

## RULES AND REGULATIONS

ton, secure order notify bills of lading in a form acceptable to CCC, and deliver the bills of lading, Forms A, and Weight and Condition Certificates (if any) to the producer. Transportation costs will be charged against the cotton. If the receiving agency is a warehouseman, it will be permitted to collect fees in accordance with the Warehouseman's Certificate and Storage Agreement and a fee of not to exceed 10 cents a bale to cover the cost of preparation of shipping documents. If the receiving agency is not a warehouseman, it will be permitted to collect a fee not to exceed the fee set forth in the Receiving Agency Agreement executed by the receiving agency and shall post, in a conspicuous place, the fee to be charged producers.

(d) CCC will pay warehouse storage charges on cotton tendered by the producer for a loan under this section, where the receiving agency is a warehouseman.

(e) The cotton must be classified by a Board of Cotton Examiners as provided in § 256.230, except that samples will be drawn by the receiving agency and submitted to the Board for classification where the producer does not have a Form 1 Classification Memorandum. A charge of 20 cents per bale shall be collected from the producer and paid to the Board of Cotton Examiners for all cotton from which samples are submitted for classification, except cotton from which samples are submitted for Form 1 classification.

(f) The receiving agency shall type or stamp at the top of each Form A which it prepares the following: "Wherever the term 'warehouse receipts' occurs in the Producer's Note or in the Loan Agreement, it shall be read and construed as 'bills of lading'."

(g) Forms A evidencing loans under this section shall be tendered to CCC by the lending agencies in the manner specified in § 256.235, except that the bills of lading representing the cotton (and Weight and Condition Certificates if the receiving agency was not a warehouseman) shall be attached instead of warehouse receipts, and notes secured by bills of lading and notes secured by warehouse receipts shall be listed on separate Forms C.

(h) Repayment of loans and release of the loan documents shall be made in accordance with the provisions of § 256.237. (Sec. 302, 52 Stat. 43, as amended, sec. 8, 56 Stat. 767, as amended, sec. 4 (a), 55 Stat. 498, as amended, sec. 1 (b), 62 Stat. 1247, 62 Stat. 1070; 7 U. S. C. 1302, 50 U. S. C. App. 968, 15 U. S. C. 713a-8 (a))

Issued this 26th day of October 1948.

[SEAL] ELMER F. KRUSE,  
Manager,  
Commodity Credit Corporation.

Approved: October 26, 1948.

RALPH S. TRIGG,  
President,  
Commodity Credit Corporation.

[F. R. Doc. 48-9543; Filed, Oct. 28, 1948;  
8:55 a. m.]

[1948 C. C. C. Dry Edible Bean Bulletin 1,  
Amdt. 1]

# PART 276—DRY BEAN LOAN AND PURCHASE AGREEMENTS

## 1948 DRY EDIBLE BEAN PRICE SUPPORT PROGRAM

The bulletin issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 13 F. R. 5256, containing the requirements of the 1948 dry edible bean price support program, is amended as follows:

1. Under § 276.202 *Availability of loans and purchases*, paragraph (a) *Area* is amended to include the state of Kansas in the area in which loans and purchase agreements will be available to producers.

2. Under § 276.208 *Determination of quantity under loan*, the first sentence is revised to read as follows: "Loans shall be made on the basis of sound beans except as provided in paragraph (b) of this section."

3. Paragraph (b) *Warehouse—stored*, is amended by substituting a comma for the period at the end of the paragraph and adding the following: "except that the quantity shall be the net weight of beans when the warehouse receipt or supplemental certificate shows a grade of U. S. No. 2 or better, and the warehouseman guarantees both grade and quantity."

4. Under § 276.212 *Loan and settlement rates*, paragraph (a) *Loan rate*, is amended to read as follows:

(a) *Loan rate*. (1) On beans stored in approved warehouses which are evidenced by warehouse receipt(s) under which the warehouseman guarantees both grade and quantity, loans will be made at rates equal to the settlement rates specified in paragraph (b) of this section, provided the beans grade U. S. No. 2 or better and the producer has paid all charges against the beans through April 30, 1949, including processing, bags, bagging, storage, freight, and loading-out charges, or directs the payment of such charges from the proceeds of the loan.

