an envelope endorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly send the original and two copies thereof, together with the original and two copies of all exhibits, by registered mail to the Secretary of the Commission.

§ 1.321 Depositions of witnesses upon written interrogatories.

(a) *Serving interrogatories; notice.* A party desiring to take the deposition of any person upon written interrogatories shall serve them upon every other party with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom the deposition is to be taken. Within 10 days thereafter a party so served may serve cross interrogatories upon the party proposing to take the deposition. Within 5 days thereafter the latter may serve redirect interrogatories upon a party who has served cross interrogatories. Within 3 days after being served with redirect interrogatories, a party may serve recross interrogatories upon the party proposing to take the deposition.

(b) *Officer to take responses and prepare record.* A copy of the notice and copies of all interrogatories served shall be delivered by the party taking the deposition to the officer designated in the notice, who shall proceed promptly, in the manner provided by §§ 1.318–1.320, to take the testimony of the witness in response to the interrogatories and to prepare, certify, and file or mail the deposition, attaching thereto the copy of the notice and the interrogatories received by him.

(c) *Notice of filing.* When the deposition is filed, the party taking it shall promptly give notice thereof to all other parties.

(d) *Orders for the protection of parties and deponents.* After the service of interrogatories and prior to the taking of the testimony of the deponent, the presiding officer, on his own motion, or on motion promptly made by a party or a deponent, upon notice and good cause shown, may make any order specified in § 1.317 which is appropriate and just or an order that the deposition shall not be taken before the officer designated in the notice or that it shall not be taken except upon oral examination.

§ 1.322 Objections to depositions.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

(b) Objections to the competency of a witness, or the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(c) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties, and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless reasonable objection thereto is made at the taking of the deposition.

(d) Any objection made at the time of the examination to the qualifications of the officer taking a deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to such objection.

§ 1.323 Interrogatories to parties.

(a) Any party may serve upon any adverse party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership or association, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may be served after designation for hearing and without leave.

(b) The interrogatories shall be answered separately and fully in writing under oath. The answers shall be signed by the person making them; and the party upon whom the interrogatories have been served shall serve a copy of the answers on the party submitting the interrogatories within 15 days after the service of the interrogatories, unless the presiding officer, on motion and no-

tice and for good cause shown, enlarges or shortens the time.

(c) Within 10 days after service of interrogatories a party may serve written objections thereto. Answers to interrogatories to which objection is made shall be deferred until the objections are determined.

(d) Interrogatories may relate to any matters which can be inquired into under § 1.312(b), and the answers may be used to the same extent as provided in § 1.312(f) for the use of the deposition of a party. Interrogatories may be served after a deposition has been taken, and a deposition may be sought after interrogatories have been answered, but the presiding officer, on his own motion, or on motion of the deponent or the party interrogated, may make such protective order as justice may require. The number of interrogatories or of sets of interrogatories to be served is not limited except as justice requires to protect the party from annoyance, expense, embarrassment, or oppression. The provisions of § 1.317 are applicable for the protection of the party from whom answers to interrogatories are sought under this section.

§ 1.324 Discovery and production of documents and things for inspection, copying, or photographing.

Upon motion of any party showing good cause therefor and upon notice to all other parties, and subject to the provisions of § 1.317, the presiding officer may (a) order any party to produce and permit the inspection and copying or photographing, by or on behalf of the moving party, of any designated documents, papers, books, accounts, letters, photographs, objects, or tangible things, not privileged, which constitute or contain evidence relating to any of the matters within the scope of the examination permitted by § 1.312(b) and which are in his possession, custody, or control; or (b) order any party to permit entry upon designated land or other property in his possession or control for the purpose of inspecting, measuring, surveying, or photographing the property or any designated object or operation thereon within the scope of the examination permitted by § 1.312(b). The order shall specify the time, place, and manner of making the inspection and taking the copies and photographs and may prescribe such terms and conditions as are just.

§ 1.325 Admission of facts and of genuineness of documents.

After designation of an adjudicatory case for hearing, a party may serve upon any other party a written request for the admission by the latter of the genuineness of any relevant documents described in and exhibited with the request or of the truth of any relevant matters of fact set forth in the request. Copies of the documents shall be served with the request unless copies have already been furnished. Each of the matters of which an admission is requested shall be deemed admitted unless, within a period designated in the request, not less than 10 days after service thereof or within such shorter or longer time as the presiding officer may allow on motion and notice, the party to whom the request is directed serves upon the party requesting the admission either (a) a sworn statement denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully admit or deny those matters, or (b) written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part. If written objections to a part of the request are made, the remainder of the request shall be answered within the period designated in the request. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party deny only a part or a qualification of a matter of which an admission is requested, he shall specify so much of it as is true and deny only the remainder.

§ 1.326 Production of statements.

After a witness is called and has given direct testimony in a hearing, and before he is excused, any party may move for the production of any statement, or part thereof, of such witness, pertaining to his direct testimony, in possession of the party calling the witness, if such statement has been reduced to writing and signed or otherwise approved or adopted by the witness. Such motion shall be directed to the presiding officer. If the party declines to furnish the statement, the testimony of the witness pertaining to the requested statement shall be stricken.

2. In section 1.333, paragraphs (e) and (f) are added, to read as follows:

§ 1.333 Requests for issuance of subpena.

* * * * *

(e) Requests for issuance of a subpena ad testificandum to enforce a notice to take depositions shall be submitted in writing. Such requests may be submitted with the notice or at a later date. The request shall not be granted until the 10 day period for the filing of motions opposing the taking of depositions has expired or, if a motion has been filed, until that motion has been acted on. Regardless of the time when the subpena request is submitted, it need not be accompanied by a showing that relevant and material evidence will be adduced, but merely that the person will be examined regarding a nonprivileged matter which is relevant to an issue in hearing. The subpena request may ask that a subpena duces tecum be contemporaneously issued commanding the person to whom it is directed to produce designated books, papers, documents, or tangible things which constitute or contain evidence relating to any of the matters within the scope of the examination permitted by § 1.312(b), but in that event the subpena request will be subject to the provisions of §§ 1.317 and 1.333(b).

(f) Requests for issuance of a subpena duces tecum to enforce an order for the production of documents and things for inspection and copying under § 1.324 may be submitted with the motion requesting the issuance of such an order. Regardless of the time when the subpena request is submitted, it need not be accompanied by a showing that relevant and material evidence will be adduced, but merely that the documents and things to be examined contain nonprivileged matter which is relevant to an issue in hearing.

[F.R. Doc. 66-2289; Filed, Mar. 3, 1966; 8:49 a.m.]

[47 CFR Part 97]

[Docket No. 16420]

RADIO AMATEUR CIVIL EMERGENCY SERVICE

Order Extending Time for Filing Comments

In the matter of amendment of Part 97 of the Commission's rules to authorize on a permanent basis the Radio Amateur Civil Emergency Service (RACES) on an integral phase of the Amateur Radio Service for Civil Defense Operations.

The Commission, by its Chief, Safety and Special Radio Services Bureau, having under consideration a petition filed by the American Radio Relay League, Inc. (ARRL), to extend the time for filing comments in the above-entitled matter until March 30, 1966; and

It appearing, that the time for filing comments to Docket No. 16420 expires on February 21, 1966, and the time for filing reply comments expires on March 8, 1966; and

It further appearing, that in support of its request, petitioner states, among other things, that its Executive Committee will not be able to meet until March 26, 1966, and will not, therefore, be able to consider and comment upon this important matter without an extension of the comment period; and

It further appearing, that in light of the considerations advanced by petitioner, an extension of the comment period would be in the public interest:

It is ordered, This 21st day of February 1966, pursuant to sections 4(i) and 5(d)(1) of the Communications Act of 1934, as amended, and § 0.331(b)(4) of the Commission's rules, that the time for filing comments in response to the above-entitled matter is extended to March 30, 1966, and that the time for filing reply comments is extended to April 14, 1966.

Released: February 28, 1966.

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

[F.R. Doc. 66-2290; Filed, Mar. 3, 1966; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71–79]

[Docket No. 3666; Notice No. 71]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Notice of Proposed Rule Making

FEBRUARY 11, 1966.

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

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before March 16, 1966. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

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

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

By the Commission, Explosives and Other Dangerous Articles Board.

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

APPENDIX A

PART 71—GENERAL INFORMATION AND REGULATIONS

In Part 71 Index, amend § 71.4 (29 F.R. 18652, Dec. 29, 1964) to read as follows:

71.4 Changes in specifications for tank cars.

In § 71.4 amend the heading and paragraph (a) (29 F.R. 18652, Dec. 29, 1964) to read as follows:

§ 71.4 Changes in specifications for tank cars.

(a) See § 79.4 of this chapter.

Revise entire § 71.5 (29 F.R. 18652, Dec. 29, 1964) to read as follows:

§ 71.5 Procedure covering tank car construction.

(a) See § 79.3 of this chapter.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–79 OF THIS CHAPTER

Amend § 72.5 paragraph (a) Commodity List (29 F.R. 18655, 18658, 18663, 18665, Dec. 29, 1964) as follows:

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Compressed gases, n.o.s.	Nonf. G.	73.306, 73.305, 73.304, 73.302	Green	300 pounds.
Compressed gases, n.o.s.	F. G.	73.306, 73.305, 73.304, 73.302	Red Gas	300 pounds.
Perchloric acid *not in excess of 72 percent.*	Cor. L.	73.244, 73.269	White	5 pints.
Sodium chlorite solution (not exceeding 42 percent sodium chlorite).	Cor. L.	73.244, 73.263	White	4 gallons.
Add				
Aerosol products. See Compressed gases, n.o.s.				
Ammunition for small arms with incendiary projectiles.	Expl. A.	No exemption, 73.58		Not accepted.
Dimethylhexyl diperoxybenzoate	Oxy. M.	No exemption, 73.158	Yellow	25 pounds.
Pressurized products. See Compressed gases, n.o.s.				
Cancel				
Ammunition for small arms with explosive bullets.	Expl. A.	No exemption, 73.58		Not accepted.

PART 73—SHIPPERS

In Part 73 Index, amend §§ 73.158, 73.263 (29 F.R. 18668, 18669, Dec. 29, 1964) as follows:

73.158 Benzoyl peroxide, chlorobenzoyl peroxide (para), cyclohexanone peroxide, dimethylhexane dihydroperoxide, dimethylhexyl diperoxybenzoate, lauroyl peroxide, or succinic acid peroxide, dry.

73.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution inhibited, sodium chlorite solution (not exceeding 42 percent sodium chlorite), and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

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

In § 73.22 amend the introductory text of paragraph (a) (29 F.R. 18672, Dec. 29, 1964) to read as follows:

§ 73.22 Specification containers prescribed.

(a) Shipping containers, unless otherwise provided in this part (see § 73.9(c)), used hereafter in shipping explosives or other dangerous articles, must be determined by the shipper to have been made, assembled with all parts or fittings in their proper place, and marked in compliance with applicable specifications prescribed in Parts 78 and 79 of this chapter or with specifications of the Commission in effect at date of manufacture of container.

* * * * *

In § 73.31 amend paragraphs (a)(4), (d)(2), (d)(7); in paragraph (d)(8) Retest Table 2 amend the 4th column heading reading, "Tank hydrostatic expansion" to read, "Tank hydrostatic expansion [d];" amend Retest Table 2 proper and add footnote [d] thereto; add paragraph (d)(9) (29 F.R. 18674, 18675, Dec. 29, 1964) (30 F.R. 5743, Apr. 23, 1965) to read as follows:

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

(a) * * *

(4) Tank cars and appurtenances may be used for the transportation of any commodity for which they are authorized. Tank cars proposed for a commodity service other than authorized, must be approved for such service by the Association of American Railroads' Committee on Tank Cars. Transfer of a tank car from one authorized service to another may be made only by the owner or owner's authorization. Classes ICC-105A-W, 109A-W, 111A-100-W-4, 112A-W, 114A-W tank cars may be used for any commodity for which they are approved by the Committee on Tank Cars and be stenciled accordingly. When a tank car is stenciled to indicate that it is authorized for one commodity only, it must not be used for any other service.

* * * * *

(d) * * *

(2) Each tank, except as provided in subparagraph (d)(9) of this section, must be subjected to the specified hydrostatic pressure and its permanent expansion determined. Pressure must be maintained for 30 seconds and as much longer as may be necessary to secure complete expansion of the tank. Pressure gauge must permit reading to an accuracy of 1 percent. Expansion gauge must permit reading of total expansion to an accuracy of 1 percent. Expansion must be recorded in cubic centimeters. Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure and tank must not leak or show evidence of distress.

* * * * *

(7) The month and year of test, followed by a "V" if visually inspected as described in subparagraph (d)(9) of this section, must be plainly and permanently stamped into the metal of one head or chime of each tank passing test; for example, 1–60 for January 1960. On ICC-

107A**** tanks, the date must be stamped into the metal of the marked end; except that if all tanks mounted on a car have been tested, the date may be stamped into the metal of a plate permanently applied to the bulkhead on the "A" end of the car. Date of previous tests and all prescribed markings must be kept legible.

(8) * * *

RETEST TABLE 2

Specification	Retest interval—years		Retest pressure—p.s.i.		Safety relief valve pressure—p.s.i.	
	Tank	Safety relief devices	Tank hydrostatic expansion [4]	Tank air test	Start-to-discharge	Vapor tight
Add						
ICC-110A1000-W	5	2	1,000	100	750	600
* * *	* * *	* * *	* * *	* * *	* * *	* * *

[4] See § 73.31(d)(9).

* * * * * * *

(9) Tanks of ICC–106A and ICC–110A–W (§§ 79.300, 79.301, 79.302 of this chapter) specifications used exclusively for transporting fluorinated hydrocarbons and mixtures thereof which are free from corroding components may be given a periodic complete internal and external visual inspection in lieu of the periodic hydrostatic retest. Visual inspections shall be made only by competent persons. Acceptance or rejection of tanks shall be based upon the methods used for cylinders in Compressed Gas Association's Pamphlet C–6–1962, "Standards for Visual Inspection of Compressed Gas Cylinders"; [1] and the results shall be recorded on a suitable data sheet, the completed copies of which shall be kept by the owner as a permanent record. The points to be recorded and checked on these data sheets are: Date of inspection (month and year followed by a "V" to indicate visual inspection); ICC specification number; tank identification (registered symbol and serial number, date of manufacture and ownership symbol); type of protective coating (painted, etc., and statement as to need of refinishing or recoating); conditions checked (leakage, corrosion, gouges, dents or digs, broken or damaged chime or protective ring, fire, fire damage, internal condition); disposition of tank (returned to service, returned to manufacturer for repair, or scrapped).

* * * * * * *

In § 73.34 amend only that portion of paragraph (e)(10) which precedes the table (29 F.R. 18680, Dec. 29, 1964) to read as follows:

§ 73.34 Qualification, maintenance and use of cylinders.

* * * * * * *

(e) * * *

(10) Cylinders made in compliance with the specifications listed in the table below and used exclusively in the service indicated may, in lieu of the periodic hydrostatic retest, be given a complete external visual inspection at the time such periodic retest becomes due. External visual inspection as described in the Compressed Gas Association's "Standards for Visual Inspection of Compressed Gas Cylinders" (CGA Pamphlet C–6–1962)[1] will, in addition to the following requirements prescribed herein, meet the requirements for visual inspection:

* * * * * * *

Subpart B—Explosives; Definitions and Preparation

In § 73.51 amend paragraph (q) (30 F.R. 5744, Apr. 23, 1965) to read as follows:

§ 73.51 Forbidden explosives.

* * * * * * *

(q) New explosives and explosive devices except samples for laboratory examination (see § 73.86) and military explosives of a security classification approved by the U.S. Army Materiel Command; Chief, Bureau of Naval Weapons, Department of the Navy; or Commander, Air Force Systems Command and Commander, Air Force Logistics Command, Department of the Air Force. All other new explosives must be approved for transportation by the Bureau of Explosives.

* * * * * * *

In § 73.53 amend paragraph (q) (29 F.R. 18684, Dec. 29, 1964) to read as follows:

§ 73.53 Definition of class A explosives.

* * * * * * *

(q) *Ammunition for small arms with explosive projectiles or incendiary projectiles.* Ammunition for small arms with explosive projectiles and ammunition for small arms with incendiary projectiles is fixed ammunition of caliber less than 0.80 inch (20.32 millimeters) to be used in machine guns or cannons, and consists of a metallic cartridge case, the primer and the propelling charge, with explosive projectile or incendiary projectile with or without detonating fuze; the component parts necessary for one firing being all in one assembly. Detonating fuzes, tracer fuzes, explosive or ignition devices or fuze parts with explosives contained therein must not be assembled in ammunition or included in the same outside package unless shipped by, for or to the Departments of the Army, Navy, and Air Force of the U.S. Government or unless of a type approved by the Commission.

* * * * * * *

In § 73.54 amend paragraph (a) (29 F.R. 18684, Dec. 29, 1964) to read as follows:

§ 73.54 Ammunition for cannon.

(a) Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles, or shell must be packed and property secured in strong wooden or metal containers, or in plastic containers as listed on U.S. Army Materiel Command Drawing No. A–9205248, dated December 9, 1964.

* * * * * * *

In § 73.56 add paragraph (e)(1) (29 F.R. 18685, Dec. 29, 1964) to read as follows:

§ 73.56 Ammunition, projectiles, grenades, bombs, mines, gas mines, and torpedoes.

* * * * * * *

(e) * * *

(1) Explosive bombs packed more than one in shipping containers having gross weights not in excess of 1,400 pounds may be shipped by, for or to the Departments of the Army, Navy, and Air Force of the U.S. Government.

* * * * * * *

Revise entire § 73.58 (29 F.R. 18685, Dec. 29, 1964) to read as follows:

§ 73.58 Ammunition for small arms.

(a) Ammunition for small arms with explosive projectiles or incendiary projectiles must be well packed and properly secured in strong metal or wooden containers. The gross weight of the outside package must not exceed 175 pounds.

(b) Each outside package must be plainly marked "Ammunition for small arms with explosive projectiles," or "Ammunition for small arms with incendiary projectiles," as the case may be.

(c) Ammunition for small arms with explosive projectiles or incendiary projectiles must not be offered for transportation by rail express, except as provided in §§ 73.86 and 75.675 of this chapter.

In § 73.66 amend paragraph (g)(1) (29 F.R. 18690, Dec. 29, 1964) to read as follows:

§ 73.66 Blasting caps, blasting caps with safety fuse, blasting caps with metal clad mild detonating fuse, and electric blasting caps.

* * * * * * *

(g) * * *

(1) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes (see § 73.67(a)(1), Note 1) or spec. 12H, 23F, or 23H (§§ 78.209, 78.214, or 78.219 of this chapter), fiberboard boxes, with inside containers which must be pasteboard cartons containing not more than 100 caps each, or pasteboard tube inclosing each cap with wires or with the wires wrapped

[1] Available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York, N.Y.

around the tube. Gross weight of 103 pounds authorized for spec. 12H boxes when constructed of 350-pound test corrugated fiberboard in accordance with § 78.209–8(a)(3) of this chapter. Gross weight of wooden boxes containing pasteboard cartons or caps with wires 30 feet or more in length in pasteboard tubes must not exceed 150 pounds, except for export shipment. Gross weight of wooden boxes containing caps with wires less than 30 feet in length in pasteboard tubes must not exceed 75 pounds.

* * * * *

In § 73.91 add paragraph (a)(6) (29 F.R. 18695, Dec. 29, 1964) to read as follows:

§ 73.91 Special fireworks.

(a) * * *

(6) Illuminating projectiles, incendiary projectiles, and smoke projectiles exceeding 90 pounds in weight each, or of not less than 4½ inches in diameter, may be shipped without being boxed only by, for, or to the Departments of the Army, Navy, and Air Force of the U.S. Government when securely blocked and braced in accordance with methods prescribed by the cognizant military departments and approved by the Commission.

(i) Illuminating projectiles, incendiary projectiles, and smoke projectiles less than 4½ inches in diameter may be shipped without being boxed, when palletized, only by, for, or to the Departments of the Army, Navy, and Air Force of the U.S. Government when securely blocked and braced in accordance with methods prescribed by the cognizant military departments and approved by the Commission.

* * * * *

In § 73.100 amend the introductory text of paragraph (b); amend paragraph (b)(2) (29 F.R. 18697, Dec. 29, 1964) to read as follows:

§ 73.100 Definition of class C explosives.

* * * * *

(b) Small arms ammunition is fixed ammunition consisting of a metallic, plastic composition, or paper cartridge case, a primer, and a propelling charge, with or without bullet, projectile, shot, tear gas material, tracer components, or incendiary compositions, or mixtures, but not including projectiles loaded with high explosives or incendiary compositions, and is further limited to the following:

* * * * *

(2) Ammunition of caliber less than 0.80 inch (20.32 millimeters) with solid, inert, or empty projectiles (with or without tracers), designed to be fired from machine guns or cannons. (See § 73.53 (q) for small arms ammunition assembled with explosive projectiles or incendiary projectiles classed as class A explosives.)

* * * * *

Subpart C—Flammable Liquids; Definition and Preparation

In § 73.119 amend paragraph (b)(9) (29 F.R. 18703, Dec. 29, 1964) to read as follows:

§ 73.119 Flammable liquids not specifically provided for.

* * * * *

(b) * * *

(9) Spec. 21P (§ 78.225 of this chapter). Fiber drum overpack with inside spec. 2S or 2SL (§ 78.35 or 78.35a of this chapter) polyethylene container. Authorized only for materials that will not react with polyethylene and result in container failure.

* * * * *

In § 73.126 amend paragraph (a) (29 F.R. 18706, Dec. 29, 1964) to read as follows:

§ 73.126 Nickel carbonyl.

(a) Nickel carbonyl must be packed in specification cylinders as prescribed for any compressed gas, except acetylene. Cylinders used exclusively for nickel carbonyl may be given a complete external visual inspection at the time periodic retest becomes due in lieu of the interior hydrostatic pressure test required by § 73.34(e). Visual inspection shall be in accordance with Compressed Gas Association's "Standards for Visual Inspection of Compressed Gas Cylinders" (CGA Pamphlet C–6–1962).[2]

* * * * *

In § 73.139 add paragraph (a)(5) (29 F.R. 18708, Dec. 29, 1964) to read as follows:

§ 73.139 Ethylene imine, inhibited, and propylene imine, inhibited.

(a) * * *

(5) Spec. 5A (§ 78.81 of this chapter). Metal barrels or drums not over 55-gallon capacity. Authorized for propylene imine, inhibited only.

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

In § 73.154 add paragraph (a)(14) (29 F.R. 18710, Dec. 29, 1964) to read as follows:

§ 73.154 Flammable solids and oxidizing materials not specifically provided for.

(a) * * *

(14) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene bottles not over 1-gallon capacity each. Not more than four 1-gallon polyethylene bottles shall be packed in one outside fiberboard box. Authorized only for materials which will not cause decomposition of polyethylene or container failure.

In § 73.157 cancel paragraph (a)(2) (29 F.R. 18710, Dec. 29, 1964) as follows:

§ 73.157 Benzoyl peroxide, chlorobenzoyl peroxide (para), cyclohexanone peroxide, dimethylhexane dihydroperoxide, lauroyl peroxide, or succinic acid peroxide, wet.