(2) The loan rate for all other eligible beans shall be \$5.00 per 100 pounds of sound beans.

5. Paragraph (b) *Settlement rate*, is amended by adding the following paragraph at the end of the paragraph:

If beans are stored in transit in an approved warehouse, the producer shall be credited at the time of settlement with the value to CCC of the transit billing as determined by CCC.

(Sec. 4 (a), 55 Stat. 498, as amended, sec. 1 (b), Pub. Law 897, 80th Cong., sec. 5 (a), Pub. Law 806, 80th Cong.; 15 U. S. C. 713 a-8 (a))

Issued this 26th day of October 1948.

[SEAL] ELMER F. KRUSE,  
Manager,  
Commodity Credit Corporation.

Approved: Oct. 26, 1948.

RALPH S. TRIGG,  
President,  
Commodity Credit Corporation.

[F. R. Doc. 48-9545; Filed, Oct. 28, 1948;  
8:56 a. m.]

# TITLE 7—AGRICULTURE

## Chapter 1—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

### PART 29—TOBACCO INSPECTION

#### DESIGNATION OF WEST JEFFERSON, N. C., TOBACCO MARKET

Upon a referendum conducted, pursuant to prior notice (13 F. R. 5495), during the period October 5 through October 7, 1948, among tobacco growers who, during the 1947 marketing season, sold tobacco at auction on the market at West Jefferson, North Carolina, it is found that more than two-thirds of the growers voting in such referendum favor the designation of such market under section 5 of the Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 511 et seq.) for the mandatory inspection and certification of tobacco sold on such market. Therefore, pursuant to the authority vested in the Secretary of Agriculture, and for the purposes of said act, the orders of designation of tobacco markets (7 CFR Cum. Supp., 29.301; 9 F. R. 11571; 10 F. R. 11104; 11 F. R. 7967; 11 F. R. 8712; 11 F. R. 13099; 12 F. R. 4015; 13 F. R. 2579; 13 F. R. 2963; and 13 F. R. 4498) are amended by adding thereto at the end thereof the following paragraph (ff):

§ 29.301 *Designation of tobacco markets.*

(ff) *The tobacco market at West Jefferson, North Carolina.* Effective 30 days after October 29, 1948, no tobacco of any type shall be offered for sale at auction on the market at West Jefferson, North Carolina, until such tobacco shall have been inspected and certified by an authorized representative of the U. S. Department of Agriculture according to standards established under the Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 511 et seq.): *Provided, however,* That such requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service. No fee or charge shall be imposed or collected for the inspection and certification of tobacco sold or offered for sale at auction on the market designated above.

(49 Stat. 731; 7 U. S. C. 511 et seq.)

Issued this 25th day of October 1948.

[SEAL] A. J. LOVELAND,  
Acting Secretary of Agriculture.

[F. R. Doc. 48-9511; Filed, Oct. 28, 1948;  
8:47 a. m.]

### PART 29—TOBACCO INSPECTION

#### DESIGNATION OF LONDON, KY., TOBACCO MARKET

Upon a referendum conducted, pursuant to prior notice (13 F. R. 5495), during the period October 5 through October 7, 1948, among tobacco growers who, during the 1947 marketing season, sold tobacco at auction on the market at London, Kentucky, it is found that more than two-thirds of the growers voting



in such referendum favor the designation of such market under section 5 of the Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 511 et seq.) for the mandatory inspection and certification of tobacco sold on such market. Therefore, pursuant to the authority vested in the Secretary of Agriculture, and for the purposes of said act, the orders of designation of tobacco markets (7 CFR Cum. Supp., 29.301; 9 F. R. 11571; 10 F. R. 11104; 11 F. R. 7967; 11 F. R. 8712; 11 F. R. 13099; 12 F. R. 4015; 13 F. R. 2579; 13 F. R. 2963; and 13 F. R. 4498) are amended by adding thereto at the end thereof the following paragraph (ee):

**§ 29.301 Designation of tobacco markets.**

(ee) *The tobacco market at London, Kentucky.* Effective 30 days after October 29, 1948, no tobacco of any type shall be offered for sale at auction on the market at London, Kentucky, until such tobacco shall have been inspected and certified by an authorized representative of the U. S. Department of Agriculture according to standards established under the Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 511 et seq.): *Provided, however,* That such requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service. No fee or charge shall be imposed or collected for the inspection and certification of tobacco sold or offered for sale at auction on the market designated above. (49 Stat. 731; 7 U. S. C. 511 et seq.)

Issued this 25th day of October 1948.

[SEAL] A. J. LOVELAND,  
Acting Secretary of Agriculture.

[F. R. Doc. 48-9512; Filed, Oct. 28, 1948;  
8:47 a. m.]

## TITLE 22—FOREIGN RELATIONS

### Chapter I—Department of State

[Departmental Reg. 108.77]

#### REDESIGNATION OF PARTS

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to Executive Order 9930 of February 4, 1948 (13 F. R. 519) governing the 1949 edition of the Code of Federal Regulations and to the Federal Register Regulations of October 12, 1948 (13 F. R. 5929), the parts of the Code comprising Chapter I of Title 22 are hereby renumbered as follows:

Old part No.	New part No.	New part heading
8	1	Certificates of Authentication.
10	62	Tort Claims: Claims Cognizable under the Federal Tort Claims Act and the Small Claims Act, and Claims Cognizable only under the Act of June 19, 1937.
11	8	Books, Maps, Newspapers, Etc.
12	2	Fees for Services.
16	7	Complaints Against an Employee by an Alleged Creditor.
19	50	Nationality Under the Act of 1940.
21	15	Flags.
22	80	Trading with the Enemy.
23	30	Advice to Foreign Governments by American Citizens.
24	31	Notification of Foreign Official Status.
25	9	Deposit of Funds.

Old part No.	New part No.	New part heading
28	65	Payments to and on Behalf of Participants in the Cultural-Cooperation Program.
29	66	Foreign Students.
30	20	Stolen Property under Treaty with Mexico.
32	32	Passports: Validation and Issuance in Wartime.
33	51	Passports.
44	10	Study and Research in the Department of State.
55	70	Trade Agreements: Public Notice and Presentation of Views.
57	81	Removal of Alien Enemies Brought to the United States from other American Republics.
58	53	Control of Persons Entering and Leaving the United States in Wartime.
60	40	Visas: Diplomatic.
61	42	Visas: Documentation of Aliens Entering the United States.
63	(7)	Visas: Documentation of Aliens Entering the United States as Seamen or Airmen.
65	43	Visas: Documentation of Alien Seamen and Airmen Entering the United States.
68	44	Visas: Waiver or Reduction of Fees for Nonimmigrants.
100	100	Examinations for the Appointment of Foreign Service Officers.
101	101	[Foreign Service Regulations.]
102	122	[Foreign Service Regulations.]
201	75	International Traffic in Arms, Ammunition, and Implements of War.
202	76	Exportation of Helium Gas.
203	77	Exportation of Tin-Plate Scrap.
204	78	Exportation of Commodities Involving Military Secrets.
301	90	Reparations: World War II.
401	95	Aid to War-Devastated Countries.

<sup>1</sup> Present §§ 63.51-63.53, are in process of rescission by the Secretary of State.

New Parts 1-100 will comprise Subchapter A of Chapter I: The Department.

New Parts 101 et seq. will comprise Subchapter B of Chapter I: The Foreign Service.

The codification of old Parts 1 and 3, entitled respectively "Functions and Organization" and "Procedure", has been discontinued. Future amendments of such material will appear in the notice section of the FEDERAL REGISTER.

The part numbers of Title 22 of the Code of Federal Regulations issued hereafter by the Secretary of State, will conform with the new numbers assigned herein.

This regulation will become effective immediately upon publication in the FEDERAL REGISTER.

Approved: October 25, 1948.

For the Acting Secretary of State.

[SEAL] JOHN E. PEURIFOY,  
Assistant Secretary.

[F. R. Doc. 48-9520; Filed, Oct. 28, 1948;  
8:50 a. m.]