(a) * * *

(2) [Canceled]

* * * * *

[2] (No change in Footnote 2.)

In § 73.158 amend the heading and the introductory text of paragraph (a) (29 F.R. 18711, Dec. 29, 1964) to read as follows:

§ 73.158 Benzoyl peroxide, chlorobenzoyl peroxide (para), cyclohexanone peroxide, dimethylhexane dihydroperoxide, dimethylhexyl diperoxybenzoate, lauroyl peroxide, or succinic acid peroxide, dry.

(a) Benzoyl peroxide, chlorobenzoyl peroxide (para), cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration, dimethylhexane dihydroperoxide, dimethylhexyl diperoxybenzoate, lauroyl peroxide, or succinic acid peroxide, dry, must be packed in specification containers as follows:

* * * * *

In § 73.164 add paragraph (a)(6) (29 F.R. 18713, Dec. 29, 1964) to read as follows:

§ 73.164 Chromic acid.

(a) * * *

(6) Spec. 21C (§ 78.224 of this chapter). Fiber drums lined with a saran plastic material having a minimum thickness of 0.002 inch. Authorized net weight not over 115 pounds.

In § 73.182 amend paragraph (b)(6) (29 F.R. 18715, Dec. 29, 1964) to read as follows:

§ 73.182 Nitrates.

* * * * *

(b) * * *

(6) Spec. 44P (§ 78.241 of this chapter). All plastic bags. Authorized net weight not over 81 pounds. Authorized only for ammonium nitrate mixed fertilizer, and ammonium nitrate fertilizer containing 90 percent or more ammonium nitrate with no organic coating. (See § 74.532 and § 77.838 of this chapter for loading requirements.)

* * * * *

In § 73.239a amend paragraph (a)(2) (30 F.R. 5745, Apr. 23, 1965) to read as follows:

§ 73.239a Ammonium perchlorate.

(a) * * *

(2) Spec. 53 (§ 78.247 of this chapter). Aluminum portable tanks. (See §§ 74.534 and 77.834(g) of this chapter for loading and staying requirements.)

Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

In § 73.245 amend paragraph (a)(24); add paragraph (a)(26) (29 F.R. 18726, Dec. 29, 1964) to read as follows:

§ 73.245 Acids or other corrosive liquids not specifically provided for.

(a) * * *

(24) Spec. 21P (§ 78.225 of this chapter). Fiber drum overpack with inside spec. 2S, 2SL, or 2U (§§ 78.35, 78.35a, or 78.24 of this chapter) polyethylene container.

* * * * *

(26) Spec. 34 (§ 78.19 of this chapter). Polyethylene container without overpack, not over 30-gallon capacity.

In § 73.248 amend paragraphs (a)(4), (a)(5) (29 F.R. 18727, Dec. 29, 1964) to read as follows:

§ 73.248 Acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid.

(a) * * *

(4) Spec. 103A,[1] 103A–W, 111A100–F–2, or 111A100–W–2 (§§ 79.200 and 79.201 of this chapter). Tank cars, provided the product is sufficiently liquid to be unloaded through the dome or manway. Tanks which do not contain products or contaminants that give off noxious or flammable vapors may be equipped with safety vents incorporating lead discs having a ⅛-inch breather hole in the center thereof.

(5) Spec. 103,[1] 103–W, 111A60–F–1, or 111A60–W–1 (§§ 79.200 and 79.201 of this chapter). Tank cars, provided the product is too viscous to be unloaded through the dome or manway. Tanks which do not contain products or contaminants that give off noxious or flammable vapors may be equipped with safety vents incorporating lead discs having a ⅛-inch breather hole in the center thereof.

* * * * *

In § 73.256 amend paragraph (a)(5) (30 F.R. 7421, June 5, 1965) to read as follows:

§ 73.256 Compounds, cleaning, liquid.

(a) * * *

(5) Spec. 6D or 21P (§ 78.102 or 78.225 of this chapter). Cylindrical steel overpack or fiber drum overpack with inside spec. 2U (§ 78.24 of this chapter) polyethylene container not over 15-gallon capacity.

In § 73.263 amend the Heading and paragraph (a)(22); add paragraph (a)(28) (29 F.R. 18731, 18732, Dec. 29, 1964) to read as follows:

§ 73.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution (not exceeding 42 percent sodium chlorite), and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) * * *

(22) Spec. 21P (§ 78.225 of this chapter). Fiber drum overpack with inside spec. 2T, 2S, 2SL, or 2U (§§ 78.21, 78.35, 78.35a, or 78.24 of this chapter) polyethylene container.

* * * * *

(28) Spec. 34 (§ 78.19 of this chapter). Polyethylene container without overpack, not over 30-gallon capacity.

* * * * *

In § 73.265 amend paragraph (d)(5) (29 F.R. 18734, Dec. 29, 1964) to read as follows:

§ 73.265 Hydrofluosilicic acid.

* * * * *

(d) * * *

(5) Spec. 21P (§ 78.225 of this chapter). Fiber drum with inside spec. 2S, 2SL, or 2U (§§ 78.35, 78.35a, or 78.24 of this chapter) polyethylene container.

In § 73.266 amend paragraphs (a)(2) (b)(3); add paragraph (b)(7) (29 F.R. 18734, Dec. 29, 1964) to read as follows:

§ 73.266 Hydrogen peroxide solution in water.

(a) * * *

(2) Spec. 42D (§ 78.109 of this chapter). Aluminum drums with vented closure in top head; not over 30 gallons capacity; side openings not permitted. Top head must be plainly marked "Keep this end up" or "Keep plug up to prevent spillage."

(b) * * *

(3) Spec. 42D (§ 78.109 of this chapter). Aluminum drums with vented closure in top head; not over 55 gallons capacity. Top heads must be plainly marked "Keep this end up" or "Keep plug up to prevent spillage."

* * * * *

(7) Spec. 21P (§ 78.225 of this chapter). Fiber drum overpack with inside spec. 2SL (§ 78.35a of this chapter) polyethylene container, not over 30 gallons capacity, or spec. 2U (§ 78.24 of this chapter) polyethylene container, not over 15 gallons capacity. The closures of the inside 2SL and 2U container must be vented to prevent accumulation of internal pressure and the head with the closure should be marked "Keep this end up" or "Keep plug up to prevent spillage."

* * * * *

In § 73.272 amend paragraph (f)(5); add paragraph (f)(6) (29 F.R. 18738, Dec. 29, 1964) to read as follows:

§ 73.272 Sulfuric acid.

* * * * *

(f) * * *

(5) Spec. 21P (§ 78.225 of this chapter). Fiber drum overpack with inside spec. 2T or 2U (§ 78.21 or 78.24 of this chapter) polyethylene container not over 15-gallons capacity each.

(6) Spec. 34 (§ 78.19 of this chapter). Polyethylene container without overpack, not over 30-gallons capacity.

* * * * *

In § 73.277 add paragraph (a)(6) (29 F.R. 18739, Dec. 29, 1964) to read as follows:

§ 73.277 Hypochlorite solutions.

(a) * * *

(6) Spec. 34 (§ 78.19 of this chapter). Polyethylene container without overpack, not over 30-gallons capacity. Authorized for not over 16 percent sodium hypochlorite solution only.

* * * * *

Subpart F—Compressed Gases; Definition and Preparation

In § 73.301 add paragraph (d)(5); in paragraph (h) amend Table only to extent of adding "2Q" in the first column immediately following "ICC–2P" (29 F.R. 18743, 18744, Dec. 29, 1964) to read as follows:

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

* * * * *

(d) * * *

(5) Manifolding is authorized for cargo tanks of the following gas provided individual cargo tanks are equipped with the safety relief valves and gauging devices, as required by § 73.315 (h) and (i); and further provided, that each cargo tank is equipped with individual valve, or valves, which shall be tightly closed while in transit and that each such container must be separately charged: anhydrous ammonia.

* * * * *

In § 73.304 amend paragraph (a)(2) Table; amend paragraph (d)(3)(i) (29 F.R. 18746, Dec. 29, 1964) (30 F.R. 5747, Apr. 23, 1964) to read as follows:

Kind of gas	Maximum permitted filling density (see Note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in § 73.34(a), (b), § 73.301(j) (see notes following table)
Change	*Percent*	
Hydrogen chloride	65	ICC–3A1800; ICC–3AA1800; ICC–3AX1800; ICC–3AAX1800; ICC–3; ICC–3E1800.
Trifluorochloroethylene	115	ICC–3A300; ICC–3AA300; ICC–3B300; ICC–4A300; ICC–4B300; ICC–4BA300; ICC–3E1800.

* * * * * * *

(d) * * *

(3) * * *

(i) Spec. 3,[1] 3A, 3AA, 3B, 3E, 4A, 4B, 4BA, 4B240ET, 4BW240, 4B240X,[1] (see Appendix A–1 to subpart C of Part 78 of this chapter), 4B240FLW, 4E, 4, 9, 25,[2] 26,[1] 38,[1] or 41 (§§ 78.36, 78.37, 78.38, 78.42, 78.49, 78.50, 78.51, 78.55, 78.61, 78.54, 78.68, 78.48, 78.63, or 78.67 of this chapter). Cylinders authorized under § 73.34 (a) and § 73.301(j) may be used.

[1] (No change in Footnote 1.)

In § 73.306 amend paragraphs (a) and (b) (29 F.R. 18747, 18748, Dec. 29, 1964) to read as follows:

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

(a) *General exemptions.* Compressed gases, except poisonous gases as defined by § 73.326(a) and except those for which no exemptions are provided as indicated by the "No exemption" statement in § 72.5 of this chapter, when in accordance with one of the following subpara-

graphs are, unless otherwise provided, exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

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

(2) When in metal containers filled with nondangerous material to not over 90 percent capacity at 70° F. then charged with nonflammable, nonliquefied gas; each container must be tested to three times the gas pressure at 70° F., and, when refilled, each container must be retested to 3 times the gas pressure at 70° F. provided one of the following conditions is met:

(i) Container is not over 1 quart capacity charged to not over 75 p.s.i.g. at 70° F.

(ii) Container is not over 30 gallons capacity charged to not over 75 p.s.i.g. at 70° F.

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

(i) Capacity must not exceed 50 cubic inches (27.7 fluid ounces). See Note 1.

(ii) Pressure in the container must not exceed 180 p.s.i.g. at 130° F. If the pressure exceeds 140 p.s.i.g. at 130° F., but does not exceed 160 p.s.i.g. at 130° F., a specification ICC 2P inside metal container must be used; if the pressure exceeds 160 p.s.i.g. at 130° F., a specification ICC 2Q 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) If any content is flammable as provided in § 73.115 or 73.300(b) (2), (3), and (4), the flash point must not be less than 20° F.

(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. without evidence of leakage, distortion, or other defect.

NOTE 1: Compressed gases contained in nonrefillable inside metal containers exceeding 35 cubic inches (19.3 fluid ounces) but not exceeding 50 cubic inches (27.7 fluid ounces) packaged and tested in accordance with subparagraph (a)(3) of this section shall be packaged in outside containers marked with the name of contents and labeled as prescribed in §§ 73.401 and 73.402, respectively. Each outside shipping container shall also be plainly marked, "Inside containers comply with prescribed specifications."

(4) When in inside nonrefillable metal containers charged with a solution of nonpoisonous and nonflammable materials and nonliquefied compressed gas, provided all the following conditions are met:

(i) Capacity not to exceed 50 cubic inches (27.7 fluid ounces). See Note 1.

(ii) Pressure in the container not to exceed 125 p.s.i.g. at 130° F.

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

NOTE 1: Compressed gases contained in nonrefillable inside metal containers exceeding 35 cubic inches (19.3 fluid ounces) but not exceeding 50 cubic inches (27.7 fluid ounces) packaged and tested in accordance with subparagraph (a)(4) of this section shall be packaged in outside containers marked with the name of contents and labeled as prescribed in §§ 73.401 and 73.402, respectively. Each outside shipping container shall also be plainly marked, "Inside containers comply with prescribed specifications."

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

(1) Carbonated beverages.

(2) Foodstuffs or soaps in nonrefillable metal containers not exceeding 50 cubic inch capacity (27.7 fluid ounces) (see Note 1), with soluble 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.

NOTE 1: Compressed gases contained in nonrefillable inside metal containers exceeding 35 cubic inches (19.3 fluid ounces) but not exceeding 50 cubic inches (27.7 fluid ounces) packaged and tested in accordance with subparagraph (b)(2) of this section shall be packaged in outside containers marked with the name of contents and labeled as prescribed in §§ 73.401 and 73.402, respectively. Each outside shipping container shall also be plainly marked, "Inside containers comply with prescribed specifications."

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

(4) Inside nonrefillable metal containers charged with a solution containing biological products or a medical preparation which will be deteriorated by heat, and compressed gas or gases, which is nonpoisonous and nonflammable, and of capacity not to exceed 35 cubic inches (19.3 fluid ounces). Pressure in the container not to exceed 140 p.s.i.g., 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 the equilibrium pressure of the content at 130° F., without evidence of leakage, distortion, or other defect.

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

(6) Inside metal containers of a capacity not to exceed 35 cubic inches (19.3 fluid ounces), charged with nonflammable, nonpoisonous liquefied compressed gas to be used in conjunction with audible fire alarm systems. Pressure in the container must not exceed 70° p.s.i.g. at 70° F. The completely assembled container must be capable of withstanding without bursting a pressure of 1,000 p.s.i.g. The liquid portion of the gas must not completely fill the container at 130° F.

* * * * *

In § 73.314 amend paragraph (c) Table (30 F.R. 7422, June 5, 1965) as follows:

Kind of gas	Maximum permitted filling density, Note 1	Required tank car, see § 73.31 (a) (2) and (3)
Change	*Percent*	
Vinyl chloride; Note 9	84	ICC–106A500–X, Note 7.
	87	ICC–105A200–W, Notes 4 and 16.
	86	ICC–112A340–W, Note 4.
* * *	* * *	* * *

* * * * * * * *

In § 73.315 add paragraph (b)(1); amend paragraph (k) (29 F.R. 18751, 18753, Dec. 29, 1964) to read as follows:

§ 73.315 Compressed gases in cargo tanks and portable tank containers.

* * * * *

(b) * * *

(1) *Odorization.* All liquefied petroleum gas shall be effectively odorized as required in Note 2 of this paragraph to indicate positively, by a distinctive odor, the presence of gas down to a concentration in air of not over one-fifth the lower limit of combustibility.

NOTE 1: The lower limits of combustibility of the more commonly used liquefied petroleum gases are: Propane, 2.15 percent: Butane, 1.55 percent. These figures represent volumetric percentages of gas-air mixtures in each case.

NOTE 2: The use of 1.0 pound of ethyl mercaptan, 1.0 pound of thiophane, or 1.4 pounds of amyl mercaptan per 10,000 gallons of liquefied petroleum gas shall be considered sufficient to meet the requirements of § 73.315(b)(1). (This note does not exclude the use of any other odorant in sufficient quantity to meet the requirements of § 73.315(b)(1).)

* * * * *

(k) For manifolding of cargo tank containers see § 73.301(d).

Subpart G—Poisonous Articles; Definition and Preparation

In § 73.334 amend the introductory text of paragraphs (a), and (a)(1) (29 F.R. 18755, Dec. 29, 1964) to read as follows:

§ 73.334 Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, tetraethyl pyrophosphate, or other class B poison organic phosphate mixtures, n.o.s., mixed with compressed gas.

(a) Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, tetraethyl pyrophosphate, or other class B poison organic phosphate mixtures, n.o.s., mixed with compressed gas, containing not more than 20 percent by weight of hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, tetraethyl pyrophosphate, or other class B poison organic phosphate mixtures, n.o.s., must be packed in specification containers as follows:

(1) Spec. 3A300, 3AA300, 3B300, 4A300, 4B240, or 4BA240 (§§ 78.36, 78.37, 78.38, 78.49, 78.50, and 78.51 of this chapter). Metal cylinders, charged with not more than 10 pounds of the mixture and to a maximum filling density of 80 percent of the water capacity. Cylinders must not be equipped with eduction tubes or fusible plugs. Valves must be of a type approved by the Bureau of Explosives.

* * * * *

In § 73.369 amend paragraphs (a)(13), (a)(14), without changing footnote 1, (29 F.R. 18763, Dec. 29, 1964) to read as follows:

§ 73.369 Carbolic acid (phenol), not liquid.

(a) * * *

(13) Spec. 103[1], 103–W, 103AL–W, 103A[1], 103A–W, 103A–AL–W, 111A60AL–W, 111A–60–F–1, 111A60–W–1, 111A100–F–2, 111A–100–W–2 or 111A100–W–3 (§§ 79.200, 79.201 of this chapter). Tank cars.

(i) Tank cars must not be entirely filled. Sufficient interior space must be left vacant to prevent leakage from or distortion due to the contents liquefying and expanding from increase of temperature during transit.

(ii) Solid phenol must not be loaded into domes of tank cars.

(iii) In tank cars, outage must be calculated to percentage of the total capacity of the tank; i.e., shell and dome capacity combined. If the dome of the tank car does not provide sufficient outage, then vacant space must be left in the shell to make up the required outage.

(iv) The outage for tank cars must not be less than one percent.

(14) Spec. MC 300, MC 301[1], MC 302, MC 303, MC 305, MC 310 or MC 311 (§ 78.321, 78.323, 78.324, 78.326, 78.330, or 78.331 of this chapter). Tank motor vehicles.

(i) No cargo tank or compartment thereof shall be completely filled; sufficient space shall be left vacant in every case to prevent leakage from or distortion of any such cargo tank by expansion of the contents due to rise in temperature in transit, and such free space (outage) shall be sufficient in every case so that such cargo tank shall not become entirely filled with the commodity at 130° F.

* * * * *

In § 73.370 amend paragraph (a)(12) (29 F.R. 18763, Dec. 29, 1964) to read as follows:

§ 73.370 Cyanides, or cyanide mixtures, except cyanide of calcium and mixtures thereof.

(a) * * *

(12) Spec. 12B (§ 78.205 of this chapter). 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 shall 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.

* * * * *

PART 74—CARRIERS BY RAIL FREIGHT

Subpart A—Loading, Unloading, Placarding and Handling Cars; Loading Packages Into Cars

In § 74.527 amend paragraph (a) (29 F.R. 18777, Dec. 29, 1964) to read as follows:

§ 74.527 Forbidden mixed loading and storage.

(a) Explosives class A and initiating or priming explosives must not be transported together in the same rail car. Additionally, they must not be transported, loaded or stored on carrier property with charged electric storage batteries or with any other dangerous article for which red, yellow, green, white (acid or corrosive liquid) or radioactive material labels are prescribed in these regulations.

* * * * *

Subpart B—Loading and Storage Chart of Explosives and Other Dangerous Articles

In § 74.538 paragraph (a) Chart, amend item "e" in vertical and horizontal columns (29 F.R. 18780, Dec. 29, 1964) to read as follows:

§ 74.538 Loading and storage chart of explosives and other dangerous articles.

(a) * * *

e. 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].

* * * * *

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

Subpart C—Loading and Storage Chart of Explosives and Other Dangerous Articles

In § 77.848 paragraph (a) Chart, amend item "e" in vertical and horizontal columns (29 F.R. 18805, Dec. 29, 1964) to read as follows:

§ 77.848 Loading and storage chart of explosives and other dangerous articles.

(a) * * *

e. 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].

* * * * *

PART 78—SHIPPING CONTAINER SPECIFICATIONS

In Part 78 Index, add §§ 78.19, 78.33a, 78.61, 78.225, 78.241; amend § 78.33 and Subpart G (29 F.R. 18812, 18813, Dec. 29, 1964) to read as follows:

78.19 Specification 34; reusable molded polyethylene container for use without overpack.
78.33 Specification 2P; inside nonrefillable metal containers.
78.33a Specification 2Q; inside nonrefillable metal containers.
78.61 Specification 4BW; welded steel cylinders made of definitely prescribed steels with electric-arc welded longitudinal seam.
78.225 Specification 21P; fiber drum overpack for inside plastic container.
78.241 Specification 44P; all-plastic bags.

Subpart G—Specifications for Bags, Cloth, Burlap, Paper or Plastic

Subpart A—Specifications for Carboys, Jugs in Tubs, and Rubber Drums

Add § 78.19 (29 F.R. 18823, Dec. 29, 1964) to read as follows:

§ 78.19 Specification 34; reusable molded polyethylene container for use without overpack. Removable head not authorized.

§ 78.19–1 Compliance.

(a) Required in all details.

§ 78.19–2 Material.

(a) Containers shall be made of polyethylene which shall have the following properties, as determined by the American Society for Testing Materials (ASTM) methods designated. Tests shall be performed on resin with additives included:

Property	Specification	ASTM method
Melt index	1.2 maximum	D 1238 (62T).
Density range	0.941–0.965	D 1505 (63T).
Tensile strength	3,000 p.s.i. minimum.	D 638 (61T).
Percent elongation.	75 percent minimum.	D 638 (61T).

(b) Ultraviolet light protection shall be provided by impregnation of polyethylene with carbon black or other equally efficient pigments or inhibitors. These additives must be compatible with lading and must retain their effectiveness for the life of the container.

(c) Other materials may be added provided they do not adversely affect the physical properties specified in paragraph (a) of this section or the performance specified in § 78.19–7.

§ 78.19–3 Construction and capacity.

(a) Container must be constructed in accordance with the following table:

Marked (rated) capacity not over (gallons)[1]	*Minimum thickness (inches) measured on any point of container*
2½ thru 6½	0.045
15	.075
30	.125

[1] Minimum actual capacity shall not be less than rated capacity plus 4 percent. Maximum actual capacity shall not be greater than rated capacity plus 15 percent for containers up to 15 gallons and shall not be greater than rated capacity plus 10 percent for containers 15 gallons and over.

§ 78.19–4 Closure.

(a) Openings shall not exceed 2.7 inches in diameter.

(b) Closures shall be of material resistant to lading and adequate to prevent leakage under tests prescribed in § 78.19–7 and under conditions incident to transportation.

(c) Vented closures where specified in Part 73 of this chapter are authorized.

§ 78.19–5 Defective containers.

(a) Containers with repaired bodies not authorized.

§ 78.19–6 Marking.

(a) Each container must be permanently marked by embossment in letters and figures at least ½ inch in size as follows:

(1) ICC–34**; stars to be replaced by the rated capacity of the container (for example, ICC–34–5). These marks shall be understood to certify that the container complies with all specification requirements.

(2) Month and year of manufacture; name of maker or maker's symbol (symbol, if used, must be registered with the Bureau of Explosives). For example, ICC–34–5–6/65 to indicate a container of 5 gallons capacity made in June 1965.

§ 78.19–7 Tests.

(a) At least three samples taken at random, filled and prepared as specified and closed as for use, shall be capable of withstanding the tests in subparagraphs (1), (2), and (3) of this paragraph without leakage. These tests shall be performed at the start of initial production and at 4-month intervals and shall be repeated on any change of type, size, materials, or process method. No single container shall be expected to withstand more than one of the following tests:

(1) The container filled to 98 percent capacity with water shall be dropped from a height of 4 feet onto solid concrete so as to drop diagonally on top edge or any part constructed to a lesser strength.

(2) The container filled to 98 percent capacity with a solution compatible with polyethylene and which remains liquid at 0° F. shall be dropped from a height of 4 feet onto solid concrete on any part of the container when container and contents are at or slightly below 0° F. Filled container shall be stored at 0° F. or lower temperature for at least 4 hours immediately preceding test.

(3) The container shall be tested by retaining for 5 minutes hydrostatic pressure of at least 15 pounds per square inch at equilibrium without showing pressure drop or evidence of leakage.

(b) At least three containers taken at random from each continuous production lot of no more than 1,000 containers of each given type and size shall withstand without leakage or failure the test prescribed in § 78.19–7(a)(2).

(c) At least three containers of each size and type taken at random at start of initial production, and upon any change in materials, design, or process method shall withstand without failure or leakage the following tests. No single container shall be expected to withstand more than one test:

(1) The container filled to 98 percent of capacity with water shall be capable of withstanding a vibration test by placing the container on the vibration table anchored in such manner that all horizontal motion shall be restricted and only vertical motion allowed. The test shall be performed for one hour using an amplitude of one inch at a frequency that causes the test container to be raised from the floor of the table to such a degree that a piece of paper or flat steel strap or tape can be passed between the table and the container.

(2) The container filled to 98 percent capacity with water shall withstand the following static compression test without buckling of the side walls sufficient to cause damage, but in no case shall the maximum top to bottom deflection be more than one inch. Compression shall be applied to the load bearing areas of the top of the container for a period of not less than 48 hours.

Marked (rated) capacity (gallons)	*Compression test (pounds)*
2½ thru 6½	600
15	1,200
30	1,800

(d) Records of test results to be maintained in current status and retained by each manufacturer at each producing plant.

In § 78.33 amend the Heading; in §78.33–2 amend paragraph (b); in § 78.33–6 amend paragraphs (b)(2), (c); in § 78.33–7 amend paragraph (a); in § 78.33–8 amend paragraphs (a) and (b), cancel paragraph (c); in § 78.33–9 amend paragraph (a) (29 F.R. 18825, Dec. 29, 1964) to read as follows:

§ 78.33 Specification 2P; inside nonrefillable metal containers.

* * * * *

§ 78.33–2 Type and size.

* * * * *

(b) The maximum capacity of containers in this class shall not exceed 50 cubic inches (27.7 fluid ounces). The maximum inside diameter shall not exceed 3 inches.

* * * * *

§ 78.33–6 Manufacture.

* * * * *

(b) * * *

(2) *Side seams.* By welding, brazing, or soldering.

(c) *Ends.* The ends shall be of pressure design.

§ 78.33–7 Wall thickness.

(a) The minimum wall thickness for any container shall be 0.007 inch.

§ 78.33–8 Tests.

(a) One out of each lot of 25,000 containers or less, successively produced per day shall be pressure tested to destruction and must not burst below 240 pounds per square inch gauge pressure. The container tested shall be complete with valve.

(b) Each such 25,000 containers or less, successively produced per day, shall constitute a lot and if the test container shall fail, the lot shall be rejected or ten additional containers may be selected at random and subjected to the test under which failure occurred. These containers shall be complete with valves. Should any of the ten containers thus tested fail, the entire lot must be rejected. All containers constituting a lot shall be of like material, size, design, construction, finish, and quality.

(c) [Canceled]

§ 78.33–9 Marking.

(a) On each container by printing, lithographing, embossing, or stamping "ICC 2P" and manufacturer's name or symbol. If symbol is used, it must be registered with the Bureau of Explosives.

Add § 78.33a (29 F.R. 18825, Dec. 29, 1964) to read as follows:

§ 78.33a Specification 2Q, inside nonrefillable metal containers.

§ 78.33a–1 Compliance.

(a) Required in all details.

§ 78.33a–2 Type and size.

(a) Single-trip inside containers. Must be seamless, or with seams welded, soldered, brazed, double seamed, or swedged.

(b) The maximum capacity of containers in this class shall not exceed 50 cubic inches (27.7 fluid ounces). The maximum inside diameter shall not exceed 3 inches.

§ 78.33a–3 Inspection.

(a) By competent inspector.

§ 78.33a–4 Duties of inspector.

(a) To inspect material and completed containers and witness tests, and to reject defective materials or containers.

§ 78.33a–5 Material.

(a) Uniform quality steel plate such as black plate, electrotinplate, hot dipped tinplate, ternplate or other commercially accepted can making plate; or nonferrous metal of uniform drawing quality.

(b) Material with seams, cracks, laminations or other injurious defects not authorized.

§ 78.33a–6 Manufacture.

(a) By appliances and methods that will assure uniformity of completed containers; dirt and scale to be removed as necessary; no defect acceptable that is likely to weaken the finished container appreciably; reasonably smooth and uniform surface finish required.

(b) Seams when used must be as follows:

(1) Circumferential seams. By welding, swedging, brazing, soldering, or double seaming.

(2) Side seams. By welding, brazing or soldering.

(c) Ends. The ends shall be of pressure design.

§ 78.33a–7 Wall thickness.

(a) The minimum wall thickness for any container shall be 0.008 inch.

§ 78.33a–8 Tests.

(a) One out of each lot of 25,000 containers or less, successively produced per day, shall be pressure tested to destruction and must not burst below 270 pounds per square inch gauge pressure. The container tested shall be complete with valve.

(b) Each such 25,000 containers or less, successively produced per day, shall constitute a lot and if the test container shall fail, the lot shall be rejected or ten additional containers may be selected at random and subjected to the test under which failure occurred. These containers shall be complete with valves. Should any of the ten containers thus tested fail, the entire lot must be rejected. All containers constituting a lot shall be of like material, size, design, construction, finish and quality.

§ 78.33a–9 Marking.

(a) On each container by printing, lithographing, embossing, or stamping "ICC 2Q" and manufacturer's name or symbol. If symbol is used, it must be registered with the Bureau of Explosives.

Subpart C—Specifications for Cylinders

In § 78.37–5 amend Note 1 to paragraph (a) Table (29 F.R. 18844, Dec. 29, 1964) to read as follows:

§ 78.37 Specification 3AA; seamless steel cylinders made of definitely prescribed steels or 3AAX; seamless steel cylinders made of definitely prescribed steels of capacity over 1,000 pounds water volume.

§ 78.37–5 Authorized steel.

(a) * * *

Note 1: A heat of steel made under the above specifications, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances shown in the following table are not exceeded.

CHECK ANALYSIS TOLERANCES

Element	Limit or maximum specified (percent)	Tolerance (percent) over the maximum limit or under the minimum limit	
		Under minimum limit	Over maximum limit
Carbon	To 0.15 incl	0.02	0.03
	Over 0.15 to 0.40 incl	.03	.04
Manganese	To 0.60 incl	.03	.03
	Over 0.60 to 1.15 incl	.04	.04
	Over 1.15 to 2.50 incl	.05	.05
Phosphorus [1]	All ranges		.01
Sulphur	do		.01
Silicon	To 0.30 incl	.02	.03
	Over 0.30 to 1.00 incl	.05	.05
Nickel	To 1.00 incl	.03	.03
Chromium	To 0.90 incl	.03	.03
	Over 0.90 to 2.10 incl	.05	.05
Molybdenum	To 0.20 incl	.01	.01
	Over 0.20 to 0.40	.02	.02
Zirconium	All ranges	.01	.05

[1] Rephosphorized steels not subject to check analysis for phosphorus. (No change in Note 2.)

In § 78.44–5 amend Note 1 to paragraph (a) Table (29 F.R. 18844, Dec. 29, 1964) to read as follows:

§ 78.44 Specification 3HT; inside containers, seamless steel cylinders for aircraft use made of definitely prescribed steel.

§ 78.44–5 Authorized steel.

(a) * * *

NOTE 1: A heat of steel made under the above specifications, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances shown in the following table are not exceeded.

CHECK ANALYSIS TOLERANCES

Element	Limit or maximum specified (percent)	Tolerance (percent) over the maximum limit or under the minimum limit	
		Under minimum limit	Over maximum limit
Carbon	To 0.15 incl	0.02	0.03
	Over 0.15 to 0.40 incl	.03	.04
Manganese	To 0.60 incl	.03	.03
	Over 0.60 to 1.15 incl	.04	.04
	Over 1.15 to 2.50 incl	.05	.05
Phosphorus [1]	All ranges		.01
Sulphur	do		.01
Silicon	To 0.30 incl	.02	.03
	Over 0.30 to 1.00 incl	.05	.05
Nickel	To 1.00 incl	.03	.03
Chromium	To 0.90 incl	.03	.03
	Over 0.90 to 2.10 incl	.05	.05
Molybdenum	To 0.20 incl	.01	.01
	Over 0.20 to 0.40 incl	.02	.02
Zirconium	All ranges	.01	.05

[1] Rephosphorized steels not subject to check analysis for phosphorus. (No change in Note 2.)

In § 78.47–5 add Note 1 to paragraph (a) Table (29 F.R. 18847, Dec. 29, 1964) to read as follows:

§ 78.47 Specification 4DS; inside containers, welded stainless steel for aircraft use.

§ 78.47–5 Steel.

(a) * * *

NOTE 1: A heat of steel made under the above specifications, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances shown in the following table are not exceeded.

CHECK ANALYSIS TOLERANCES

Element	Limit or maximum specified (percent)	Tolerance (percent) over the maximum limit or under the minimum limit	
		Under minimum limit	Over maximum limit
Carbon	To 0.15 incl	0.02	0.03
	Over 0.15 to 0.40 incl	.03	.04
Manganese	To 0.60 incl	.03	.03
	Over 0.60 to 1.15 incl	.04	.04
	Over 1.15 to 2.50 incl	.05	.05
Phosphorus [1]	All ranges		.01
Sulphur	do		.01
Silicon	To 0.30 incl	.02	.03
	Over 0.30 to 1.00 incl	.05	.05
Nickel	To 1.00 incl	.03	.03
Chromium	To 0.90 incl	.03	.03
	Over 0.90 to 2.10 incl	.05	.05
Molybdenum	To 0.20 incl	.01	.01
	Over 0.20 to 0.40 incl	.02	.02
Zirconium	All ranges	.01	.05

[1] Rephosphorized steels not subject to check analysis for phosphorus.

In § 78.51–20 amend Footnote 1 to paragraph (a) Table I (29 F.R. 18858, Dec. 29, 1964) to read as follows:

§ 78.51 Specification 4BA; welded or brazed steel cylinders made of definitely prescribed steels.

§ 78.51–20 Authorized steel.

(a) * * *

[1] A heat of steel made under the above specifications, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances shown in the following table are not exceeded.

CHECK ANALYSIS TOLERANCES

Element	Limit or maximum specified (percent)	Tolerance (percent) over the maximum limit or under the minimum limit	
		Under minimum limit	Over maximum limit
Carbon	To 0.15 incl	0.02	0.03
	Over 0.15 to 0.40 incl	.03	.04
Manganese	To 0.60 incl	.03	.03
	Over 0.60 to 1.15 incl	.04	.04
	Over 1.15 to 2.50 incl	.05	.05
Phosphorus [1]	All ranges		.01
Sulphur	do		.01
Silicon	To 0.30 incl	.02	.03
	Over 0.30 to 1.00 incl	.05	.05
Nickel	To 1.00 incl	.03	.03
Chromium	To 0.90 incl	.03	.03
	Over 0.90 to 2.10 incl	.05	.05
Molybdenum	To 0.20 incl	.01	.01
	Over 0.20 to 0.40	.02	.02
Zirconium	All ranges	.01	.05

[1] Rephosphorized steels not subject to check analysis for phosphorus. (No change in remaining footnotes.)

In § 78.53–5 add Note 1 to paragraph (a) Table (29 F.R. 18861, Dec. 29, 1964) to read as follows:

§ 78.53 Specification 4D; inside containers, welded steel for aircraft use.

§ 78.53–5 Steel.

(a) * * *

NOTE. 1: A heat of steel made under the above specifications, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances shown in the following table are not exceeded.

CHECK ANALYSIS TOLERANCES

Element	Limit or maximum specified (percent)	Tolerance (percent) over the maximum limit or under the minimum limit	
		Under minimum limit	Over maximum limit
Carbon	To 0.15 incl	0.02	0.03
	Over 0.15 to 0.40 incl	.03	.04
Manganese	To 0.60 incl	.03	.03
	Over 0.60 to 1.15 incl	.04	.04
	Over 1.15 to 2.50 incl	.05	.05
Phosphorus [1]	All ranges		.01
Sulphur	do		.01
Silicon	To 0.30 incl	.02	.03
	Over 0.30 to 1.00 incl	.05	.05
Nickel	To 1.00 incl	.03	.03
Chromium	To 0.90 incl	.03	.03
	Over 0.90 to 2.10 incl	.05	.05
Molybdenum	To 0.20 incl	.01	.01
	Over 0.20 to 0.40 incl	.02	.02
Zirconium	All ranges	.01	.05

[1] Rephosphorized steels not subject to check analysis for phosphorus.

In § 78.56–20 amend Footnote 1 to paragraph (a) Table I (29 F.R. 18871, Dec. 29, 1964) to read as follows:

§ 78.56 Specification 4AA480; welded steel cylinders made of definitely prescribed steels.

§ 78.56–20 Authorized steel.

(a) * * *

[1] A heat of steel made under the above specifications, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances shown in the following table are not exceeded.

CHECK ANALYSIS TOLERANCES

Element	Limit or maximum specified (percent)	Tolerance (percent) over the maximum limit or under the minimum limit	
		Under minimum limit	Over maximum limit
Carbon	To 0.15 incl	0.02	0.03
	Over 0.15 to 0.40 incl	.03	.04
Manganese	To 0.60 incl	.03	.03
	Over 0.60 to 1.15 incl	.04	.04
	Over 1.15 to 2.50 incl	.05	.05
Phosphorus [1]	All ranges		.01
Sulphur	do		.01
Silicon	To 0.30 incl	.02	.03
	Over 0.30 to 1.00 incl	.05	.05
Nickel	To 1.00 incl	.03	.03
Chromium	To 0.90 incl	.03	.03
	Over 0.90 to 2.10 incl	.05	.05
Molybdenum	To 0.20 incl	.01	.01
	Over 0.20 to 0.40 incl	.02	.02
Zirconium	All ranges	.01	.05

[1] Rephosphorized steels not subject to check analysis for phosphorus. (No change in remaining footnotes.)

In § 78.57–21 add Note 1 to paragraph (a) Table (29 F.R. 18874, Dec. 29, 1964) to read as follows:

§ 78.57 Specification 4L; welded cylinders insulated.

§ 78.57–21 Authorized steels.

(a) * * *

NOTE 1: A heat of steel made under the above specifications, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances shown in the following table are not exceeded.

CHECK ANALYSIS TOLERANCES

Element	Limit or maximum specified (percent)	Tolerance (percent) over the maximum limit or under the minimum limit	
		Under minimum limit	Over maximum limit
Carbon	To 0.15 incl	0.02	0.03
	Over 0.15 to 0.40 incl	.03	.04
Manganese	To 0.60 incl	.03	.03
	Over 0.60 to 1.15 incl	.04	.04
	Over 1.15 to 2.50 incl	.05	.05
Phosphorus [1]	All ranges		.01
Sulphur	do		.01
Silicon	To 0.30 incl	.02	.03
	Over 0.30 to 1.00 incl	.05	.05
Nickel	To 1.00 incl	.03	.03
Chromium	To 0.90 incl	.03	.03
	Over 0.90 to 2.10 incl	.05	.05
Molybdenum	To 0.20 incl	.01	.01
	Over 0.20 to 0.40 incl	.02	.02
Zirconium	All ranges	.01	.05

[1] Rephosphorized steels not subject to check analysis phosphorus.

In § 78.58–5 amend Note 1 to paragraph (a) (29 F.R. 18875, Dec. 29, 1964) to read as follows:

§ 78.58 Specification 4DA; inside containers, welded steel for aircraft use.

§ 78.58–5 Steel.

(a) * * *

NOTE 1: A heat of steel made under the above specifications, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances shown in the following table are not exceeded.

CHECK ANALYSIS TOLERANCES

Element	Limit or maximum specified (percent)	Tolerance (percent) over the maximum limit or under the minimum limit	
		Under minimum limit	Over maximum limit
Carbon	To 0.15 incl	0.02	0.03
	Over 0.15 to 0.40 incl	.03	.04
Manganese	To 0.60 incl	.03	.03
	Over 0.60 to 1.15 incl	.04	.04
	Over 1.15 to 2.50 incl	.05	.05
Phosphorus [1]	All ranges		.01
Sulphur	do		.01
Silicon	To 0.30 incl	.02	.03
	Over 0.30 to 1.00 incl	.05	.05
Nickel	To 1.00 incl	.03	.03
Chromium	To 0.90 incl	.03	.03
	Over 0.90 to 2.10 incl	.05	.05
Molybdenum	To 0.20 incl	.01	.01
	Over 0.20 to 0.40 incl	.02	.02
Zirconium	All ranges	.01	.05

[1] Rephosphorized steels not subject to check analysis for phosphorus.

In § 78.60–4 amend Footnote 1 to paragraph (a) Table I (29 F.R. 18881, Dec. 29, 1964) to read as follows:

§ 78.60 Specification 8AL; steel cylinders with approved porous filling for acetylene.

§ 78.60–4 Authorized steel.

(a) * * *

[1] A heat of steel made under the above specifications, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances shown in the following table are not exceeded.

CHECK ANALYSIS TOLERANCES

Element	Limit or maximum specified (percent)	Tolerance (percent) over the maximum limit or under the minimum limit	
		Under minimum limit	Over maximum limit
Carbon	To 0.15 incl	0.02	0.03
	Over 0.15 to 0.40 incl	.03	.04
Manganese	To 0.60 incl	.03	.03
	Over 0.60 to 1.15 incl	.04	.04
	Over 1.15 to 2.50 incl	.05	.05
Phosphorus [1]	All ranges		.01
Sulphur	do		.01
Silicon	To 0.30 incl	.02	.03
	Over 0.30 to 1.00 incl	.05	.05
Nickel	To 1.00 incl	.03	.03
Chromium	To 0.90 incl	.03	.03
	Over 0.90 to 2.10 incl	.05	.05
Molybdenum	To 0.20 incl	.01	.01
	Over 0.20 to 0.40 incl	.02	.02
Zirconium	All ranges	.01	.05

[1] Rephosphorized steels not subject to check analysis for phosphorus. (No change in remaining footnotes.)

Add § 78.61 (29 F.R. 18884, Dec. 29, 1964) to read as follows:

§ 78.61 Specification 4BW; welded steel cylinders made of definitely prescribed steels with electric-arc welded longitudinal seam.

§ 78.61–1 Compliance.

(a) Required in all details.

§ 78.61–2 Type, size and service pressure.

(a) Must be welded type with longitudinal electric-arc welded seam not over 1,000 pounds water capacity (nominal); service pressure at least 225 and not over 500 pounds per square inch gauge. Cylinders closed in by spinning process not authorized.

§ 78.61–3 Inspection by whom and where.

(a) By competent inspector; chemical analyses and tests, as specified, to be made within limits of the United States. Interested inspectors are authorized.

§ 78.61–4 Duties of inspector.

(a) Inspect all material and reject any not complying with requirements of this specification.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided,* That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with specification requirements including: markings; condition of inside; tests; threads; heat treatment. Obtain samples for all tests, and check chemical analyses, witness all tests; report volumetric capacity, tare weight (see report form), and minimum thickness of wall noted.

(d) Render complete report (§ 78.61–21) to purchaser, cylinder maker, and the Bureau of Explosives.

§ 78.61–5 Authorized steel.

(a) Open hearth, electric or basic oxygen steel of uniform quality. The following chemical analyses are authorized except as provided in paragraph (b) of this section. (See footnote 1 of the following table.)

TABLE I—AUTHORIZED MATERIALS

Designation	Chemical analysis—limits in percent												
	1315 [2] [4]	HIS [2] [4]	MAY [2] [4]	NAX-1 [2] [4]	COR [2] [4]	NAX-2 [2] [4] [5]	SCX [2] [4]	4017 [2] [4]	OTY [2] [4] [6]	RDT [2] [4] [5] [6]	YOL [2] [4] [5] [6]	DYNA [2] [5] [6]	Fine-grain high strength [2] [4]
Carbon	0.10/0.20	0.12 max.	0.12 max.	0.20 max.	0.12 max.	0.20 max.	0.20 max.	0.13/0.20	0.15 max.	0.12 max.	0.15 max.	0.15 max.	0.24 max.
Manganese	1.10/1.65	0.50/0.90	0.50/1.00	0.45/0.75	0.20/0.50	0.50/1.00	0.60/1.00	0.75/1.10	0.90/1.40	0.50/1.00	0.30/0.60	0.60/1.00	0.50/1.00.
Phosphorus	0.045 max.	0.05/0.12	0.12 max.	0.045 max.	0.07/0.15	0.045 max.	0.045 max.	0.04 max.	0.09/0.135	0.040 max.	0.04 max.	0.05/0.100	0.04 max.
Sulfur	0.05 max.	0.05 max.	0.05 max.	0.05 max.	0.05 max.	0.045 max.	0.045 max.	0.04 max.	0.04 max.	0.050 max.	0.05 max.	0.05 max.	0.05 max.
Silicon	0.15/0.35	0.15 max.	0.10/0.50	0.50/0.90	0.25/0.75	0.50/0.90	0.15/0.30	0.25/0.35	0.10 max.	----------	----------	0.30 max.	0.10 max.
Chromium	----------	----------	0.40/1.00	0.45/0.70	0.50/1.25	----------	0.15/0.50	----------	----------	----------	----------	----------	
Molybdenum	----------	0.08/0.18	----------	----------	----------	----------	0.15/0.35	0.25/0.35	----------	0.10/0.30	----------	0.05/0.15	
Zirconium	----------	----------	----------	0.05/0.25	----------	0.03/0.15	----------	----------	----------	----------	----------	----------	
Nickel	----------	0.45/0.75	0.50/1.00	----------	0.65 max.	----------	----------	----------	----------	0.50/1.20	1.50/2.00	0.40/0.70	
Copper	0.40 max.	0.95/1.30	0.20/0.50	----------	0.25/0.55	0.25 max.	0.20/0.50	----------	0.30/0.70	0.50/1.00	0.75/1.25	0.30/0.60	
Aluminum	----------	0.12/0.27	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	
Columbium	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	0.010/0.040.
Heat treatment authorized.	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3].
Maximum stress	35,000	35,000	35,000	35,000	35,000	35,000	35,000	35,000	35,000	35,000	35,000	35,000	35,000.

[2] This designation shall not be restrictive and the commercial steel is limited in analysis shown in the table.
[3] Any suitable heat treatment in excess of 1,100° F., except that liquid quenching is not permitted.
[4] Addition of other elements to obtain alloying effect is not authorized.
[5] Ferritic grain size 6 or finer, according to ASTM E-112-58T.
[6] Only fully killed steel authorized.

[1] A heat of steel made under any of the above specifications, check chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the tolerances shown in the following table are not exceeded.