#### DISCONTINUANCE OF CODIFICATION OF CERTAIN PARTS

EDITORIAL NOTE: Codification of the following parts or sections is discontinued:

1. Part 59—Visas, Diplomatic: Reentry into the United States.

2. Sections 63.1-63.6 of Part 63—Visas: Documentation of Aliens Entering the United States as Seamen or Airmen.

3. Part 67—Visas: Documents Required of Aliens Entering the Philippine Islands.

4. Part 70—Trade Agreements: Public Notice and Presentation of Views (formerly Part 55).

[Departmental Reg. 108.78]

#### PART 5—BOOKS, MAPS, NEWSPAPERS, ETC.

Under authority contained in R. S. 161 (5 U. S. C. 22), present Part 5 (old Part 11) of Title 22 of the Code of Federal Regulations is hereby amended to read as follows.

§ 5.1 *Purchase.* The purchase by the Department of State of books, maps, newspapers, periodicals, and other publications shall be made without regard to the provisions of the act approved March 3, 1933 (sec. 2, 47 Stat. 1520; 41 U. S. C. 10a), since determination has been made by the Secretary, as permitted by the provisions of the act, that such purchase is inconsistent with the public interest. (R. S. 161; 5 U. S. C. 22)

This part shall become effective immediately upon publication in the FEDERAL REGISTER.

Approved: October 25, 1948.

For the Acting Secretary of State.

[SEAL] JOHN E. PEURIFOY,  
Assistant Secretary.

[F. R. Doc. 48-9519; Filed, Oct. 28, 1948;  
8:50 a. m.]

[Departmental Reg. 108.79]

#### PART 7—COMPLAINT AGAINST AN EMPLOYEE BY AN ALLEGED CREDITOR

Under authority contained in R. S. 161 (5 U. S. C. 22), present Part 7 (old Part 16) of Title 22 of the Code of Federal Regulations is hereby amended to read as follows:

Sec.

7.1 No cognizance taken of complaint.

7.2 Claimants denied access to employees.

§ 7.1 *No cognizance taken of complaint.* The Department of State will take no cognizance of a complaint against an employee by an alleged creditor, so far as the complainant is concerned, beyond acknowledging receipt of his communication. (R. S. 161; 5 U. S. C. 22)

§ 7.2 *Claimants denied access to employees.* Persons claiming to be creditors or collectors of debts or claims will be denied access to employees for the purpose of presenting or collecting claims during the hours set apart for the transaction of public business or while the employees concerned are on duty. (R. S. 161; 5 U. S. C. 22)

Approved: October 25, 1948.

For the Acting Secretary of State.

[SEAL] JOHN E. PEURIFOY,  
Assistant Secretary.

[F. R. Doc. 48-9518; Filed, Oct. 28, 1948;  
8:50 a. m.]



[Departmental Reg. 108.80]

## PART 9—DEPOSIT OF FUNDS

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to Order of the Secretary of the Treasury, approved by the President February 21, 1934, and Executive Orders 6166 of June 10, 1933, 6224 of July 27, 1933, and 6540 of December 28, 1933 (5 U. S. C. 132 note), Part 9 (old Part 25) of Title 22 of the Code of Federal Regulations is hereby amended to read as follows:

§ 9.1 *Checks made payable to the Secretary of State.* In all cases where the Department of State requests that funds be deposited with it in connection with letters rogatory, taking of testimony, payment for cables sent and received, passport fees, or for any other purpose, the depositor is to be requested to make the checks, drafts, or money orders remitted therefor payable to the Secretary of State of the United States and to send them to the Department of State for action and deposit. The Chief or Acting Chief of the Division of Finance, or his designee, is hereby authorized to endorse to the Treasurer of the United States, by appropriate stamp, such official checks, drafts, or money orders, except those covering passport fees, as are received in accordance with the provisions of this section. The Chief or Acting Chief of the Passport Division, or his designee, is hereby authorized to endorse to the Treasurer of the United States, by appropriate stamp, official checks, drafts, or money orders covering passport fees, which, in accordance with the provisions of this section, are hereafter to be made payable to the Secretary of State. (R. S. 161; 5 U. S. C. 22)

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

Approved: October 25, 1948.