CHECK ANALYSIS TOLERANCES

Element	Limit or maximum specified (percent)	Tolerance (percent) over the maximum limit or under the minimum limit	
		Under minimum limit	Over maximum limit
Carbon	To 0.15 incl	0.02	0.03
	Over 0.15 to 0.40 incl	.03	.04
Manganese	To 0.60 incl	.03	.03
	Over 0.60 to 1.15 incl	.04	.04
	Over 1.15 to 2.50 incl	.05	.05
Phosphorus [1]	All ranges	----------	.01
Sulphur	....do	----------	.01
Silicon	To 0.30 incl	.02	.03
	Over 0.30 to 0.90 incl	.05	.05
Copper	To 1.00 incl	.03	.03
	Over 1.00 to 2.00 incl	.05	.05
Nickel	To 1.00 incl	.03	.03
	Over 1.00 to 2.00 incl	.05	.05
Chromium	To 0.90 incl	.03	.03
	Over 0.90 to 2.10 incl	.05	.05
Molybdenum	To 0.20 incl	.01	.01
	Over 0.20 to 0.40 incl	.02	.02
Zirconium	All ranges	.01	.05
Columbium	To 0.04 incl	.005	.01
Aluminum	Over 0.10 to 0.20 incl	.04	.04
	Over 0.20 to 0.30 incl	.05	.05

[1] Rephosphorized steels not subject to check analysis for phosphorus.

(b) *Heads.* Material for heads shall be the same as paragraph (a) of this section or shall be open hearth, electric or basic oxygen carbon steel of uniform quality. Content percent for the following not over: Carbon 0.25, Manganese 0.60, Phosphorus 0.045, Sulfur 0.050.

(1) Heads shall be hemispherical or ellipsoidal in shape with a maximum ratio of 2.1. If low carbon steel is used thickness of such heads shall be determined by using a maximum wall stress of 24,000 p.s.i.a. in formula §(78.61–10(b)).

§ 78.61–6 Identification of material.

(a) Required; any suitable method.

§ 78.61–7 Defects.

(a) Material with seams, cracks, laminations or other injurious defects, not authorized.

§ 78.61–8 Manufacture.

(a) By suitable appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface required. Exposed bottom welds, on cylinders over 18 inches long must be protected by footrings. Minimum thickness of heads shall be not less than 90 percent of the required thickness of the sidewall. Heads shall be concave to pressure.

(b) *Circumferential seams.* By electric-arc welding. Joints shall be butt with one member offset (joggle butt) or lap with minimum overlap of at least four times nominal sheet thickness.

(c) *Longitudinal seams in shells.*

(1) Longitudinal electric-arc welded seams shall be of the double welded butt type. Welds must be made by a machine process including automatic feed and welding guidance mechanisms. Longitudinal seams shall have complete joint penetration, and shall be free from undercuts, overlaps or abrupt ridges or valleys. Misalignment of mating butt edges shall not exceed ⅛ of nominal sheet thickness or 1/32 inch whichever is less. All joints with nominal sheet thickness up to and including ⅛ inch shall be tightly butted. When nominal sheet thickness is greater than ⅛ inch, the joint shall be gapped for maximum distance equal to one-half the nominal sheet thickness of 1/32 inch whichever is less. Joint design, preparation and fit-up shall be such that requirements of § 78.61–8(d) are satisfied.

(2) Maximum joint efficiency shall be 1.0 when each seam is radiographed completely. Maximum joint efficiency shall be 0.90 when one cylinder from each lot of 50 consecutively welded cylinders in spot radiographed. In addition, one out of the first five cylinders welded following a shut down of welding operations exceeding four hours shall be spot radiographed. Spot radiographs, when required, shall be made of a finished welded cylinder and shall include the girth weld for 2 inches in both directions from the intersection of the longitudinal and girth welds and include at least 6 inches of the longitudinal weld. Maximum joint efficiency of 0.75 shall be permissible without radiography.

(d) Welding procedure and operators must be qualified in accordance with the sections that apply in the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1964).[1]

§ 78.61–9 Welding of attachments.

(a) The attachment to the tops and bottoms only of cylinders by welding of neckrings, footrings, handles, bosses, pads and valve protection rings is authorized provided that such attachments and the portion of the container to which they are attached are made of weldable steel, the carbon content of which must not exceed 0.25 percent.

§ 78.61–10 Wall thickness.

(a) For outside diameters over 6 inches the minimum wall thickness shall be 0.078 inch. In any case the minimum wall thickness shall be such that the

[1] Available from the Compressed Gas Association, Inc., 500 5th Ave., New York, N.Y.

calculated wall stress at two times service pressure shall not exceed the lesser value of any of the following:

(1) The value shown in Table I, § 78.61–5(a) for the particular material under consideration.

(2) One-half of the minimum tensile strength of the material determined as required in § 78.61–15 multiplied by the joint efficiency.

(3) 35,000 pounds per square inch.

(b) Calculation must be made by the formula:

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

where:

S = Wall stress at test pressure, p.s.i.;
P = Test pressure, p.s.i.;
D = Outside diameter, inches;
d = Inside diameter, inches;
E = Joint efficiency for the longitudinal seam (from § 78.61–8(c)(2)).

(c) Cylinder with wall thickness less than 0.100 inch, the ratio of the length of the cylindrical portion to the outside diameter shall not exceed 4.0.

§ 78.61–11 Heat treatment.

(a) Each cylinder must be uniformly and properly heat treated prior to test by the applicable method shown in § 78.61–5(a), Table I. Heat treatment must be accomplished after all forming and welding operations.

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

§ 78.61–12 Openings in cylinders.

(a) All openings must be in the heads or bases.

(b) Openings in cylinders must be provided with adequate fittings, bosses, or pads, integral with or securely attached to the cylinder by welding.

(c) Threads must comply with the following:

(1) Threads must be clean cut and to gauge.

(2) Taper threads must be of length not less than as specified for American Standard Taper Pipe threads.

(3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

(d) Closure of fittings, boss or pads must be adequate to prevent leakage.

§ 78.61–13 Safety relief devices and protection for valves, safety devices and other connections, if applied.

(a) Must be as required by the Interstate Commerce Commission's Regulations that apply. (See §§ 73.34(d) and 73.301(g) of this chapter.)

§ 78.61–14 Hydrostatic test.

(a) By water jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit readings to accuracy of 1 percent. Expansion gauge must permit readings of total volumetric expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat treatment and previous to the official test must not exceed 90 percent of the test pressure.

(c) Permanent volumetric expansion must not exceed 10 percent of the total volumetric expansion at test pressure.

(d) Cylinders must be tested as follows:

(1) At least 1 cylinder selected at random out of each lot of 200 or less shall be tested as outlined in paragraphs (a), (b), and (c) of this section to at least two times service pressure.

(2) All cylinders not tested as outlined in subparagraph (d)(1) of this section must be examined under pressure of at least two times service pressure and show no defect.

(e) One finished cylinder selected at random out of each lot of 500 or less successively produced shall be hydrostatically tested to 4 times service pressure without bursting.

§ 78.61–15 Physical test.

(a) To determine yield strength, tensile strength and elongation of material. Required on a specimen cut from each head and body section of a cylinder having passed the hydrostatic test.

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or, gauge length 2 inches with width not over 1½ inches, provided, that gauge length at least 24 times thickness with width not over 6 times thickness is authorized when cylinder wall is not over $\frac{3}{8}$ inch thick. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within 1 inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical tests detailed information in regard to such specimens. Heating of specimens for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by either the "off-set" method or the "extension under load" method as prescribed in ASTM Standard E8–57T.

(2) In using the "extension under load" method, the total strain (or "extension under load"), corresponding to the stress at which the 0.2-percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gauge length under appropriate load and adding thereto 0.2 percent of the gauge length. Elastic extension calculations shall be based on an elastic modulus of 30,000,000. In the event of controversy, the entire stress-strain diagram shall be plotted and the yield strength determined from the 0.2-percent offset.

(3) For the purpose of strain measurement, the initial strain reference shall be set while the specimen is under a stress of 12,000 pounds per square inch, the strain indicator reading being set at the calculated corresponding strain.

(4) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

§ 78.61–16 Elongation.

(a) Physical test specimens must show at least 40 percent for 2-inch gauge length or at least 20 percent on other cases, except that these elongation percentages may be reduced numerically by 2 for 2-inch speciments and by 1 in other cases for each 7,500 pounds per square inch increment of tensile strength above 50,000 pounds per square inch to a maximum of four increments.

§ 78.61–17 Tests of welds.

(a) *Tensile test.* A specimen shall be cut from one cylinder of each lot of 200 or less. The specimen shall be taken across the longitudinal seam and shall be prepared and tested in accordance with and must meet the requirements of the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers." (CGA Pamphlet C–3–1964).[1] Failure must occur in the parent metal.

(b) *Guided bend test.* A "root" test specimen shall be cut from the cylinder used for the tensile test specified in § 78.61–17(a). Specimens shall be taken across the longitudinal seam and shall be prepared and tested in accordance with and shall meet the requirements of the Compressed Gas Association's "Standards for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1964).[1]

(c) *Alternate guided bend test.* This test may be used and shall be as required by Compressed Gas Association's "Standard for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1964.[1] The specimen shall be bent until the elongation at the outer surface, adjacent to the root of the weld, between the lightly scribed gauge lines a to b, shall be at least 20 percent, except that this percentage may be reduced for steels having a tensile strength in excess of 50,000 pounds per square inch, as provided in § 78.61–16(a).

§ 78.61–18 Radiographic examination.

(a) Radiographic inspection shall conform to the techniques and acceptability criteria set forth in the Compressed Gas Association's "Standard for Welding and Brazing on Thin Walled Containers" (CGA Pamphlet C–3–1964). When fluoroscopic inspection is used, permanent film records need not be retained.

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(b) Should spot radiographic examination fail to meet the requirements of paragraph (a) of this section, two additional welds from the same lot of 50 cylinders or less shall be examined, and if either of these fail to meet the requirements, each cylinder shall be examined as previously outlined; only those passing are acceptable.

§ 78.61–19 Rejected cylinders.

(a) Unless otherwise stated, if a sample cylinder or specimen taken from a lot of cylinders fails the prescribed test, then two additional specimens must be selected from the same lot and subjected to the prescribed test. If either of these fails the test then the entire lot must be rejected.

(b) Reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests. Repair of welded seams by welding is authorized provided that all defective metal be cut away and joint be rewelded as prescribed for original welded joints.

§ 78.61–20 Marking.

(a) Marking on each cylinder stamped as follows:

(1) ICC–4BW followed by the service pressure (for example, ICC–4BW240, etc.).

(2) A serial number and an identifying symbol, both to be of the purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives. Duplications unauthorized.

(3) Inspector's official mark.

(4) Date of test (for example, 12–64 for December 1964).

(5) Additional markings are permitted.

(b) *Sequence of marks.* ICC specification designation, registered symbol and serial number shall be in close proximity. Inspector's official mark shall be near the serial number. Date of test shall be so placed that dates of subsequent tests can easily be added.

(c) *Location of markings.* Markings may be stamped plainly and permanently in the following locations on the cylinder:

(1) On shoulders and top heads not less than 0.087-inch thick.

(2) On neck, valve boss, valve protection sleeve, or similar part permanently attached to top end of cylinder.

(3) On a plate attached to the top of the cylinder or permanent part thereof; sufficient space must be left on the plate to provide for stamping at least six retest dates; the place must be at least 1/16-inch thick and must be attached by welding, or by brazing at a temperature of at least 1,100° F. throughout all edges of the plate.

(4) Variations in location of markings when necessitated by lack of space permissible only when authorized by the Commission.

(d) *Size of marks.* Space permitting, at least 1/4-inch high.

§ 78.61–21 Inspector's report.

(a) Required to be clear, legible and in following form:

(Place) _____
(Date) _____

Steel gas cylinders

Manufactured for _____ Company
Location at _____
Manufactured by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long
Marks stamped into the _____ (location of marking) of the cylinder are:
Specification ICC _____
Serial numbers _____ to _____ inclusive
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks _____
_____
_____
These cylinders were made by process of _____
_____
The material used was type _____ authorized in table I of Spec. No. 4BW.
The material used was identified by the following _____
_____
(heat-purchase order) numbers _____
_____
The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____ (were—were not) on the material.

All material was inspected and all that was accepted was found free from seams, cracks, laminations and other injurious defects.
Radiography _____ (type and amount)
The compliance of cylinders with specification requirements was verified including markings, condition of inside, tests, threads, etc. All cylinders with defects which might prove injurious were rejected. The processes of manufacture and heat treatment were supervised and found to be efficient and satisfactory.
The cylinder walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined to be _____ inches. The wall stress was calculated to be _____ pounds per square inch.
Hydrostatic tests, tensile tests of material, and other tests as prescribed in specification No. ICC–4BW _____ were made in the presence of the inspector and all cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.
Each cylinder _____ (has—has not) been equipped with safety devices as follows: _____
_____
I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 4BW except as follows:
Exceptions _____
_____
_____
_____
_____
(Manufacturer's name)
(Signed) _____
(Inspector)
By: _____

(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

Test No.	Heat No.	Check analysis No.	Cylinders represented (serial Nos.)	Chemical analysis										
				C	P	S	Si	Mn	Ni	Cr	Mo	Cu	Al	Zr

Steel was manufactured by _____ Company.
The original of the certified mill test reports are in files of the manufacturer.

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

Chemical analyses were made by _____

(Place) _____
(Date) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

Test No.	Cylinders represented by test (serial Nos.)	Yield strength (pounds per square inch)	Tensile strength (pounds per square inch)	Elongation (percent in inches)	Reduction of area (percent)	Weld tensile test	Weld bend test

(Signed) _____

(Place)_____
(Date)_____

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered_____to_____inclusive.
Size_____inches outside diameter by_____inches long.
Made by_____Company.
For_____Company.

Serial Nos. of cylinders tested arranged numerically	Actual test pressure (pounds per square inch)	Total expansion (cubic centimeters) [1]	Permanent expansion (cubic centimeters) [1]	Permanent ratio of permanent expansion to total expansion [1]	Burst test (pounds per square inch)	Tare weight (pounds) [2]	Volumetric capacity [3]

NOTE 1: When specifications require test for only one out of each lot of 200 or less cylinders, the check on the others must be indicated by a notation hereon reading, "Each cylinder was subjected to a pressure of _____ pounds per square inch and showed no defect."

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[2] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of one percent.

[3] Report approximate maximum and minimum volumetric capacity for the lot.

(Signed)_____

In § 78.68–13 amend paragraphs (a), (b); redesignate and amend paragraph (d) as paragraph (e); add new paragraph (d); in § 76.68–16 amend paragraph (a) (29 F.R. 18889, Dec. 29, 1964) (30 F.R. 5752, Apr. 23, 1965) to read as follows:

§ 78.68 Specification 4E; welded aluminum cylinders.

§ 78.68–13 Hydrostatic test.

(a) By water jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure of 2 times service pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied previous to the official test must not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent over the pressure otherwise specified.

* * * * *

(d) Cylinders having a calculated wall stress of 18,000 pounds per square inch or less at test pressure may be tested as follows:

(1) At least one cylinder selected at random out of each lot of 200 or less shall be tested in accordance with paragraphs (a), (b), and (c) of this section.

(2) All cylinders not tested as provided in subparagraph (d) (1) of section must be examined under pressure of at least two times service pressure and show no defect.

(e) One finished cylinder selected at random out of each lot of 1,000 or less shall be hydrostatically tested to 4 times the service pressure without bursting. Inability to meet this requirement shall result in rejection of the lot.

§ 78.68–16 Acceptable results for physical tests.

(a) Elongation at least 7 percent; yield strength not over 80 percent of tensile strength.

Subpart F—Specifications for Fiberboard Boxes, Drums, and Mailing Tubes

In § 78.209–11 amend paragraph (b) (29 F.R. 18959, Dec. 29, 1964) to read as follows:

§ 78.209 Specification 12H; fiberboard boxes.

§ 78.209–11 Authorized gross weight and parts required.

* * * * *

(b) Authorized gross weight: 65 pounds; boxes may have gross weight of 103 pounds when authorized by § 73.66 (g) (1) of this chapter.

In § 78.224–1 cancel paragraph (a) (2); in § 78.224–2 cancel paragraph (d); in § 78.224–4 amend paragraph (a) (1); cancel paragraph (a) (2), redesignate and amend paragraphs (a) (3) and (a) (4) as (a) (2) and (a) (3) respectively (30 F.R. 7425, June 5, 1965) (29 F.R. 18966, Dec. 29, 1964) to read as follows:

§ 78.224 Specification 21C; fiber drum.

§ 78.224–1 Construction requirements.

(a) * * *

(2) [Canceled]

§ 78.224–2 Type tests.

* * * * *

(d) [Canceled]

* * * * *

§ 78.224–4 Marking.

(a) * * *

(1) Drums must be marked ICC 21C followed by the authorized new weight to which drum was constructed, for example, ICC–21C115.

(2) Marks specified in subparagraph (a) (1) of this section shall be understood to certify that the fiber drum complies with all specification requirements.

(3) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and be located just above, below, or following the mark specified in subparagraph (a) (1) of this section.

Add § 78.225 (29 F.R. 18966, Dec. 29, 1964) to read as follows:

§ 78.225 Specification 21P; fiber drum overpack for inside plastic container.

§ 78.225–1 Compliance.

(a) Required in all details.

§ 78.225–2 Construction requirements.

(a) Fiber drum overpack for inside plastic containers as prescribed in Part 73 of this chapter. Fit of fiber drum overpack shall provide support for inside plastic container in such manner as to avoid wrinkling, buckling, or suspension of inside plastic container by any closure protruding through top head.

Marked [1] (rated) capacity of inside plastic container not over (gallons)	Authorized maximum net weight of liquid contents not over (pounds)	Fiber drum overpack parts [5] [6]								
		Sidewall	Top heads and bottom heads							
			All fiber [3]		All steel		Combination fiber-steel bottoms			
							Fiber component		Steel component	
		Strength [2] (pounds)	Thickness (inch)	Strength [2] (pounds)	Gauge	Thickness [4] (inch)	Thickness (inch)	Strength [2] (pounds)	Gauge	Thickness [4] (inch)
6½	105	600	0.120	800	28	0.0129				
15	245	700	.160	1,100	26	.0159	0.090	600	28	0.0129
30	350	900	.200	1,200	24	.0209	.120	800	26	.0159
30	450	1,000	.220	1,300	24	.0209	.160	1,100	26	.0159
55	600	1,200	.240	1,500	24	.0209	.160	1,100	26	.0159

[1] For capacity tolerances refer to applicable specifications of inside plastic containers.

[2] Mullen or Cady test. Either of the following test methods may be used. When more than single ply, test shall be determined from the summation of the tests of individual plies; or when test is made on a complete drum, the punctures shall be made from the exterior to the interior surface, in which case the values for sidewalll shall be not less than 80 percent of the value in the above table and the values for fiber tops and bottoms shall be not less than the value in the above table. There shall be a minimum of 6 tests and the average shall be not less than the prescribed minimum requirements.

[3] When made of 2 or more discs, the discs must be bonded together with adhesive.

[4] Thickness shall be measured at any point on the steel part not less than ⅜ inch from an edge.

[5] Two holes not exceeding ¼ inch each are permitted diametrically opposite each other in the overpack body and three holes not exceeding 3/16 inch in diameter on centers 120 degrees apart in the bottom head. Top head may have not more than 2 holes of suitable size to provide for protruding closures. Closures shall not protrude above plane of top chime.

[6] Overpack interior shall be free of projections, burrs, or any edges that might cause damage to inside plastic container.

(b) Fiber sidewalls shall consist of one or more multiple-ply shells or tubes, convolutely wound of fiberboard at least 0.012 inch thickness with plies of each component secured together with adhesive: Steel parts used shall be of low carbon, open hearth, or electric steels; drum overpack shall be of tight-head or full removable cover type, straight sided, with top and bottom heading secured to sidewall by an efficient means in accordance with the following detailed minimum requirements:

§ 78.225–3 Marking.

(a) Maker of overpack and assembler of the composite container shall place a marking on side of container by printing, lithography or stamping with weather resistant ink in letters not less than ½ inch high as follows:

(1) Marking by maker of overpack.

(i) ICC–21P***; stars to be replaced by the authorized net weight for liquid products for which drum was constructed, for example, ICC–21P/450. These marks shall be understood to certify that the fiber drum complies with all construction requirements of this specification.

(ii) Name or symbol of maker must be registered with the Bureau of Explosives and be located just above, below, or following the mark specified in subparagraph (a) (1) (i) of this section.

(2) Marking by assembler of composite container.

(i) Maker or other party assuming responsibility for compliance with specification requirements shall add a marking to the overpack maker's marking as specified by subparagraph (a) (1) (i) of this section identifying the inside plastic container specification number. For example, ICC–21P/450/21SL. "STC" shall be added to the marking when inside container is authorized only for single trip service. For example, ICC–21P/450/2U STC.

(ii) The name or symbol of the assembler to be located near the marking specified in subparagraph (a) (2) (i) of this section; symbol must be registered with the Bureau of Explosives.

§ 78.225–4 Compression test.

(a) Prior to testing, drums shall be conditioned at 50 percent plus or minus 2 percent relative humidity and 75° F. plus or minus 3° F. for at least 48 hours.

(b) An empty fiber drum overpack shall withstand either of the following compression tests without buckling of the sidewall sufficient to cause damage, but in no case shall the maximum top to bottom deflection be more than ½ inch:

Fiber drum overpack for plastic inside container of marked (rated) capacity (gallons) (not over)	Compression	
	Static [1] (pounds)	Dynamic [2] (pounds)
15	1,125	1,500
30	1,800	2,400
55	2,400	3,200

[1] Static test. Compression as specified must be applied to entire bearing surface of top of drum for a period of 48 hours.

[2] Dynamic test. Compression as specified must be applied end to end. Speed of compression tester to be ½ inch plus or minus ¼ inch per minute.

(c) Test to be made at start of production and repeated at 4-month intervals for each size of each type drum overpack manufactured. Record of test results shall be maintained in current status by each manufacturer at each producing plant.

§ 78.225–5 Assembly and testing of composite container.

(a) The method employed for assembly shall be such as not to cause damage to either component.

(b) The party doing assembly shall be responsible for compliance with § 78.225–2(a) and for compliance with test requirements specified by applicable inside plastic container specifications in Part 78.

Amend Part 78, Subpart G heading (29 F.R. 18966, Dec. 29, 1964) to read as follows:

Subpart G—Specifications for Bags, Cloth, Burlap, Paper or Plastic

In § 78.238–2 amend paragraph (c); in § 78.238–3 amend paragraph (b) (29 F.R. 18970, 18971, Dec. 29, 1964) to read as follows:

§ 78.238 Specification 44D; multiwall paper bags.

§ 78.238–2 Paper.

* * * * *

(c) Laminating materials. Any laminant other than asphalt or other water-vapor barrier walls may be used provided they meet the strength requirements in paragraph (b) of this section.

* * * * *

§ 78.238–3 Construction.

* * * * *

(b) Moistureproof barrier sheets of paper, if used, must meet the strength requirements of § 78.238–2(b) and shall be counted as 50 pounds basis weight (500 sheets, 24 x 36 inches).

Add § 78.241 (29 F.R. 18972, Dec. 29, 1964) to read as follows:

§ 78.241 Specification 44P; all-plastic bags.

§ 78.241–1 Compliance.

(a) Required in all details.

§ 78.241–2 Plastic.

(a) Plastic film shall be low density polyethylene having a melt index of 0.6 maximum, conforming to the minimum requirements specified in subparagraph (a) (1) of this section.

(1) Plastic film:

Nominal gauge (mils) [1]	Drop dart (grams) [2]	Pounds per square inch tensile [3]	Percent elongation [3]	Tear (grams) [4]
5	210	2,100	350	200
6	250	2,100	350	240
7	295	2,100	350	280
8	340	2,100	350	350

[1] Gauge as measured by ASTM D 374–57T; tolerance ±10 percent.

[2] Drop dart as measured by the drop dart method (ASTM D 1709–62T Method B). Under this method a polished steel dart having a diameter of 2 inches in the hemispherical head is suspended by an electro-magnet at a height sufficient to provide a drop of 60 inches to the surface of the test specimen. The test specimen must be placed over the bottom part of a 2-piece annular clamp having an inside diameter of 5 inches, so as to be uniformly flat and free of folds. Test specimen must cover the clamp at all points. Not less than 10 specimens, not more than one drop per specimen, must be tested. If one-half or more of the specimens tested resist failure the film shall be deemed to meet the requirements. Failure is defined as any break through the film.

[3] Tensile and percent elongation as measured by ASTM D 882–(61T) Method A.

[4] Tear as measured by ASTM D 1922–(61T).

§ 78.241–3 Construction and capacity.

(a) Bags must be constructed of plastic film conforming to the requirements of § 78.241–2. Bags having heat-sealed ends must be capable of withstanding static loads of 1¼ pounds per mil per inch of seal as measured in the following manner. Three 1-inch wide samples must be cut from the top seal and 3 1-inch wide samples must be cut from the bottom seal of each bag to be tested. Samples must be cut perpendicular to the seal, one from the center of the seal and one each approximately 4 inches in each direction from the center of the seal. (The preferred method of cutting the samples is to place a 1-inch wide die on the flat bag so that both film layers and the seal area can be cut simultaneously.) Samples must be cut of sufficient length to permit wrapping each film end around a ¼-inch diameter metal rod and to permit clamping each end 1 inch from heat seal. Clamp used (such as a laboratory tubing clamp) must be one that will exert even pressure across a 1-inch wide strip. Clamps must be carefully positioned on strips parallel to the heat seals. One clamp must be mounted to a sup-

port, permitting the sample strip to hang vertically, and a weight must be attached to the other clamp hanging free at the lower end of the assembly. The total weight exerted on the seal must be 1¼ pounds for each mil of gauge of the film. The test must be conducted at room temperature (approximately 73° F.). All samples tested must resist failure. Failure is defined as total seal separation occurring within 10 minutes after the test has begun. Other end closures of equal efficiency authorized. Bags of not less than 5-mil construction authorized for contents not to exceed 51 pounds net weight. Bags of not less than 7-mil construction authorized for contents not to exceed 81 pounds net weight.

§ 78.241–6 Tests for shipment.

(a) Bags as prepared for shipment must be able to withstand six drops from a height of 4 feet onto a solid surface, one drop on each end, one drop on each face, and one drop on each side (edge), without sifting or rupture.

§ 78.241–7 Marking.

(a) On each bag with letters and figures at least ½ inch high in rectangle as follows:

ICC–44P

(1) This mark shall be understood to certify bag complies with all specification requirements.

(2) Name and address of maker located just above or below the mark specified in paragraph (a) of this section; symbol (letters) authorized if registered with the Bureau of Explosives.

Subpart H—Specifications for Portable Tanks

In § 78.247–7 amend paragraph (a) (2) (30 F.R. 5759, Apr. 23, 1965) to read as follows:

§ 78.247 Specification 53; cylindrical aluminum portable tanks.

§ 78.247–7 Marking.

(a) * * *

(2) Name or symbol (letters) of maker or user assuming responsibility for compliance with specification requirements; this must be registered with the Bureau of Explosives.

In § 78.255–1 amend paragraph (a); in § 78.255–2 amend paragraph (a) (29 F.R. 18975, Dec. 29, 1964) to read as follows:

§ 78.255 Specification 60; steel portable tanks.

§ 78.255–1 General requirements.

(a) Tanks shall be constructed in accordance with all requirements of section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1962 edition, for U–201 fusion-welded unfired pressure vessels.

* * * * *

§ 78.255–2 Material.

(a) Material used in the tanks shall be steel of good weldable quality in conformity with requirements of paragraph U–71 of the A.S.M.E. Code, 1962 edition.

* * * * *

PART 79—SPECIFICATIONS FOR TANK CARS

Subpart E—Specifications for Multi-Unit Tank Car Tanks (Classes ICC–106A and 110A–W)

In § 79.300–6 amend paragraph (a) (F.R. 19007, Dec. 29, 1964) to read as follows:

§ 79.300 General specifications applicable to multi-unit tank car tanks designed to be removed from car structure for filling and emptying.

§ 79.300–6 Thickness of plates.

(a) For class ICC–110A tanks, the wall thickness of the cylindrical portion of the tank shall not be less than that specified in § 79.301 nor that calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where:

d = Inside diameter in inches;
E = 1.0 welded joint efficiency;
P = Minimum required bursting pressure in p.s.i.;
S = Minimum tensile strength of plate material in p.s.i. as prescribed in § 79.300–7;
t = Minimum design thickness of plate in inches.

* * * * *

APPENDIX B—AMENDMENTS AND REASONS THEREFOR—Continued

Section	Paragraph	Reason for amendment
71.4	Heading, (a)	To remove redundant provisions in view of § 79.4 requirements.
71.5	Entire section	To remove redundant provisions in view of § 79.3 requirements.
72.5	(a) Commodity list	The changes, additions, and cancellations are to keep the commodity list on a current basis.
73.22	(a)	To clarify the shipper's responsibility in determining that shipments of explosives and other dangerous articles are offered in containers constructed and maintained in compliance with the regulations.
73.31	(a)(4)	To provide an alternate provision for the commodity stenciling of tank cars.
73.31	(d)(7)	To provide for the marking of ICC–106A and 110A–W multiunit tank car tanks visually inspected in lieu of periodic hydrostatic retest.
73.31	(d)(2), (9)	To authorize the visual inspection of ICC–106A and 110A–W multiunit tank car tanks, used exclusively for the transportation of fluorinated hydrocarbons and mixtures thereof, in lieu of periodic hydrostatic retest.
73.31	(d)(8), Retest Table 2.	Provides for the retesting of ICC–110A1000–W multiunit tank car tanks.
73.34	(e)(10)	To clarify that the visual inspection of cylinders be performed in accordance with accepted industry standards.
73.51	(q)	To clarify that all new military explosives and explosive devices, except those of a security classification, must be approved for transportation by the Bureau of Explosives.
73.53	(q)	To delete the obsolete term "explosive bullets," and provide for Ammunition for small arms with incendiary projectiles; to include 20 millimeter fixed ammunition in the small arms ammunition category.
73.54	(a)	To authorize the use of additional plastic containers complying with certain military specifications for ammunition for cannon.
73.56	(e)(1)	To increase the gross weight limitation for container of explosive bombs to 1,400 pounds.
73.58	Entire section	To provide for the shipment of small arms ammunition with incendiary projectiles; to increase gross weight of outside package from 150 to 175 pounds.
73.66	(g)(1)	To authorize an increase in gross weight, to 103 pounds, for certain spec. 12H fiberboard boxes containing electric blasting caps.
73.91	(a)(6)	To authorize shipment of illuminating, incendiary or smoke projectiles in unboxed or palletized condition.
73.100	(b)	To show that projectiles may be a component part of small arms ammunition; but excludes projectiles loaded with incendiary composition in addition to projectiles loaded with high explosives.
73.100	(b)(2)	To include 20 millimeter ammunition with solid, inert or empty projectiles in the small arms ammunition (class C explosives) category.
73.119	(b)(9)	To provide new spec. 21P fiber drum, in lieu of spec. 21C, with inside polyethylene container for flammable liquids not specifically provided for.
73.126	(a)	To update Part 73 section references redesignated in Order 63; to cite latest edition of CGA standards for visual inspection of compressed gas cylinders.
73.139	(a)(5)	To authorize spec. 5A metal barrels or drums for propylene imine, inhibited.
73.154	(a)(14)	To authorize spec. 12B fiberboard boxes with inside polyethylene bottles for flammable solids and oxidizing materials n.o.s.
73.157	(a)(2)	Benzoyl peroxide, wet is no longer shipped in this type composite container.
73.158	Heading, (a)	To provide packaging requirements for dimethylhexyl diperoxybenzoate, dry.
73.164	(a)(6)	To authorize spec. 21C fiber drums lined with saran plastic material for chromic acid.
73.182	(b)(6)	To authorize new spec. 44P all-plastic bags for ammonium nitrate mixed fertilizers, and ammonium nitrate fertilizer containing 90 percent or more ammonium nitrate with no organic coating.
73.239a	(a)(2)	To correct an erroneous section reference.
73.245	(a)(24)	To provide new 21P fiber drum, in lieu of spec. 21C, with inside polyethylene container for acids or other corrosive liquids, n.o.s.
73.245	(a)(26)	To authorize new spec. 34 polyethylene container without overpack for acids or other corrosive liquids, n.o.s.
73.248	(a)(4), (a)(5)	To provide for the use of safety vent discs incorporating a ⅛-inch breather hole on tank car tanks in spent acid or sludge acid service.
73.256	(a)(5)	To provide new spec. 21P fiber drums, in lieu of spec. 21C, with inside polyethylene container for liquid cleaning compounds.
73.263	Heading	To show the percentage limits for sodium chlorite permitted in sodium chlorite solution.
73.263	(a)(22)	To authorize new spec. 21P fiber drum, in lieu of spec. 21C, with inside polyethylene container for hydrochloric acid, etc.
73.263	(a)(28)	To authorize the use of new spec. 34 polyethylene container without overpack for hydrochloric acid, etc.

APPENDIX B—AMENDMENTS AND REASONS THEREFOR—Continued

Section	Paragraph	Reason for amendment
73.265	(d)(5)	To provide new spec. 21P fiber drum, in lieu of spec. 21C, with inside polyethylene container for hydrofluosilicic acid.
73.266	(a)(2), (b)(3)	To remove the closure seal requirement for hydrogen peroxide drums as being impracticable; discontinue use of non-spec. drums.
73.266	(b)(7)	To authorize the use of new spec. 21P fiber drum with inside polyethylene container for hydrogen peroxide solution in water.
73.272	(f)(5)	To provide new spec. 21P fiber drum, in lieu of spec. 21C, with inside polyethylene container for sulfuric acid.
73.272	(f)(6)	To authorize new spec. 34 polyethylene container without overpack for sulfuric acid.
73.277	(a)(6)	To authorize new spec. 34, polyethylene container without overpack for not over 16 percent hypochlorite solution.
73.301	(d)(5)	To reinsert the provisions for manifolding anhydrous ammonia cargo tanks inadvertently deleted by Order 63.
73.301	(h) Table	To include new spec. 2Q inside metal container in the list of containers prescribed for compressed gases.
73.304	(a)(2) Table	To authorize an increased filling density for hydrogen chloride; to authorize use of specs. 3AX and 3AAX cylinders; to correct spelling of Trifluorochloroethylene.
73.304	(d)(3)(i)	To authorize new spec. 4BW240 welded steel cylinders for liquefied petroleum gas.
73.306	(a)(3), (a)(4), (b)(2)	To extend the exemptions for aerosols and other pressurized products to containers having capacities not exceeding 50 cubic inches and rated failure pressure of at least 1.5 times the pressure of contents at 130° F. except that for inside containers exceeding 35 cubic inch capacity, outside containers must be marked and labeled as prescribed therein; to provide for the use of new spec. 2Q inside metal container.
73.306	(b)(3)	To clarify that metal containers are refillable.
73.306	(b)(4)	To permit increased container capacity, from 31.83 cubic inches to 35 cubic inches; to stipulate pressure limitation at 130° F. in lieu of 70° F.
73.314	(c) Table	To authorize spec. 112A340-W tank cars for vinyl chloride.
73.315	(b)(1)	To reinsert the odorization requirements for LPG in cargo tanks that were inadvertently deleted by Order 63; to extend odorization requirements to portable tank transportation also.
73.315	(k)	To update Part 73 section reference redesignated in Order 63.
73.334	(a), (a)(1)	To provide for an increased amount of certain class B poison liquids mixed with compressed gas.
73.369	(a)(13), (a)(14)	To stipulate a minimum outage in tank cars and tank motor vehicles for shipments of carbolic acid (phenol).
73.370	(a)(12)	To permit the use of additional type plastic containers in spec. 12B fiberboard boxes for cyanides, etc.
74.527	(a)	For clarification.
74.538	(a) Chart, item e	To delete reference to "explosive bullets" and to provide for incendiary projectiles.
77.848	do	To delete reference to "explosive bullets" and to provide for incendiary projectiles.
78.19	Entire section	To provide for the construction of new spec. 34 reusable, molded polyethylene containers for use without overpack.
78.33	Heading	The increased capacity of spec. 2P inside metal containers, from 31.83 cubic inches to 50 cubic inches; elimination of restriction against side seams on aluminum containers; the reduction of 0.001 inch in minimum wall thickness; test sampling of completed containers, and additional marking requirements are based upon current shipping practices and the assurance of reliable performance requirements.
78.33-2	(b)	
78.33-6	(b)(2),(c)	
78.33-7	(a)	
78.33-8	(a), (b), (c)	
78.33-9	(a)	
78.33a	Entire section	To provide for the construction of new spec. 2Q inside metal containers which have rated failure pressure exceeding spec. 2P container.
78.37-5	(a) Note 1	To present consolidated tolerances in chemical analyses of steel for spec. 3AA cylinders heretofore referred to in AISI publications.
78.44-5	(a) Note 1	Reason for §78.37-5 applies also to spec. 3HT cylinders.
78.47-5	(a) Note 1	Reason for §78.37-5 applies also to spec. 4DS cylinders.
78.51-20	(a) Footnote 1	Reason for §78.37-5 applies also to spec. 4BA cylinders.
78.53-5	(a) Note 1	Reason for §78.37-5 applies also to spec. 4D cylinders.
78.56-20	(a) Footnote 1	Reason for §78.37-5 applies also to spec. 4AA480 cylinders.
78.57-21	(a) Note 1	Reason for §78.37-5 applies also to spec. 4L cylinders.
78.58-5	(a) Note 1	Reason for §78.37-5 applies also to spec. 4DA cylinders.
78.60-4	(a) Footnote 1	Reason for §78.37-5 applies also to spec. 8AL cylinders.
78.61	Entire section	To provide for construction of new spec. 4BW welded steel cylinders.
78.68-13	(a), (d), (e)	To provide hydrostatic testing requirements for spec. 4E aluminum cylinders consistent with other low pressure welded cylinders.
78.68-13	(b)	To clarify that repeated test must be to a pressure increased by 10 percent over the initial test pressure specified.
78.68-16	(a)	To clarify that 7 percent elongation applies to both 2-inch and 8-inch gauge lengths.
78.209-11	(b)	To permit a gross weight of 103 pounds for spec. 12H fiberboard boxes when authorized by § 73.66(g)(1).
78.224-1	(a)(2)	To delete requirements for spec. 21C fiber drums employing inside plastic containers in recognition of new spec. 21P fiber drum overpack for inside plastic container.
78.224-2	(d)	
78.224-4	Entire subsection	
78.225	Entire section	To provide for the construction of new spec. 21P fiber drum overpack for inside plastic container.
Part 78	Subpart G Headnote	Amended to show plastic bags added by new § 78.241.
78.238-2	(c)	To authorize the use of other lining materials, for spec. 44D paper bags, provided they are equivalent to the ones specified.
78.238-3	(b)	
78.241	Entire section	To provide for the construction of new spec. 44P all-plastic bags.
78.247-7	(a)(2)	To require either name or symbol of maker or party assuming responsibility for compliance with spec. 53 aluminum portable tank be registered with the Bureau of Explosives.
78.255-1	(a)	To authorize the use of current ASME Codes for constructing spec. 60 steel portable tanks.
78.255-2	(a)	
79.300-6	(a)	To provide for a welded joint efficiency of 1.0 in lieu of 0.9 for spec. 110A-W tanks.

[F.R. Doc. 66-2109; Filed, Mar. 3, 1966; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 250]

[Release 35-15412]

FINANCIAL CONNECTIONS OF OFFICERS AND DIRECTORS OF PUBLIC UTILITY SUBSIDIARY COMPANIES OF REGISTERED HOLDING COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that, upon the request of interested persons, the Securities and Exchange Commission has under consideration a proposal to amend Rule 70(a)(4)(C) under the Public Utility Holding Company Act of 1935 governing the connections with financial institutions of officers and directors of public-utility subsidiary companies of registered holding companies.

Section 17(c) of the Act prohibits any registered holding company or any subsidiary company thereof from having as an officer or director any "executive officer, director, partner, appointee, or representative of any bank, trust company, investment banker, or banking association or firm" except as permitted by rule or regulation of the Commission "as not adversely affecting the public interest or the interest of investors or consumers." Rule 70 sets forth exemptions granted by the Commission from section 17(c). Subsection (a)(4)(C) thereof provides an exemption in the case of a public-utility subsidiary company for persons whose only financial connection is with a commercial banking institution having its principal offices within the territory in which such company (or such company together with its wholly owned subsidiary companies) carries on operations as a public-utility company.

It is proposed to amend the rule so as to permit a public-utility subsidiary company to have as a director or officer a person affiliated with a commercial bank whose principal office is located in the service area of an associate public-utility company, provided that the service areas of both such companies are located entirely within the same State.

The text of the proposed amendment to the rule would read as follows:

§ 250.70 Exemptions from section 17(c) of the Act.

(a) * * *

(4) * * *

(iii) One or more commercial banking institutions having their principal offices within the territory in which such company, or an associate public-utility company serving a contiguous territory, car-

ries on operations as a public-utility company: *Provided*, That (*a*) if the officer or director has a financial connection with a commercial banking institution having its principal office within the territory of an associate public-utility company, the service territories of both such companies are located entirely within the same State, and (*b*) the operating revenues from public-utility operations for the preceding calendar year of each such public-utility company constituted at least 70 percent of the consolidated revenues of each such company and all its wholly owned subsidiary companies.

* * * * *

All interested persons are invited to submit their views and comments on this proposal, in writing, to the Secretary, Securities and Exchange Commission, at its principal office, 425 Second Street NW., Washington, D.C., 20549, on or before March 28, 1966. Except where it is requested that such communications not be disclosed, they will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

FEBRUARY 28, 1966.

[F.R. Doc. 66-2267; Filed, Mar. 3, 1966; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 66-8]

VESSELS CERTIFICATED FOR OCEAN AND COASTWISE SERVICE

Lifeboat Equipment

1. The President by Proclamation dated March 24, 1965, announced that the International Convention for Safety of Life at Sea, 1960 (SOLAS) (Treaties and Other International Acts, Series 5780), shall come into force and effect on May 26, 1965, and thereafter this Convention shall be observed and fulfilled with good faith by the United States of America, by the citizens of the United States of America and by all others subject to the jurisdiction thereof. By Executive Order 11239 (July 31, 1965, 30 F.R. 9671, 3 CFR 1965 Supp.), the President designated the various Federal agencies to administer the provisions of this Convention.

2. For those matters relating to merchant vessels and currently administered by the Commandant, U.S. Coast Guard, the implementing regulations are in 46 CFR Chapter I. These implementing regulations were appropriately amended by changes published in the FEDERAL REGISTER of 8 September 1965 (30 F.R. 11414–11495). At that time it was noted that certain items of new lifeboat equipment primarily necessitated by the 1960 SOLAS Convention may not be available and a reasonable time would be given to bring the vessel into compliance (30 F.R. 11415). Except for the 15-minute floating orange smoke distress signal which is undergoing development and tests but not yet commercially available in the United States, the other additional items of lifeboat equipment, the lifeboat protecting covers, the fishing kits, and the desalter kits, are now available from the manufacturers listed in paragraph 3 in this document. Therefore, the lifeboat protecting covers, fishing kits, and desalter kits shall be provided. Although there are approximately 150 lifeboat covers in use without approval numbers, all such covers manufactured by Gentex Corp. are acceptable. However, all approved protecting lifeboat covers manufactured after 10 January 1966, will bear approval numbers.

3. The following approvals have been granted:

DESALTER KIT

Approval No. 160.058/1/0.	Ionac Chemical Co., Birmingham, N.J., 08011.
Approval No. 160.058/2/0.	Van Brode Milling Co., Inc., Clinton, Mass., 01510.

FISHING KIT

Approval No. 160.061/2/0.	Monroe Industries Inc., Post Office Box 894, New Haven, Conn., 06504.
Approval No. 160.061/3/0.	Van Brode Milling Co., Inc., Clinton, Mass., 01510.

Protecting cover for lifeboats. Existing protecting covers for lifeboats made by the Gentex Corp., Carbondale, Pa., which were constructed in accordance with MMT Guide for Protecting Cover for Lifeboat (5946/160.035), are acceptable.

Approval No. 160.065/1/0.	Gentex Corp., Carbondale, Pa., 18407.

4. The available additional equipment necessary to meet the applicable rules and regulations is required in all lifeboats on ocean and coastwise vessels. All passenger vessels shall have this equipment on board at the time of the first inspection for certification after 26 May 1966. All tank, cargo, and miscellaneous vessels shall have this equipment on board at the time of the first inspection for certification or midperiod inspection, whichever occurs first, after 26 May 1966. If the owner, agent, or master of a vessel can show to the satisfaction of the Officer in Charge, Marine Inspection, that compliance with such equipment regulations is unreasonable or such equipment cannot be obtained, then the Officer in Charge, Marine Inspection, may issue a deficiency notice on Form CG–835 specifying a date by which the equipment shall be on board, which in no event shall exceed 6 months from date Form CG–835 is issued.

5. The cooperation of owners, masters, and agents of ocean and coastwise vessels is requested and they are urged to obtain the additional new equipment required for lifeboats at the earliest possible date. The ordering of such equipment prior to dates for the scheduled inspections of their vessels is essential since the Officer in Charge, Marine Inspection, must have reasonable grounds, other than failure to order the equipment, before he may exercise the latitude provided.

(R.S. 4405, as amended, 4462, as amended, 4417a, as amended, 4421, as amended, 4453, as amended, sec. 10, 35 Stat. 428, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 375, 416, 391a, 399, 435, 395, 367, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, Nov. 26, 1954, 19 F.R. 8026; 167-20, June 18, 1956, 21 F.R. 4894; CGFR 56-28, July 24, 1956, 21 F.R. 5659)

Dated: February 24, 1966.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 66-2280; Filed, Mar. 3, 1966; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

COMMISSIONER, BUREAU OF RECLAMATION

Delegation of Authority

The delegation of authority to the Commissioner of Reclamation previously published in the FEDERAL REGISTER is amended by the addition of 255 DM 1.1A(14).

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

PART 255—BUREAU OF RECLAMATION

CHAPTER 1—GENERAL PROGRAM DELEGATION

255.1.1 *Delegation—Commissioner of Reclamation.* The Commissioner of Reclamation is authorized, except as provided in 200 DM 2 and 255 DM 1.2, to:

A. Perform the functions and exercise the authority now or hereafter vested in the Secretary of the Interior, or in the Department of the Interior, by:

* * * * *

(14) Section 7(c) of the Federal Water Project Recreation Act of July 9, 1965 (79 Stat. 213).