For the Acting Secretary of State.

[SEAL] JOHN E. PEURIFOY,  
Assistant Secretary.

[F. R. Doc. 48-9517; Filed, Oct. 28, 1948;  
8:50 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

[Docket No. 3666]

#### PARTS 71-85—TRANSPORTATION OF EXPLO- SIVES<sup>1</sup> AND OTHER DANGEROUS ARTICLES

##### MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of October A. D. 1948.

It appearing, that pursuant to sections 831-835, Title 18, U. S. Code, approved June 25, 1948 (which repealed the Transportation of Explosives Act of

<sup>1</sup> Parts 2, 3, 4, and 7 in this order appear in CFR as Parts 73, 75, 72, 80 and 85.

March 4, 1921 (41 Stat. 1444-1445) (18 U. S. C. 382-386); and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for the transportation of explosives and other dangerous articles.

It further appearing, that in applications received we are asked to amend the aforesaid regulations as set forth in provisions made part thereof:

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Add) Amyl trichlorosilane.....	Cor. L.....	No exemption 249B.....	White.....	10 gallons.
(Add) Butyl trichlorosilane.....	do.....	do.....	do.....	Do.
(Add) Carbon dioxide-nitrous oxide mixture.....	Noninf. G.....	302, 303.....	Green.....	300 pounds.
(Add) Chemical kits*.....	See sec. 253B.....	.....	.....	.....
(Add) Cumene hydroperoxide.....	Oxy. M.....	153 (b), 186D.....	Yellow.....	1 quart.
(Add) Cyanogen chloride containing less than 0.9 percent water.....	Pois. A.....	No exemption 334.....	Poison Gas.....	Not accepted.
(Add) Diethyl dichlorosilane.....	Cor. L.....	No exemption 249B.....	White.....	10 gallons.
(Add) Diphenyl dichlorosilane.....	do.....	do.....	do.....	Do.
(Add) Ethyl phenyl dichlorosilane.....	do.....	do.....	do.....	Do.
(Change) Hexaethyl tetraphosphate and compressed gas mixture.....	Pois. A.....	No exemption 331A.....	Poison gas.....	Not accepted.
(Add) Hexyl trichlorosilane.....	Cor. L.....	No exemption 249B.....	White.....	10 gallons.
(Add) High explosives, liquid.....	Expl. A.....	No exemption 61 (j).....	.....	Not accepted.
(Add) Hypochlorite solutions containing more than 7 percent available chlorine by weight.....	Cor. L.....	No exemption 277.....	White.....	4 gallons.
(Change) Nitroglycerin liquid, desensitized.....	See sec. 50 (d) and 61 (a) (5).....	.....	.....	.....
(Add) Octyl trichlorosilane.....	Cor. L.....	No exemption 249B.....	White.....	10 gallons.
(Add) Parathion and compressed gas mixture.....	Pois. A.....	No exemption 331A.....	Poison Gas.....	Not accepted.
(Add) Phenyl trichlorosilane.....	Cor. L.....	No exemption 249B.....	White.....	10 gallons.
(Add) Propyl trichlorosilane.....	do.....	do.....	do.....	Do.
(Change) Tetraethyl pyrophosphate and compressed gas mixture.....	Pois. A.....	No exemption 331A.....	Poison gas.....	Not accepted.
(Change) Trichlorosilane.....	Inf. L.....	No exemption 109B.....	Red.....	10 gallons.

#### Part 3—Regulations Applying to Shippers (CFR 75)

Amending table paragraph (c), section 22, *Specified containers prescribed*, order August 16, 1940, as follows:

When these regulations call for specification Nos.		These specifications containers may also be used—
(Add) 4BA.....	25, 38	Cylinder.

Superseding and amending section 23, *Closures for containers*, order August 16, 1940, to read as follows:

23. *Closures for containers.* Containers must be closed for shipment as prescribed in the specifications for the container unless otherwise authorized for the particular article being shipped. Gasketed closures must be fitted with gaskets of efficient material which will not be deteriorated by the contents of the container.