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 25, 1966.

[F.R. Doc. 66-2265; Filed, Mar. 3, 1966; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 349]

TRAUZL-WERKE AKTIENGESELLSCHAFT

Order Denying Export Privileges

In the matter of Trauzl-Werke Aktiengesellschaft, Scheydgasse 38–40, Vienna XXI, Austria, Respondent.

The Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, issued a charging letter to the above respondent on August 20, 1965, charging violations of the Export Control Act and Regulations thereunder. The charging letter was served on the respondent and it filed an answer, but did not request an oral hearing. An informal hearing was held before the Compliance Commissioner on December 7, 1965, at which time evidence in support of the charges was presented on behalf of the Investigations Division. The

Compliance Commissioner has considered the record in the case, including defenses and mitigating circumstances presented by respondent, and he has submitted to the undersigned a written report which includes findings of fact and findings that violations have occurred. He has recommended that remedial action as hereinafter set forth be taken against the respondent. On consideration of the record I hereby make the following findings of fact:

1. The respondent, Trauzl-Werke Aktiengesellschaft, is a joint stock company with a place of business in Vienna, Austria. It is engaged in the business of manufacturing and exporting oil field and deep drilling equipment of various kinds. In connection with its activities, it imports various types of equipment, components, and accessories. The firm was nationalized some years ago, and it is under control of the Austrian Government.

2. Early in November 1962 the respondent Trauzl received from the firm Metrafix, Vaduz, Liechtenstein, an order for five 16-inch turbometers and certain accessories valued at approximately $78,000. On November 7, 1962, Trauzl placed a written order for the identical items with a U.S. supplier and furnished said supplier with a consignee statement in which it represented that the commodities would be used in Austria. The U.S. supplier filed with the Office of Export Control, U.S. Department of Commerce, an application for an export license and in support thereof submitted the consignee statement furnished it by the respondent. The license was issued but was revoked before the exportation was made. The license was revoked because the U.S. Government was not satisfied that the commodities would be used in Austria.

3. Subsequently, Trauzl represented to the U.S. Government that the turbometers would be used in a proposed project which was to be constructed in Austria. Trauzl agreed to make the turbometers available for physical inspection by U.S. representatives at any time, and it agreed that if the proposed project did not go through it would return the turbometers to the United States or request permission from the U.S. authorities to reexport them to an approved destination. Trauzl also furnished a new consignee statement dated August 22, 1963, in which it represented that commodities exported to it in reliance on said consignee statement would be used only in Austria and would not be sold outside of Austria. This consignee statement was signed by two directors of Trauzl. The respondent knew at the time it made the foregoing representations that the turbometers were intended to be reexported from Austria to a Soviet Bloc destination. In reliance on the representations from Trauzl as to the destination and end-use, the Office of Export Control granted a license to the U.S. exporter for exportation of the turbometers to Trauzl in Austria.

4. The turbometers were exported from the United States and were received by the respondent in Vienna early in March 1964. They were stored with a forwarding firm in Vienna and were placed at the disposal of Metrafix. The turbometers were reexported from Austria to a Soviet Bloc country which was an unauthorized destination.

5. The respondent invoiced the turbometers to the firm Metrafix and received payment therefor. The financial aspects of the transaction were handled by Trauzl in the regular course of its business, and it received the profit from the transaction.

6. On September 15, 1964, the firm Metrafix placed a written order with Trauzl for 20 rotary drill bits valued at approximately $35,000. On November 5, 1964, Trauzl in writing ordered the identical items from a U.S. supplier. On December 16, 1964, the managing director of Trauzl, on behalf of the company, furnished the U.S. supplier with a consignee statement in which it was represented that the commodities in question would be used in Austria and would not be sold outside of Austria. The respondent knew that Austria was not the intended country of ultimate destination and that the intended country of ultimate destination was a Soviet Bloc country.

7. By application dated December 22, 1964, the U.S. supplier applied for an export license for the commodities referred to in the preceding finding and in support thereof submitted the consignee statement furnished by respondent. In reliance on the representations in the said consignee statement, the Office of Export Control on December 29, 1964, issued an export license authorizing the exportation of said commodities to Austria as country of ultimate destination. Early in January 1965, the Office of Export Control learned that Austria was not the intended ultimate destination of the commodities in question, but that the intended destination was a Soviet Bloc country. Thereupon, the said export license was revoked, and the exportation was not made.

8. On August 26, 1964, the firm Metrafix placed a written order with Trauzl for drilling weight indicators with parts and accessories valued at approximately $35,000. On October 26, 1964, Trauzl in writing ordered the identical items from a U.S. supplier. On December 14, 1964, the managing director of Trauzl, on behalf of the company, furnished the U.S. supplier with a consignee statement and in which it represented that the commodities in question would be used in Austria and would not be sold outside of Austria. The respondent knew that Austria was not the intended country of ultimate destination and that the intended country of ultimate destination was a Soviet Bloc country.

9. By application dated December 22, 1964, the U.S. supplier applied for an export license for the commodities referred to in the preceding finding and in support thereof submitted the consignee statement furnished by respondent. In reliance on the representations in the said consignee statement, the Officer of Export Control on December 31, 1964, issued an export license authorizing the exportation of the said commodities to Austria as country of ultimate destination. Early in January 1965, the Office of Export Control learned that Austria was not the intended ultimate destination of the commodities in question but that the intended destination was a Soviet Bloc country. Thereupon, the said export license was revoked, and the exportation was not made.

10. In connection with the two transactions referred to in Findings 6 through 9, the respondent was cooperative and assisted the U.S. Government in preventing the exportation.

Based on the foregoing, I have concluded that the respondent: (1) Violated § 381.5 of the U.S. Export Regulations in that it made false representations to and concealed material facts from the Office of Export Control, U.S. Department of Commerce, and the U.S. Collectors of Customs in connection with the preparation and use of export control documents for the purpose of effecting exportations from the United States; (2) violated §§ 381.2 and 381.6 of the U.S. Export Regulations in that without specific authorization from the Office of Export Control, U.S. Department of Commerce, it knowingly reexported and caused the reexportation of U.S.-origin commodities to an unauthorized destination contrary to the terms of an export control document and contrary to the respondent's prior representations, all contrary to the provisions of the U.S. Export Regulations.

In recommending the sanction that should be imposed in this case the Compliance Commissioner said:

> The violation as to the five turbometers was of a serious nature. After the November 1962 export license was canceled by OEC, Trauzl officials made very definite representations to the U.S. Government that the turbometers would be used only in Austria. They agreed to make the turbometers available for inspection by representatives of the U.S. Government at any time, and they also agreed that if the turbometers would not be used in Austria for the proposed pipeline they would return them to the U.S. or request permission to reexport them to an approved destination. The consignee statement also gave assurance of use in Austria. These written and oral representations were false, and the reexportation was in deliberate disregard of the firm commitments and representations.
>
> The violations in Charges II and III are much less serious than that in Charge I. The respondent voluntarily disclosed the falsity of the consignee statements within 2 weeks after they were submitted to the U.S. exporters. Although the licenses were issued, they were canceled shortly thereafter on the basis of information furnished by respondent, and no exportations were made.
>
> Sanctions are imposed in cases of this type primarily to bring about compliance with the provisions of the applicable law and regulations and for their deterrent effect on the respondent and other parties. In considering what sanction should be imposed, among the factors to be taken into consideration are the respondent's attitude concerning the violations and whether it can be expected that

in the future it will handle U.S. exportations in compliance with the requirements of our law. The respondent has expressed its regret for its participation in these illegal transactions and has given assurances of compliance in the future. It is also to be observed that the individuals responsible for the turbometer transaction are no longer connected with the firm. I believe that the necessary salutary effect will be achieved if the respondent is denied export privileges for 6 months and thereafter placed on probation for the balance of 2 years, and I recommend such sanction.

Now, after considering the record in the case and the report and recommendation of the Compliance Commissioner and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just and calculated to achieve effective enforcement of the law, it is hereby ordered:

I. All outstanding export licenses in which the respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in Part IV hereof, the respondent for a period of 2 years is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction either in the United States or abroad shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its successors, representatives, agents, partners, and employees, and also to any person, firm, corporation, or other business organization with which it now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. Six months after the effective date hereof, without further order of the Bureau of International Commerce, the respondent shall have its export privileges restored conditionally and thereafter for the remainder of the 2-year denial period the respondent shall be on probation. The conditions of such restoration are that the respondent shall fully comply with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

V. Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that the respondent has knowingly failed to comply with the requirements and conditions of this order or with the conditions of probation, said official at any time, with or without prior notice to said respondent, by supplemental order, may revoke the probation of said respondent, revoke all outstanding validated export licenses to which said respondent may be a party, and deny to said respondent all export privileges for a period up to 18 months. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as shall be warranted. On the entry of a supplemental order revoking respondent's probation without notice, it may file objections and request that such order be set aside, and may request an oral hearing, as provided in section 382.16 of the Export Regulations, but pending such further proceedings, the order of revocation shall remain in effect.

VI. During the time when the respondent or other person within the scope of this order is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondent or other person denied export privileges within the scope of this order, or whereby the respondent or such other person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on March 4, 1966.

Dated: February 24, 1966.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 66-2219; Filed, Mar. 3, 1966; 8:45 a.m.]

Maritime Administration

[Docket No. S-191]

AMERICAN PRESIDENT LINES, LTD.

Notice of Application

Notice is hereby given that American President Lines, Ltd., has filed application for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, (1) for itself or a company in which it has a pecuniary interest:

(a) To carry cargo, passengers, and mail between U.S. Pacific coast ports and Hawaii on vessels that will operate exclusively between the Pacific coast and Hawaii in a service making up to 55 voyages per year;

(b) To carry cargo between the U.S. Atlantic coast and Hawaii (by carriage of containers from the East coast of the United States to California on APL's Round-the-World and Atlantic/Straits Service vessels, transferring containers to the Hawaiian Service or Trans-Pacific Freight Service vessels at California ports and by carriage of containers eastbound by transferring containers from the Hawaiian Service or Trans-Pacific Freight Service vessels to APL's Atlantic/Straits Service vessels at California ports.)

(2) For American President Lines, Ltd., to carry cargo, passengers, and mail between Hawaii and California on its Trans-Pacific Freight Service vessels operating on Trade Route No. 29.

Interested parties may inspect this application in the Office of Government Aid, Maritime Administration, Room 4077, GAO Building, 441 G Street NW., Washington, D.C.

Any person, firm or corporation having an interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a), or to submit a written statement with reference to the application, must, before the close of business on March 14, 1966, make such submission, or notify the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in § 201.78 of the rules of practice and procedure, Maritime Subsidy Board/Maritime Administration (46 CFR 201.78) petitions for leave to intervene received after the close of business March 14, 1966, will not be granted in this proceeding.

In the event a hearing is ordered to be held on the application under section 805(a), the purpose thereof will be to receive evidence 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.

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 Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

Dated: February 28, 1966.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 66-2272; Filed, Mar. 3, 1966; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additive Sulfaethoxypyridazine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 6D1920) has been filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J., 08540, proposing that § 121.280 *Sulfaethoxypyridazine* be amended to provide for the safe use of sulfaethoxypyridazine for cattle administered in drinking water, feed, or tablets, or as an injection, for treatment of shipping fever, pneumonia, foot rot, coccidiosis, calf diphtheria, calf scours, calf pneumonia, and bacterial septicemias accompanying mastitis and metritis.

Dated: February 23, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-2250; Filed, Mar. 3, 1966; 8:46 a.m.]

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition for Food Additives Adhesives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 6B1960) has been filed by E. I. du Pont de Nemours & Co., Inc., 1007 Market Street, Wilmington, Del., 19898, proposing that § 121.2520 *Adhesives* be amended to provide for the safe use of the following additional substances as optional components of food-packaging adhesives:

2-Anthroquinone sulfonic acid, sodium salt.
p-tert-Butylpyrocatechol.
Iodoform.
Phenothiazine.
Potassium ferricyanide.

Dated: February 24, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-2251; Filed, Mar. 3, 1966; 8:46 a.m.]

EASTMAN CHEMICAL PRODUCTS, INC.

Notice of Filing of Petition for Food Additive Partially Oxidized Polyethylene

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 6A1938) has been filed by Eastman Chemical Products, Inc., Kingsport, Tenn., 37660, proposing the issuance of a regulation to provide for the safe use of partially oxidized polyethylene as a protective coating or component of coatings for fresh fruits and vegetables in an amount not to exceed good manufacturing practice.

Dated: February 24, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-2252; Filed, Mar. 3, 1966; 8:46 a.m.]

W. R. GRACE & CO., DAVISON CHEMICAL DIVISION

Notice of Filing of Petition for Food Additive Silicon Dioxide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 6A1958) has been filed by W. R. Grace & Co., Davison Chemical Division, Baltimore, Md., 21203, proposing that § 121.1058 *Silicon dioxide* be amended to provide for the safe use of silicon dioxide as an anticaking agent in food at a level not to exceed 2 percent by weight of the finished foods.

Dated: February 23, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-2253; Filed, Mar. 3, 1966; 8:46 a.m.]

McLAUGHLIN GORMLEY KING CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 6H1946) has been filed by McLaughlin Gormley King Co., 1715 Southeast Fifth Street, Minneapolis, Minn., 55414, proposing the issuance of a regulation to provide for the safe use of a combination of *N*-octylbicycloheptenedicarboximide, piperonyl butoxide, and pyrethrins as an insecticide in areas used for processing and storing foods, except meats, dairy products, and other fatty foods.

Dated: February 23, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-2254; Filed, Mar. 3, 1966; 8:46 a.m.]

ROHM & HAAS CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 6A1954) has been filed by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa., 19105, proposing that § 121.1148 *Ion-exchange resins* be amended to provide for the safe use of ion-exchange resins made by aminolyzing with dimethylaminopropylamine the copolymer of methyl acrylate, divinyl benzene and, optionally, diethylene glycol divinyl ether arranged in series with a weakly or strongly acidic cation-exchange resin, or mixtures thereof, identified in § 121.1148(a) (1), (2), (4), (9), (10), and (11) for removing undesirable anions and cations from water or aqueous foods.

Dated: February 23, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-2255; Filed, Mar. 3, 1966; 8:46 a.m.]

WYANDOTTE CHEMICALS CORP.

Notice of Filing of Petition for Food Additives Sanitizing Solutions

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 4H1443) has been filed by Wyandotte Chemicals Corp., Wyandotte, Mich., 48192, proposing an amendment to § 121.2547 *Sanitizing solutions* to provide for the safe use of an aqueous solution containing 400 parts per million of dodecylbenzene sulfonic acid, as a sanitizing solution for food-processing equipment and utensils.

Dated: February 23, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-2256; Filed, Mar. 3, 1966; 8:46 a.m.]

YAWATA IRON & STEEL CO., LTD.

Notice of Filing of Petition for Food Additives Surface Lubricants

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 6B1974) has been filed by Yawata Iron & Steel Co., Ltd., 375 Park Avenue, New York, N.Y., 10022, proposing an amendment to § 121.2531 *Surface lubricants used in the manufacture of metallic articles* to provide for the safe use of di-*n*-octyl sebacate in surface lubricants used so that the total residual lubricant does not exceed 0.015 milligram per

square inch of metallic food-contact surface.

Dated: February 23, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-2257; Filed, Mar. 3, 1966; 8:46 a.m.]

GEIGY CHEMICAL CORP.

Notice of Filing of Petition for Food Additive Ethyl 4,4'-Dichlorobenzilate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 6H1980) has been filed by Geigy Chemical Corp., Post Office Box 430, Yonkers, N.Y., 10702, proposing the issuance of a food additive regulation establishing a tolerance of 15 parts per million for residues of ethyl 4,4'-dichlorobenzilate in dried tea resulting from application of the insecticide to growing tea.

Dated: February 24, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-2287; Filed, Mar. 3, 1966; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16468; FCC 66M-302]

E. B. CHRISTOPHER

Order Scheduling Hearing

In the matter of E. B. Christopher, Howe, Tex., Docket No. 16468; order to show cause why the license for radio station KEH-6538 in the Citizens Radio Service should not be revoked.

It is ordered, This 28th day of February 1966, that David I. Kraushaar shall serve as presiding officer in the above-entitled proceeding; and that the hearing therein shall be convened in Dallas, Tex., at 10 a.m., March 18, 1966.

Released: March 1, 1966.

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

[F.R. Doc. 66-2291; Filed, Mar. 3, 1966; 8:49 a.m.]

[Docket Nos. 16476-16478, FCC 66-183]

ARTHUR A. CIRILLI ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Arthur A. Cirilli, trustee in bankruptcy (WIGL) Superior, Wis., Docket No. 16476, File No. BR-4080, BRRE-7740, has licenses: 970 kc, 500 w, day, Class III, for renewal of license of Station WIGL (including AM remote pickup KG-5235). Quality Radio, Inc. (WAKX), Superior, Wis., Docket No. 16477, File No. BP-16497, has: 1320 kc, 1 kw, day, Class III, requests: 970 kc, 500 w, day, Class III, for construction permit. Arthur A. Cirilli, trustee in bankruptcy (assignor), and D. L. K. Broadcasting Co., Inc. (assignee), Docket No. 16478, File No. BAL-5627, BALRE-1336, for assignment of license of Station WIGL (including AM remote pickup KG-5235).

1. The Commission has before it for consideration the above applications and matters related thereto.

2. A chronology of pertinent events follows. The original license for Station WIGL was issued to Radio Superior, Inc., for a term ending December 1, 1964. The above renewal application was filed November 9, 1964. The next day Radio Superior was adjudicated bankrupt. On December 3, 1964, the Commission granted an involuntary assignment of license (File No. BAL-5295) to Charles R. Larsen, trustee in bankruptcy. Subsequently, Larsen resigned and the Commission granted an assignment to his successor, Arthur A. Cirilli. On December 14, 1964, Quality Radio filed its application for a construction permit seeking the frequency now assigned to WIGL. The application was "cut off" on April 1, 1965.[1] On July 26, 1965, after having been silent since March of 1964, WIGL resumed broadcasting with D. L. K. Broadcasting Co., Inc., managing the station under an employment contract with the trustee. On August 11, 1965, James G. Haig, Radio Superior's sole stockholder, was sentenced to 1 year's probation in the U.S. District Court for the Northern District of Illinois after pleading guilty to an indictment specifying 16 counts of mail fraud and 5 counts of fraud by radio in violation of sections 1341 and 1343, Title 18, United States Code. The acts for which Haig was convicted took place during the license period. The joint application for assignment of license to D. L. K. Broadcasting was filed October 29, 1965.

3. In addition to the criminal conviction noted above, the Commission has information which raises a question as to the accuracy of financial statements filed by Haig in connection with WIGL's applications for construction permit and station license. Under ordinary circumstances, information of this nature would warrant further inquiries into Haig's conduct, and might require a hearing to determine whether a renewal of license should be granted. However, we do not believe that course is useful here. For all practical purposes Haig ceased operating WIGL when it went silent in March of 1964. Radio Superior is no longer a debtor-in-possession undergoing a voluntary arrangement with creditors under Chapter XI of the Bankruptcy Act. It has been adjudicated bankrupt and is being liquidated by the trustee. Neither Haig nor Radio Superior, Inc., owns the broadcast equipment and antenna site of WIGL. In short, Haig is no longer associated with the station and is not receiving any compensation or benefit from the proposed transfer. Therefore, this is not a case in which a licensee who is guilty of misuse of a license or other misconduct attempts to transfer the license to avoid the consequences of his acts. No public interest would be served by a hearing on the qualifications of Haig or his right to a renewal of license. In reaching this conclusion, we do not intend, thereby, to abandon the Commission's basic policy that consent to an assignment or a transfer of control of a licensee is contingent upon a finding that the licensee is qualified to receive a renewal.[2] However, where the licensee is in the hands of a trustee in bankruptcy and is already in the process of liquidation, strick enforcement of the policy will not serve the public interest.

4. In the situation described above, we believe the best course is to compare the qualifications of D. L. K. Broadcasting Co. and Quality Radio, Inc. The function of the trustee is not to continue as licensee but to dispose of the station for the benefit of creditors. Any meaningful comparison must therefore be between the prospective assignee and Quality Radio, Inc.—rather than between Quality Radio and the present licensee or Quality Radio and Haig.

5. James P. Deegan is treasurer and a one-third owner of D. L. K. Broadcasting. In addition, he is president and 99 percent owner of Ishpeming Broadcasting Co., the licensee of Station WJPD, Ishpeming, Mich. On May 6, 1965, WJPD was inspected by members of the Commission's Field Engineering Bureau and, as a result, an official notice of violation was issued on May 25, 1965, citing the licensee for numerous apparent violations of the Commission's rules. Among other things, the inspection revealed that on numerous occasions routine operation of the station transmitter was performed by persons who did not hold at least the required radiotelephone third class permit with broadcast endorsement. Specifically, John Foster Reidy performed routine operation on a regular basis from March 1, 1965, through March 27, 1965, as well as at other times in February and April 1965. William Noel Argall also performed routine operation at various times during the period of December 1964 through April 1965. Apparently, this activity was in violation of § 73.93(b) of the Commission's rules. The most serious violations involved the operating power of the station. WJPD is licensed as a Class IV station on 1240 kilocycles with 1 kilowatt power from local sunrise to local sunset and 250 watts at night.

[1] Under the note to sec. 1.227(b) of the Commission's rules, the Quality Radio proposal was entitled to protected status only as against late-filed construction permit applications for new stations or major changes, since our "cut off" procedures were adopted for the purpose of eliminating repetitious engineering studies prior to consolidation of applications involving destructive or interlinking electrical interference. In re amendment of secs. 1.106(b), 1.354, and 1.361(b), 18 R.R. 1565.

[2] WOKO, Inc. (WOKO), 3 RR 1061 (1947); G. A. Richards, 5 RR 1292 (1950).

The operating logs of the station disclosed that on at least 20 days during the period of December 1964 through April 1965 the power of WJPD was apparently maintained at 1 kilowatt before sunrise or after sunset for varying lengths of time. These violations reflect adversely upon the nature of control or supervision exercised by Deegan over the operation of the station during that period. Accordingly, an issue will be specified to permit consideration of these matters.

6. Except as indicated by the issues specified below, Quality Radio, Inc., and D. L. K. Broadcasting Co., Inc., are qualified. A hearing will be held to compare their qualifications. Since a grant of Quality Radio's proposal would result in cessation of its present operation on 1320 kilocycles—thereby reducing the number of AM stations in Superior from four to three—a determination must be made as to whether the resultant reduction of public service would be in the public interest. A determination will also be made as to whether a grant of the D. L. K. Broadcasting application would be in the public interest in light of the matters noted in the preceding paragraph. If Quality Radio prevails in the hearing, it will be awarded a construction permit and the renewal application will be denied in this proceeding. If D. L. K. prevails, the assignment will be approved and a renewal of license granted to that party.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Quality Radio, Inc., for construction permit, and of Arthur A. Cirilli for assignment of the license of Station WIGL are designated for hearing in a consolidated proceeding,[3] at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether a grant of the application of Quality Radio, Inc., would be in the public interest in light of the fact that it would reduce the number of stations presently assigned to Superior, Wis.

2. To determine, in view of the record of operation of Station WJPD, whether it would be in the public interest to grant the application of D. L. K. Broadcasting Co., Inc.

3. To determine, in the event the foregoing issues are answered in the affirmative, which of the applications would better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, in the event of a grant of the application of Quality Radio, Inc., the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of section 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

Adopted: February 23, 1966.

Released: March 1, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-2292; Filed, Mar. 3, 1966; 8:50 a.m.]

[3] We will also consolidate the renewal application for the sole purpose of permitting action on such application by the examiner in accordance with par. 6, above.

[4] Commissioner Bartley absent.

[Docket No. 16508; FCC 66M-303]

ABLE PAGING SERVICE

Order Regarding Procedural Dates

In re application of Columbia Telephone Answering Service, Inc., doing business as Able Paging Service, Docket No. 16508, File No. 2587-C2-P-65; for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Columbia, S.C.

To formalize the agreements and rulings made on the record at a prehearing conference held on February 28, 1966 in the above-entitled matter concerning the future conduct of this proceeding;

It is ordered, This 28th day of February 1966, that:

Exchange of exhibits and notification of witnesses to be presented in the affirmative case is scheduled for March 22, 1966;

Notification of witnesses for cross-examination is scheduled for March 29, 1966;

Exchange of rebuttal exhibits, if any, is scheduled for April 5, 1966;

Hearing presently scheduled for March 30, 1966 is continued to April 13, 1966.

Released: March 1, 1966.

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

[F.R. Doc. 66-2293; Filed, Mar. 3, 1966; 8:50 a.m.]

[Docket No. 15835 etc.; FCC 66M-294]

LEBANON VALLEY RADIO ET AL.

Order Regarding Procedural Dates

In re applications of Arthur K. Greiner, Glenn W. Winter, William W. Rakow, and Robert M. Lesher, doing business as Lebanon Valley Radio, Lebanon, Pa., Docket No. 15835, File No. BP-16098; John E. Hewitt, Thomas A. Ehrgood, Clifford A. Minnich, and Fitzgerald C. Smith, doing business as Cedar Broadcasters, Lebanon, Pa., Docket No. 15836, File No. BP-16103; Catonsville Broadcasting Co., Catonsville, Md., Docket No. 15838, File No. BP-16105; Radio Catonsville, Inc., Catonsville, Md., Docket No. 15839, File No. BP-16106; Commercial Radio Institute, Inc., Catonsville, Md., Docket No. 15840, File No. BP-16107; for construction permits.

A hearing conference was held today to consider the further course of this proceeding. Formalizing instructions and agreements specified in greater detail in the transcript of today's session:

It is ordered, This 25th day of February 1966, that further hearing will get under way at 10 a.m. on April 1, 1966, here in Washington, D.C., to consider new proof on the 307(b) issues recently added to this proceeding and on the financial qualifications question relating to Lebanon Valley Radio. All written material expected to be introduced into evidence must be distributed among all the other parties to this proceeding by the close of business on March 18. The usual witness notification procedures are available and notice must be given no later than by the close of business on March 29.

Released: February 28, 1966.

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

[F.R. Doc. 66-2294; Filed, Mar. 3, 1966; 8:50 a.m.]

[Docket No. 16070; FCC 66M-295]

COMMUNICATIONS SATELLITE CORPORATION

Order Continuing Prehearing Conference

In the matter of Communications Satellite Corporation, Docket No. 16070; charges, practices, classifications, rates, and regulations for and in connection with the leasing of voice grade and television channels to common carriers authorized by the Federal Communications Commission, between Andover, Maine, and a communications-satellite in connection with the establishment of communication paths between points in the United States and Europe for the transmission and reception of voice, record, data, telephoto, facsimile, television, and other signals.

The Hearing Examiner having under consideration a "Motion To Reschedule Prehearing Conference" filed February 24, 1966, by the Chief, Common Carrier Bureau, Federal Communications Com-

mission, in the above-entitled matter, and

It appearing that good cause has been shown for the extension requested and that each of the parties named in the proceeding has no objection,

It is ordered, This 25th day of February 1966, that the aforesaid motion is granted and that the further prehearing conference now scheduled to commence on March 1, 1966, is rescheduled to commence at 10 a.m., March 17, 1966, in the Commission's offices, Washington, D.C.

Released: February 28, 1966.

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

[F.R. Doc. 66-2295; Filed, Mar. 3, 1966; 8:50 a.m.]

[Docket Nos. 16509-16519; FCC 66M-296]

MICROWAVE COMMUNICATIONS, INC.

Statement and Order After Prehearing Conference

In re applications of Microwave Communications, Inc., Docket No. 16509, File No. 4615-C1-P-64; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Chicago, Ill.; Docket No. 16510, File No. 4616-C1-P-64; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Joliet, Ill.; Docket No. 16511, File No. 4617-C1-P-64; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service near Newark, Ill.; Docket No. 16512, File No. 4618-C1-P-64; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Streator, Ill.; Docket No. 16513, File No. 4619-C1-P-64; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service near Gridley, Ill.; Docket No. 16514, File No. 4620-C1-P-64; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service near Bloomington, Ill.; Docket No. 16515, File No. 4621-C1-P-64; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Elkhart, Ill.; Docket No. 16516, File No. 4622-C1-P-64; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service near Springfield, Ill.; Docket No. 16517, File No. 4623-C1-P-64; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service near Girard, Ill.; Docket No. 16518, File No. 4624-C1-P-64; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service near Brighton, Ill.; Docket No. 16519, File No. 4625-C1-P-64; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at St. Louis, Mo.

At today's prehearing conference among other things the hearing was rescheduled from March 31 to June 1, 1966. A complete schedule will be set by a later order.

So ordered, This 25th day of February 1966.

Released: February 28, 1966.

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

[F.R. Doc. 66-2296; Filed, Mar. 3, 1966; 8:50 a.m.]

[Docket No. 15450; FCC 66M-299]

MIDWEST TELEVISION, INC.

Order Scheduling Hearing Conference

In re application of Midwest Television, Inc., Springfield, Ill., Docket No. 15450, File No. BPCT-2846; for construction permit for new television broadcast station.

It appearing that the stay of evidentiary hearing in this proceeding granted by the Review Board, FCC 65R-399, has been vacated by an order of the Commission (FCC 66-146) released February 18, 1966;

Accordingly, it is ordered, This 28th day of February 1966, on the Hearing Examiner's own motion, that a hearing conference will be held on March 8, 1966, at 9 a.m., in the offices of the Commission at Washington, D.C., to consider resumption of the hearing and such other appropriate matters as counsel may broach.

Released: March 1, 1966.

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

[F.R. Doc. 66-2297; Filed, Mar. 3, 1966; 8:50 a.m.]

[Docket No. 16253 etc.; FCC 66M-297]

KEITH L. REISING ET AL.

Order Continuing Hearing

In re applications of Keith L. Reising, Louisville, Ky., Docket No. 16253, File No. BPH-4207; Kentucky Central Broadcasting, Inc., Louisville, Ky., Docket No. 16254, File No. BPH-4345; Kentuckiana Television, Inc., Louisville, Ky., Docket No. 16423, File No. BPH-5120; for construction permits.

The Hearing Examiner having under consideration a letter dated February 24, 1966, from counsel for Kentuckiana Television, Inc., stating a joint request for a change of hearing date;

It appearing that the aforesaid counsel has been appointed by the Court of Appeals to represent three indigent criminal appellants and that counsel for both applicants urgently need a continuance of the current March 8 hearing date owing to the press of other business;

It is ordered, This 25th day of February 1966, that the date for commencement of hearing is changed from March 8 to April 11, 1966, and that exhibits in the direct cases will be exchanged by March 25, 1966.

Released: February 28, 1966.

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

[F.R. Doc. 66-2298; Filed, Mar. 3, 1966; 8:50 a.m.]

[Docket No. 14368 etc.; FCC 66M-293]

SYRACUSE TELEVISION, INC., ET AL.

Order Continuing Hearing

In re applications of Syracuse Television, Inc., Syracuse, N.Y., Docket No. 14368, File No. BPCT-2924; W. R. G. Baker Radio & Television Corp., Syracuse, N.Y., Docket No. 14369, File No. BPCT-2930; Onondaga Broadcasting, Inc., Syracuse, N.Y., Docket No. 14370, File No. BPCT-2931; Wage, Inc., Syracuse, N.Y., Docket No. 14371, File No. BPCT-2932; Syracuse Civic Television Association, Inc., Syracuse, N.Y., Docket No. 14372, File No. BPCT-2933; Six Nations Television Corp., Syracuse, N.Y., Docket No. 14444, File No. BPCT-2957; Salt City Broadcasting Corp., Syracuse, N.Y., Docket No. 14445, File No. BPCT-2958; George P. Hollingbery, Syracuse, N.Y., Docket No. 14446, File No. BPCT-2968; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration a joint motion by all the applicants save one, filed in the above-entitled proceeding on February 25, 1966, requesting a further continuance of the hearing, from February 28 until March 31;

It appearing that an unexpected development has just occurred which necessitates changes in the dropout and merger agreement the parties were negotiating, before the agreement could be submitted to the Commission for approval; that the moving parties believe the outstanding problems can all be resolved and the agreement filed before the end of March; and that the Commission's Broadcast Bureau, as well as the remaining applicant which has not joined in the motion, the only other parties to the proceeding, both consent to the requested postponement of the hearing;

It is ordered, This 25th day of February 1966, that the joint motion for continuance of the hearing is hereby granted, and the hearing is rescheduled and will be convened at 10 a.m., on

Thursday, March 31, 1966, at the Commission's offices, Washington, D.C.

Released: February 28, 1966.

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

[F.R. Doc. 66-2299; Filed, Mar. 3, 1966; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 66-10]

[Independent Ocean Freight Forwarder License Application 175]

FOREIGN FREIGHT FORWARDERS, INC.

Proceeding Instituted

By letter dated January 17, 1966, Foreign Freight Forwarders, Inc., 14 Vanderventer Avenue, Port Washington, N.Y., was notified of the Federal Maritime Commission's intent to deny its application for an independent ocean freight forwarder license. The ground for denial is that the sole owner of Foreign Freight Forwarders, Inc., appears to be a shipper of merchandise to foreign countries and therefore is not qualified to be licensed as an independent ocean freight forwarder as defined in section 1, Shipping Act, 1916 (46 U.S.C. 801). Applicant has now requested the opportunity to show at a hearing that denial of the application would be unwarranted.

Therefore, it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 831, 841b), that a proceeding is hereby instituted to determine whether applicant qualifies for a license pursuant to sections 1 and 44 of the Shipping Act, 1916 (46 U.S.C. 801, 841b).

It is further ordered, That Foreign Freight Forwarders, Inc., be made respondent in this proceeding and that the matter be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Chief Examiner.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof and notice of hearing be served upon respondent, Foreign Freight Forwarders, Inc.

It is further ordered, That any persons, other than respondent, who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, with a copy to respondent, on or before March 15, 1966, and;

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 66-2300; Filed, Mar. 3, 1966; 8:50 a.m.]

STATE OF CONNECTICUT AND CONNECTICUT TERMINAL CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Kominers & Fort, Tower Building, 1401 K Street NW., Washington, D.C., 20005.

Agreement No. T-1721-1 between the State of Connecticut (State) and the Connecticut Terminal Co., Inc. (Terminal Operator), modifies the basic agreement which provides for the lease and operation of New London State Pier No. 1, New London, Conn. The purpose of the modification is to permit the Terminal Operator to purchase equipment and machinery necessary for the proper operation of the pier by withdrawing funds from the operating account which is defined in the basic agreement.

Dated: March 1, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-2301; Filed, Mar. 3, 1966; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI66-300]

PERRY R. BASS ET AL.

Order Conditionally Accepting Rate Filing, Providing for Hearing on and Suspension of Proposed Changes in Rates

FEBRUARY 25, 1966.

On January 28, 1966, Perry R. Bass (Operator), et al. (Bass),[1] tendered for filing a proposed change in their presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-300	Perry R. Bass (Operator), et al., 1210 Fort Worth National Bank Bldg., Fort Worth, Tex., 76102, Attn.: Mr. Roy T. Durst.	6	7	Transwestern Pipeline Co. (Keystone Plant Area, Winkler, Crane, Ward and Reeves Counties, Tex.) (R.R. District No. 8 and Bell Lake Field, Lea County, N. Mex.) (Permian Basin Area).	$366,925 6,200	1-28-66	[2] 2-28-66	7-28-66	[5] [6] 18.0 [5] [7] 16.0	[3] [4] [6] 20.5 [3] [4] [7] 18.5	

[2] The stated effective date is the 1st day after expiration of the statutory notice.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Initial rate certificated in Opinion No. 328, issued Aug. 10, 1959.
[6] Rate for gas delivered from the Keystone Plant (Winkler, Crane, Ward, and Reeves Counties, Tex.).
[7] Rate for gas delivered from the Bell Lake Field (Lea County, N. Mex.).

Bass request waiver of the statutory notice to permit their rate increases to become effective as of January 28, 1966, citing they have been entitled to the increased rates since September 1, 1965, the contractually provided effective date. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Bass' rate filing and such request is denied.

Bass, a producer-respondent in the Permian Basin Opinion No. 468, proposes periodic increased rates from 18.0 cents and 16.0 cents to 20.5 cents and 18.5 cents per Mcf, amounting to $366,925 and $6,200, respectively, for sales of gas to Transwestern Pipeline Co. in the Permian Basin Area of Texas and New Mexico. The proposed increased rates exceed the applicable area base rates of 14.5 cents and 16.5 cents for the Permian

[1] Address is: 1210 Forth Worth National Bank Bldg., Fort Worth, Tex., 76102, Attention: Mr. Roy T. Durst.

Basin Area of Texas and 13.5 cents per Mcf, plus local and State production taxes, for the Permian Basin Area of New Mexico, prescribed by Opinion No. 468, as modified.

Except for the stay of Opinion Nos. 468 and 468–A by the Tenth Circuit on January 20, 1966, in Skelly Oil Co. v. F.P.C. (C.A. 10 No. 8385, et al.) and a similar stay granted by the Commission on February 14, 1966, the proposed rate increases tendered here by Bass would be subject to rejection under the moratorium provisions in paragraph (H) of Opinion No. 468. Our acceptance of the instant rate increases is expressly conditioned to provide that the rate increases will be rejected, ab initio, in the event the court stay referred to above is dissolved or the moratorium provisions in Opinion Nos. 468 and 468–A are upheld upon judicial review.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Bass' F.P.C. Gas Rate Schedule No. 6 and that such supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 7 to Bass' FPC Gas Rate Schedule No. 6.

(B) Pending such hearing and decision thereon, Supplement No. 7 to Bass' FPC Gas Rate Schedule No. 6 is conditionally accepted for filing, as noted above, and is hereby suspended and the use thereof deferred until July 28, 1966, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 13, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66–2242; Filed, Mar. 3, 1966; 8:45 a.m.]

[Docket No. CP65–210]

NORTHERN NATURAL GAS CO.

Notice of Petition To Amend

FEBRUARY 25, 1966.

Take notice that on February 15, 1966, Northern Natural Gas Co. (Petitioner), 2223 Dodge Street, Omaha 2, Nebr., filed in Docket No. CP65–210 a petition to amend the order of the Commission issued in said docket on May 25, 1965, by requesting that the measuring and regulating facilities authorized therein for delivery of gas to the Golden West Grain Co. (Golden West), located in Rogers, Nebr., be deleted from said order, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By Commission order issued May 25, 1965, in the aforementioned docket, Petitioner was authorized to construct and operate certain facilities in order to establish five new delivery points for the sale of gas to American Gas Co. of Wisconsin and Applicant's Peoples Natural Gas Division (Peoples) for resale. The order further provided that the facilities were to be constructed and placed in service by November 25, 1965.

Petitioner states that facilities for four of the five new delivery points were constructed and placed in service on or before August 26, 1965, but that construction of the facilities required to deliver gas to Peoples for sale to Golden West has not commenced. Petitioner further states that Peoples has advised it that Golden West has not installed the fuel line and burner facilities which are necessary to commence natural gas service and that Peoples has been unable to ascertain when, or if, these facilities will be installed.

The petition states that in view of the uncertainty of initiating natural gas service to Golden West, Petitioner requests that the authorized measuring and regulating facilities for Golden West be deleted from the Commission's order issued in this docket.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 18, 1966.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66–2243; Filed, Mar. 3, 1966; 8:45 a.m.]

[Docket No. CP66–149]

TEXAS GAS TRANSMISSION CORP.

Notice of Amendment to Application

FEBRUARY 25, 1966.

Take notice that on February 14, 1966, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky., 42301, filed in Docket No. CP66–149 an amendment to its application filed in said docket on November 10, 1965 (30 F.R. 14823), which amendment requests changes in the length of pipeline proposed to be constructed in the States of Louisiana and Kentucky and proposes an additional compressor unit to be constructed in Mississippi, all as more fully set forth in the amendment to the application which is on file with the Commission and open to public inspection.

Applicant filed in the aforementioned Docket No. CP66–149 an application pursuant to sections 7(b) and 7(c) for a certificate of public convenience and necessity authorizing the construction over a 2-year period of pipeline facilities in Louisiana, Tennessee, Kentucky, Illinois, and Indiana and various compressor stations in Kentucky and Mississippi, together with permission and approval to abandon approximately 34.65 miles of pipeline in Indiana, Illinois, and Kentucky. The total estimated cost of Applicant's proposed project was stated to be $21,579,000.

Applicant states that the facilities initially proposed for construction and operation in the instant docket were designed to be installed concurrently with or subsequent to the construction of the facilities proposed by it in its pending application filed on July 14, 1965, in Docket No. CP66–13 (30 F.R. 9418), and that the facilities originally requested for construction and operation in the instant docket, if built prior to those requested in Docket No. CP66–13, will not provide the needed capacity to meet the increased requirements sought therein by Applicant for its existing customers for the winter heating seasons of 1966–67 and 1968.

The application filed in Docket No. CP66–13 requested authorization from the Commission to build and operate facilities needed to meet the service sought from Applicant by the City of Hamilton, Ohio, in its application filed on June 16, 1965, in Docket No. CP65–402 pursuant to section 7(a) of the Natural Gas Act (30 F.R. 8352). Subsequently, The Ohio Fuel Gas Co. filed a competitive application on December 23, 1965, in Docket No. CP66–207 (31 F.R. 463). The Commission has consolidated Docket Nos. CP66–13, CP65–402, and CP66–207 (31 F.R. 1218), and the initial hearing date is presently scheduled for February 28, 1966.

Applicant states that in view of the foregoing, it is incumbent upon it to amend its original application filed in the instant docket by requesting authorization for the construction and operation of facilities which, if built independently of any facilities pending authorization, will provide sufficient capacity to serve the increased requirements of its customers for the heating seasons of 1966–67 and 1967–68. Accordingly, Applicant proposes a reduction of approximately 9.11 miles from the 54.95 miles of 36-inch pipeline originally proposed to be constructed in Louisiana, an increase of approximately 1.51 miles in the total of 30.54 miles of 30-inch pipeline originally proposed to be constructed in Kentucky,

and the addition of one 9,100 horsepower unit to be constructed in the Lake Cormorant, Miss., compressor station.

The total estimated cost of Applicant's proposed project, as amended, is $22,427,000 which cost will be financed through the issuance of long-term debt securities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 16, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-2244; Filed, Mar. 3, 1966; 8:45 a.m.]

[Docket No. CP66-267]

VILLAGE OF HARRISONBURG, LA., AND TENNESSEE GAS TRANSMISSION CO.

Notice of Application

FEBRUARY 25, 1966.

Take notice that on February 14, 1966, the Village of Harrisonburg, La. (Applicant), filed in Docket No. CP66-267 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Tennessee Gas Transmission Co. (Respondent) to establish phyiscal connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in Applicant, in the communities of Enterprise, Manifest, Wallace Ridge, and in other rural areas located in the northwestern section of Catahoula Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct a gas transmission system extending from a point of interconnection with the facilities of Respondent, to be located in the vicinity of Louisiana Highway 124 where Respondent's main transmission line crosses the highway, and consisting of approximately 94,000 feet of 3-inch pipeline and a regular station. Applicant also proposes to construct, own and operate a gas distribution system which will provide gas service for the aforementioned communities. Applicant states that its proposed service area will include approximately 596 residential, 16 small commercial and 8 large commercial customers by the end of the third year of proposed operations.

The total estimated volumes of natural gas necessary to meet Applicant's annual and peak day requirements for the initial 3-year period of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)	39,648	52,248	58,128
Peak day (Mcf)	489	651	727

The total estimated cost of Applicant's proposed gas transmission and distribution systems is $500,000, which cost will be financed by the issuance of revenue bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 16, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-2245; Filed, Mar. 3, 1966; 8:45 a.m.]

[Project No. 2652]

EMPIRE DISTRICT ELECTRIC CO.

Notice of Application for License for Constructed Project

FEBRUARY 28, 1966.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by The Empire District Electric Co. (correspondence to: J. T. Jones, President, The Empire District Electric Co., 602 Joplin Street, Joplin, Mo., 64801), for a license for constructed Project No. 2562, known as the Lowell project, located on Spring River at its confluence with Shoal Creek in the vicinity of Riverton and Baxter Springs, county of Cherokee, Kans.

The existing project consists of: (1) A concrete gravity dam about 40 feet high and 475 feet long joined to an earth embankment 800 feet long to the north bank with concrete core wall; a spillway 95 feet long and 15.5 feet deep in concrete structure topped by wooden gates to elevation 808.8 feet, m.s.l., and a flood bypass structure; (2) a reservoir about 10 miles long with surface area of 862 ares, at headwater elevation 807.25 feet, and storage capacity of 7,580 acre feet; (3) a powerhouse section integral with dam housing eight turbines direct-connected by horizontal shaft to two 1,500 kw generators at 2,300 volts(one turbine is inoperative, reducing capacity to 1,200 kw); (4) a substation on the left bank adjacent to dam, housing six transformers, 2.3-33.5 kv; (5) appurtenant mechanical and electrical facilities; (6) access, fishing, hunting, boating areas and other recreational facilities.

Protests or petitions to intervene may be filed with the Federal Power Commision, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is April 25, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-2275; Filed, Mar. 3, 1966; 8:48 a.m.]

[Docket No. E-7269]

IOWA ELECTRIC LIGHT AND POWER CO.

Notice of Application

FEBRUARY 28, 1966.

Take notice that on February 14, 1966, Iowa Electric Light and Power Co. (Iowa), filed an application with the Federal Power Commission pursuant to section 204 of the Federal Power Act seeking authority to issue short term notes in an aggregate amount not to exceed $18 million.

Iowa is incorporated under the laws of the State of Iowa and is qualified to do business within the States of Iowa, Minnesota, Colorado, and Nebraska, with its principal place of business office at Cedar Rapids. Iowa is engaged primarily in the generation, transmission and sale at retail of electric energy and in the purchase, distribution and sale at retail of natural gas in Iowa.

According to the application the notes will be issued from time to time with maturity dates not in excess of 1 year from the date of issuance and in any event will mature not later than December, 1967. The notes are to be issued in order to finance in part the construction program for 1966 and 1967 which totals $28.2 million. The principal item in this program includes the construction of a 140,000 kw generating unit at Iowa's Prairie Creek site in Cedar Rapids, Iowa which will cost $18.5 million when completed. Iowa expects to spend $11.9 million on this item in 1966. Other items include additions to Iowa's transmission and distribution system.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 18, 1966, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-2276; Filed, Mar. 3, 1966; 8:48 a.m.]

[Docket No. CP66-268]

NORTHERN NATURAL GAS CO.

Notice of Application

FEBRUARY 28, 1966.

Take notice that on February 15, 1966, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha 2, Nebr., filed in Docket No. CP66-268 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing facilities for the receipt, at an existing interconnection in Chisago County, Minn., and transportation in interstate commerce, of up to 25,500 Mcf of gas per day to be purchased from Midwestern Gas Transmission Co. (Midwestern), all as more fully set forth

in the application which is on file with the Commission and open to public inspection.

The aforementioned interconnection in Chisago County, Minn., was installed pursuant to a certificate of public convenience and necessity issued by the Commission in Docket No. CP61–303 on August 4, 1961, and further authorization was issued in Docket No. CP65–48 on March 23, 1965, for the sale to Applicant by Midwestern of interruptible volumes of gas through this interconnection during a period ending December 31, 1965.

Applicant states that under the terms of its contract with Midwestern dated August 6, 1965, the proposed purchase of gas will be made under Midwestern's Rate Schedule CD–2 and that deliveries of said gas are contemplated to begin in November, 1966 and continue in effect for 25 years. Applicant further states that it is estimated that purchases will be made at a 100 percent load factor.

The application states that the proposed purchase of gas from Midwestern will augment Applicant's system gas supply on a long term basis and provide a new source of gas near the north end of its system resulting in additional capacity of 25,500 Mcf of gas per day with no additional investment in facilities by Applicant.

Midwestern filed on February 1, 1966, an application in Docket No. CP66–247 for authorization to construct and operate facilities required for delivery of the volumes of gas proposed for purchase in the instant application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 16, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–2277; Filed, Mar. 3, 1966; 8:48 a.m.]

[Docket No. CP66–269]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application

FEBRUARY 28, 1966.

Take notice that on February 17, 1966, Tennessee Gas Transmission Co. (Applicant), Post Office Box 2511, Houston, Tex., 77001, filed in Docket No. CP66–269 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 2.63 miles of 12¾-inch pipeline connecting the Bastian Bay Field, Plaquemines Parish, La., to its mainline transmission system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the subject facilities were constructed in the year 1961 under what it thought was proper certificate authorization issued on January 6, 1961, in Docket No. CP61–106, its "budget-type" certificate for the calendar year 1961. In its Opinion No. 413, 30 FPC 1477, issued on December 12, 1963, the Commission found that proper authorization had not been obtained and directed Applicant to take such steps as necessary to bring it into compliance with the Natural Gas Act. Applicant states that the instant application is in compliance with Opinion No. 413, Paragraph (A) of the accompanying order.

The application states that the actual cost of the subject facilities was $295,909.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 21, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–2278; Filed, Mar. 3, 1966; 8:48 a.m.]

[Docket No. CP64–107]

TEXAS GAS TRANSMISSION CORP.

Notice of Petition To Amend

FEBRUARY 28, 1966.

Take notice that on February 21, 1966, Texas Gas Transmission Corp. (Petitioner), 3800 Frederica Street, Owensboro, Ky., filed in Docket No. CP64–107 a petition to amend the order of Commission issued in said docket on May 26, 1964, and amended on December 17, 1964, June 2, 1965, and December 1, 1965, which order, as amended, authorized, inter alia, the construction and operation of certain natural gas facilities and the increase in contract demand service to Petitioner's then existing customers. By the instant filing, Petitioner seeks to amend further the order issued in the instant docket by requesting authorization to construct and operate certain natural gas transmission facilities in Henderson County, Ky., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, Petitioner seeks authority to construct and operate one side valve for the establishment of a new delivery point for the city of Henderson, Ky. (Henderson), an existing customer. Petitioner states that the natural gas which is to be delivered through the proposed delivery point is for resale by Henderson to a rural area adjacent to the city of Henderson, Ky. Annual deliveries are estimated to be 1,600 Mcf. No increase in the contract demand of Henderson is proposed for this service.

The total estimated cost of the proposed facility is $1,370, which cost will be financed with current funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 21, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–2279; Filed, Mar. 3, 1966; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1307]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 1, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested per-

son may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–68304. By order of February 24, 1966, the Transfer Board approved the transfer to Edson Express, Inc., Longmont, Colo., of certificates in Nos. MC–35227, MC–35227 (Sub-No. 1), and MC–35227 (Sub-No. 3), issued January 18, 1963, April 26, 1965, and February 9, 1966, respectively, to Jack E. Edson and Marjorie J. Edson, a partnership, doing business as Edson Express, Longmont, Colo., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between Denver, Colo., and Longmont, Colo., between Longmont, Colo., and Berthoud, Colo., between Berthoud, Colo., and Mead, Colo., and serving a specified part of Boulder and Weld Counties, Colo., in connection with Berthoud, Mead route. Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo., 80202; attorney for applicants.

No. MC–FC–68424. By order of February 23, 1966, the Transfer Board approved the transfer to Eunice Rental Tool Co., Inc., doing business as Rowland Trucking Co., 1700 North Main Street, Eunice, N. Mex., 88231; of certificate in No. MC–106810 (Sub-No. 1) and the certificate of registration in No. MC–106810 (Sub-No. 7), each issued November 16, 1964, to Robert Claude Moates, doing business as E. M. Rowland Trucking Co., 517 Texas Avenue, Eunice, N. Mex., 88231; authorizing the transportation of: Crude oil, in bulk, in tank trucks, between specified points in Lea County, N. Mex., and, the transportation of oil and water and other liquids between specified parts of Lea and Eddy Counties, N. Mex.

No. MC–FC–68448. By order of February 23, 1966, the Transfer Board approved the transfer to C. L. Bigham, G. W. Bigham, L. C. Bigham, and Melvin Bigham, a partnership, doing business as W. K. Bigham & Sons, Lubbock, Tex., of certificate in No. MC–109006 (Sub-No. 1), issued March 6, 1950, to W. K. Bigham, C. L. Bigham, C. G. Bigham, G. W. Bigham, L. C. Bigham, and Melvin Bigham, a partnership, doing business as W. K. Bigham & Sons, Lubbock, Tex.; authorizing the transportation of: Buildings, other than those knocked down or in sections, between points in Colorado, Kansas, New Mexico, Oklahoma, and Texas within 300 miles of Lefors, Tex., including Lefors. Leo S. Hay, 1701 Avenue Q, Lubbock, Tex., attorney for applicants.

No. MC–FC–68450. By order of February 23, 1966, the Transfer Board approved the transfer to Mohawk Auto Salvage, Inc., Johnston, R.I., of certificate in No. MC–107760, issued May 6, 1947, to Anthony Iadevaia, doing business as Anthony's Trucking, Johnston, R.I., authorizing the transportation of: Such commodities as require transportation by dump trucks, between points in Rhode Island, and points in Connecticut, and Massachusetts, within 25 miles of Rhode Island. Russell B. Curnett, 36 Circuit Avenue, Providence, R.I., 02905, representative for applicants.

No. MC–FC–68452. By order of February 23, 1966, the Transfer Board approved the transfer to Arrow Transfer & Storage Co., a corporation, Seattle, Wash., of the remaining portion of certificate in No. MC–30023, issued January 20, 1964, to A. H. Spear and T. J. Banks, a partnership, doing business as Arrow Transfer & Storage Co., Seattle, Wash., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between points within 3 miles of and including Seattle, Wash. George R. LaBissoniere, 533 Central Building, Seattle, Wash., 98104, attorney for applicants.

No. MC–FC–68466. By order of February 24, 1966, the Transfer Board approved the transfer of the operating rights in certificate No. MC–117467, issued January 21, 1959, to Johnny W. Whitehurse and Jerry E. Whitehurse, a partnership, doing business as Whitehurse Truck Line, Boonville, Mo., from Fletcher H. Korte, doing business as Korte Truck Line, Boonville, Mo., transferor, authorizing the transportation, over irregular routes, of: Feed and commercial fertilizer, in bags, from East St. Louis, Ill., and Kansas City, Kans., to Boonville, Mo., and points in Missouri within 25 miles thereof (except Jamestown and California, Mo.), with no transportation for compensation on return except as otherwise authorized. John R. Nacy, 117 West High Street, Jefferson City, Mo., 65101, attorney for applicants.

No. MC–FC–68469. By order of February 24, 1966, the Transfer Board approved the transfer to The Sudler Moving & Storage Co., a corporation, doing business as Allstates Van & Storage, Baltimore, Md., of the operating rights in certificates Nos., MC–47800, MC–47800 (Sub-No. 1), MC–47800 (Sub-No. 2), MC–47800 (Sub-No. 3), and MC–47800 (Sub-No. 4), issued February 25, 1952, February 25, 1952, August 27, 1954, September 13, 1956, and March 13, 1959, respectively, to A B C Movers, Inc., Baltimore, Md., authorizing the transportation, over irregular routes, of: Household goods, between points in Maryland, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Virginia, West Virginia, Massachusetts, Rhode Island, and the District of Columbia. Charles J. Stinchcomb, 2602 Maryland National Bank Building, Baltimore, Md., 21202, attorney for transferee. Charles McD. Gillan, Jr., 315 Glen Rae Drive, Baltimore, Md., 21228, attorney for transferor.

No. MC–FC–68471. By order of February 23, 1966, the Transfer Board approved the transfer to Empire Storage Warehouse, Inc., Hicksville, N.Y., of the operating rights of R. K. Davis Moving & Storage, Inc., Hicksville, N.Y., in certificate No. MC–47853, issued January 26, 1960, authorizing the transportation, over irregular routes of household goods, as defined, between Oyster Bay, N.Y., and points in Suffolk County, N.Y., on the one hand, and, on the other, points in Massachusetts, Rhode Island, New Hampshire, Vermont, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, and the District of Columbia, and between Oyster Bay, N.Y., and points in Suffolk County, N.Y., on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, and Florida. Irving Abrams, 1776 Broadway, New York, N.Y., 10019, attorney for applicants.

No. MC–FC–68472. By order of February 24, 1966, the Transfer Board approved the transfer to Mable M. Faulkner, doing business as E. Powell Moving & Storage Co., Newport, Ky., of the operating rights of Morton B. Faulkner, doing business as E. Powell Moving & Storage Co., Newport, Ky., in certificate No. MC–74415, issued October 20, 1950, authorizing the transportation, over irregular routes, of household goods, as defined, office furniture and equipment, and store fixtures, between Newport, Ky., and Cincinnati, Ohio, on the one hand, and, on the other, points in Indiana, those in Ohio south of U.S. Highway 40, and those in Kentucky within 10 miles of Newport. Walter J. Burke, Lawyers Building, Newport, Ky., 41071, attorney for applicants.

No. MC–FC–68473. By order of February 23, 1966, the Transfer Board approved the transfer to Lawrence Hausman, doing business as Hausman Trucking, Waterloo, Iowa, of the operating rights of Geo. W. Hausman, Waterloo, Iowa, in certificate No. MC–55072, issued April 10, 1956, authorizing the transportation, over irregular routes, of washing machines, creamery machinery and supplies, washing machine wringers and wringer parts, washing machine wringer parts, washing machines, washing machine parts, malt liquors, bakery goods, vinegar, meats, meat products, and meat byproducts, and dairy products, as described in sections A and B of appendix to the report in Modification of Permits—Packing House Products, 46 M.C.C. 23, and meats, and meat products and meat byproducts, and dairy products as described in sections A and B of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from and to specified points in Wisconsin, Iowa, Illinois, and Michigan, varying with the commodities transported. William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50306, representative for applicants.

No. MC–FC–68474. By order of February 25, 1966, the Transfer Board approved the transfer to Shirley L. Ogilvie and Richard A. Lundberg, a partnership, doing business as Lincoln Transportation Co., Lincoln, Mont., of the operating rights of Victor Douglas and Frances L. Douglas, a partnership, doing business as Lincoln Stage Line, Lincoln, Mont., in certificate No. MC–35251, issued November 13, 1962, authorizing the transporta-

tion, over regular routes, of passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, between Helena, Mont., and Lincoln, Mont., serving all intermediate points, and off-route points within 5 miles of Lincoln, and in certificate No. MC–35252, issued September 25, 1962, authorizing the transportation, over regular routes, of general commodities, except classes A and B explosives, between Helena, Mont., and Lincoln, Mont., serving all intermediate points, and the off-route points within 20 miles of the route from Helena over unnumbered highway via Silver, Johns, Wilborn, Stemple, and Flesher, Mont., to Lincoln, and return over the same route. J. Miller Smith, 26 West Sixth Avenue, Helena, Mont., 59601, attorney for transferee.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–2284; Filed, Mar. 3, 1966; 8:49 a.m.]

[Notice 140]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 1, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3009 (Sub-No. 64 TA), filed February 25, 1966. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Post Office Box 1569, Hattiesburg, Miss. Applicant's representative: W. N. Innis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (with the usual exceptions), serving the plantsite of St. Regis Paper Co. mill being erected at or near Ferguson, Miss., as an off-route point in connection with applicant's present authority over U.S. Highway 84 and/or Mississippi Highway 27, for 180 days. Supporting shipper: St. Regis Paper Co., 150 East 42d Street, New York, N.Y., Michael J. Walsh, Jr., vice president. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 320 U.S. Post Office Building, Jackson, Miss., 39201.

No. MC 61396 (Sub-No. 155 TA), filed February 25, 1966. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Post Office Box 189 (Downtown Station), 68101, Omaha, Nebr., 68110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Garner, Iowa, and points within 5 miles, to points in Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo., 63166. Send protests to: Keith P. Kohrs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 705 Federal Office Building, Omaha, Nebr., 68102.

No. MC 61396 (Sub-No. 156 TA), filed February 25, 1966. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Post Office Box 189 (Downtown Station), 68101, Omaha, Nebr., 68110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions including but not limited to Anhydrous ammonia*, in bulk, in tank vehicles, from Audubon, Iowa, to points in Nebraska, Kansas, Missouri, South Dakota, and Minnesota, for 180 days. Supporting shipper: Phillips Petroleum Co., Bartlesville, Okla., 74003. Send protests to: Keith P. Kohrs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 705 Federal Office Building, Omaha, Nebr., 68102.

No. MC 108207 (Sub-No. 180 TA), filed February 25, 1966. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex., 75222. Applicant's representative: J. E. McClellan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salad dressing*, from Dallas, Tex., to points in Indiana and Ohio, for 180 days. Supporting shipper: Texas Fine Food Products, Inc., 910 North Lancaster, Dallas, Tex., 75203. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex., 75202.

No. MC 116414 (Sub-No. 4 TA), filed February 25, 1966. Applicant: WILLIAM G. McCROSSEN, doing business as McCROSSEN CARTAGE COMPANY, 6550 West Forest Home Avenue, Milwaukee, Wis., 53220. Applicant's representative: Thomas J. Regan, 710 North Plankinton Avenue, Milwaukee, Wis., 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cattle hides*, from Milwaukee, Wis., to Manchester, Iowa, and from Manchester, Iowa, to Milwaukee, Wis., for 150 days. Supporting shipper: Hide Service Corp., 131 South Seventh Street, Milwaukee, Wis., 53233 (John Kennedy, Manager). Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis., 53203.

No. MC 123639 (Sub-No. 66 TA), filed February 25, 1966. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo., 80216. Applicant's representative: Edmond R. Driskell (same address as above). 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 I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from plantsite and storage facilities of the Litvak Meat Co. in Denver, Colo., to Evansville, Bloomington, Terre Haute, Indianapolis, Richmond, Muncie, Anderson, Lafayette, Fort Wayne, South Bend, Michigan City, and Elkhart, Ind., Kalamazoo, Battle Creek, Jackson, Ann Arbor, Detroit, Grand Rapids, Lansing, Flint, Pontiac, Saginaw, and Benton Harbor, Mich., Toledo, Cleveland, Youngstown, Akron, Columbus, Cincinnati, Dayton, Springfield, Bloomdale, and Salem, Ohio, Louisville, Ky., and East St. Louis, Ill., for 180 days. Supporting shipper: Litvak Meat Co., Inc., 5900 York Street, Post Office Box 6505, Stockyards Station, Denver, Colo. Send protests to: Luther H. Oldham, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, 1961 Stout Street, Denver, Colo., 80202.

No. MC 123688 (Sub-No. 3 TA), filed February 25, 1966. Applicant: CAROLINA TRANSPORT, INC., Statesville Highway, Post Office Box 8123, Charlotte, N.C., 28208. Applicant's representative: H. Overton Kemp, Post Office Box 20202, Charlotte, N.C., 28202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used trailers*, of the type commonly used by motor freight carriers, in initial and secondary movements, in towaway service, over irregular routes, (A) from Fairless Hills, Pa. (approximately 10 miles north of Philadelphia, Pa.), to Charlotte, N.C., (B) between Charlotte, N.C., on the one hand, and, on the other, all points and places in the States of Alabama, Florida, Georgia, South Carolina, Tennessee, and Virginia, for 180 days. Supporting shippers: Strick Trailers, Post Office Box 8572, Charlotte, N.C., 28208; Universal Transportation Service, Inc., Post Office Box 8032, Charlotte, N.C., 28208. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C., 28202.

No. MC 124802 (Sub-No. 5 TA), filed February 25, 1966. Applicant: CURTIS WOMELDORF, doing business as ACE

MOTOR FREIGHT, Post Office Box 331, Summerville, Pa., 15864. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Clay products*, from Summerville, Pa., to points in New Jersey, for 180 days. Supporting shipper: Hanley Co., Summerville, Pa., 15864. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 303 Victory Building, Pittsburgh, Pa., 15222.

No. MC 127129 (Sub-No. 3 TA), filed February 25, 1966. Applicant: AVERY TRUCKING CO., INC., 6711 Saxton Avenue, Post Office Box 4383, Boise, Idaho, 83701. Applicant's representative: Kenneth G. Bergquist, 1110 Bank of Idaho Building, Boise, Idaho, 83702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission), between Wrangell and Petersburg, Alaska, on the one hand and points in Idaho, Oregon, Washington, California, Nevada, Utah, and Montana, on the other, for 150 days. Supporting shipper: Reliance Shrimp Co., Wrangell, Alaska, 99929; Parr's Bakery, Post Office Box 374, Petersburg, Alaska, 99833; Stokke Building, Post Office Box 707, Petersburg, Alaska, 99833; Wrangell Chamber of Commerce, Wrangell, Alaska, 99929; City of Wrangell, Wrangell, Alaska, 99929; City of Petersburg, Petersburg, Alaska, 99833; Magnus Nygaard, doing business as Artic Liquor Store, Post Office Box 386, Petersburg, Alaska, 99833; City Market, Inc., Post Office Box 140 Wrangell, Alaska, 99929; Ship to Shore Trading Co., Post Office Box 693, Petersburg, Alaska, 99833; Sanitary Market, Post Office Box 1037, Petersburg, Alaska, 99833; Mitkof Sales & Service, Post Office Box 173, Petersburg, Alaska, 99833; Petersburg Marine & Logging Supply, Post Office Box 548, Petersburg, Alaska, 99833. Send protests to: C. W. Campbell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 203 Eastman Building, Boise, Idaho, 83702.

No. MC 127625 (Sub-No. 2 TA), filed February 25, 1966. Applicant: SANTEE CEMENT CARRIERS, INC., Holly Hill, S.C. Applicant's representative: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of the Santee Portland Cement Co., Holly Hill, S.C., to (1) points in Georgia, North Carolina, and those in Tennessee on and east of U.S. Highway 127; and (2) from railroad sidings in the destination territory named in (1) above to points in Georgia, North Carolina, and those in Tennessee on and east of U.S. Highway 127, for 180 days. Supporting shipper: Santee Portland Cement Corp., Holly Hill, S.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 509 Federal Building, 901 Sumter Street, Columbia, S.C., 29201.

No. MC 127625 (Sub-No. 3 TA), filed February 25, 1966. Applicant: SANTEE CEMENT CARRIERS, INC., Holly Hill, S.C. Applicant's representative: Frank B. Hand, 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum rock*, from Flintcoat Corp., at or near Savannah, Ga., to Santee Portland Cement Corp., near Holly Hill, S.C., for 150 days. Supporting shipper: Santee Portland Cement Corp., Holly Hill, S.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 509 Federal Building, 901 Sumter Street, Columbia, S.C., 29201.

No. MC 127965 (Sub-No. 1 TA), filed February 25, 1966. Applicant: LEONARD DIXON, doing business as D & D EXPRESS, 89 Seeley Street, Brooklyn, N.Y., 11218. Applicant's representative: Edward M. Alfano, 2 West 45 Street, New York, N.Y., 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copying and Photographic machines, materials and supplies*, uncrated and crated, from shipper's warehouse in Teaneck, N.J., to New York, N.Y., *returned shipments* of the same commodities in the reverse direction. Restricted to service as a contract motor carrier under a continuing contract with 3M Business Products Sales, Inc., of Teaneck, N.J., for 150 days. Supporting shipper: 3M Business Products Sales, Inc., 480 Alfred Avenue, Teaneck, N.J. Send protests to: Robert E. Johnston, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

By the Commission.

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

[F.R. Doc. 66-2283; Filed, Mar. 3, 1966; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 1, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40333—*Liquid caustic soda to Cincinnati, Ohio.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2827), for and on behalf of Norfolk & Western Railway Co. Rates on liquid caustic soda, in tank carloads, from Saltville, Va., to Cincinnati, Ohio.

Grounds for relief—Market competition.

Tariff—Supplement 121 to J. W. Nolan, agent, tariff ICC 287 (R. B. LeGrande, agent, series).

FSA No. 40334—*Returned printing paper winding cores.* Filed by O. W. South, Jr., agent (No. A4862), for interested rail carriers. Rates on returned printing paper winding cores, in carloads, between points in southern territory, including points in southern Illinois and southern Indiana, also St. Louis, Mo., and from points in official (including Illinois) and western trunkline territories to points in southern territory.

Grounds for relief—Carrier competition.

Tariff—Supplement 28 to Southern Freight Association, agent, tariff ICC S-519.

FSA No. 40335—*Soda ash to Crystal City, Mo.* Filed by Southwestern Freight Bureau, agent (No. B-8824), for interested rail carriers. Rates on soda ash, in bulk, in covered hopper cars, in carloads, from Baton Rouge and Lake Charles, La., Corpus Christi, Freeport, and Houston, Tex., to Crystal City, Mo.

Grounds for relief—Market competition.

Tariffs—Supplements 225 and 86 to Southwestern Freight Bureau, agent, tariffs ICC 4450 and 4564, respectively, and supplement 108 to Southern Freight Association, agent, tariff ICC S-272.

FSA No. 40336—*Liquefied petroleum gas to points in Illinois Freight Association and western trunkline territories.* Filed by Southwestern Freight Bureau, agent (No. B-8825), for interested rail carriers. Rates on liquefied petroleum gas, in tank carloads, from points in southwestern territory, also Kansas, to points in Illinois Freight Association and western trunkline territories.

Grounds for relief—Motortruck competition.

Tariffs—Supplements 154, 413, and 44 to Southwestern Freight Bureau, agent, tariffs ICC 4410, 4279, and 4557, respectively.

By the Commission.

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

[F.R. Doc. 66-2285; Filed, Mar. 3, 1966; 8:49 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—MARCH

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