Superseding and amending paragraph (d), section 50, *Forbidden explosives*, order August 19, 1946, to read as follows:

(d) Liquid nitroglycerin, diethylene glycol dinitrate or other liquid explosives not authorized by section 61 (a) (5). (For shipment by carrier by motor vehicle other than common carriers, see section 822 (b).)

Superseding and amending section 109A, *Ethyl trichlorosilane*, order July 22, 1948, to read as follows:

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles be, and are hereby, amended as follows:

#### Part 2—List of Explosives and Other Dangerous Articles (CFR 73)

Superseding and amending commodity list section 4, orders August 16, 1940, and July 22, 1948, to read as follows:

109A (a) Ethyl trichlorosilane must be packed in specification containers as follows:

(b) *Spec. 15A or 16B.* Wooden boxes with glass inside containers not over 1 gallon capacity each securely closed and cushioned with incombustible absorbent material.

(c) *Spec. 17H or 37D.* Metal drums (single-trip) with glass inside containers not over 1 gallon capacity each securely closed and cushioned with incombustible absorbent material.

(d) *Spec. 5A.* Metal drums not over 55 gallons capacity.

(e) *Spec. 5F.* Metal drums not over 11 gallons capacity.

(f) *Spec. 5, 5B, 5C and 17E (single-trip).* Metal drums. These containers not authorized for shipments by rail express.

(g) Specification cylinders as prescribed for any compressed gas, except acetylene.

Amending order August 16, 1940, as follows (add):

109B (a) Trichlorosilane must be packed in specification containers as follows:

(b) *Spec. 15A or 16B.* Wooden boxes with glass inside containers not over 1 quart capacity each securely closed and cushioned with incombustible absorbent material.

(c) *Spec. 17H or 37D.* Metal drums (single-trip) with glass inside containers not over 1 quart capacity each securely closed and cushioned with incombustible absorbent material.



(d) *Spec. 5A*. Metal drums not over 55 gallons capacity. This container not authorized for shipment by rail express.

(e) *Spec. 5F*. Metal drums not over 11 gallons capacity. This container not authorized for shipment by rail express.

(f) Specification cylinders as prescribed for any compressed gas, except acetylene.

Amending section 163, *Chlorate of soda, chlorate of potash, etc.*, order August 16, 1940, as follows (add):

(h) Chlorate of soda is authorized for shipment in tank cars, *spec. 103*. Cars must be thoroughly cleaned before loading.

Superseding and amending paragraph (c), section 176, *Matches*, order August 16, 1940, to read as follows:

(c) *Packing*. Matches, strike-anywhere, must not be packed in the same outside package with any other article, except that book, card and "strike-on-box" matches may be included when packed in separate inside containers.

Superseding and amending paragraph (a), section 186A, *Liquid peroxides*, order November 4, 1946, to read as follows:

186A (a) Liquid peroxides other than acetyl peroxide solution, hydrogen peroxide, peracetic acid and cumene hydroperoxide must be packed in specification containers as follows:

Amending section 186A, *Liquid peroxides*, order November 4, 1946, as follows (add):

(f) *Spec. 17C or 17E*. Metal drums (single-trip) not over 15 gallons capacity. Authorized only for material which will not react dangerously with the drum metal, or be decomposed by contact with it.

Amending order August 16, 1940, as follows (add):

186D (a) Cumene hydroperoxide of strength not exceeding 75 percent in a non-volatile solvent must be packed in specification containers as follows:

(b) *Spec. 15A, 15B, 15C, 16A or 19A*. Wooden boxes with inside containers which must be: Glass or earthenware, not over 1 gallon each, cushioned with incombustible packing material in sufficient quantity to absorb the contents of the inner container.

(c) *Spec. 17E*. Metal drums (single-trip), with interiors so treated that they will be resistant to the contents.

Amending section 245, *Not exempted articles*, order August 16, 1940 as follows (add):

(bb) Amyl trichlorosilane.  
(cc) Butyl trichlorosilane.  
(dd) Diethyl dichlorosilane.  
(ee) Diphenyl dichlorosilane.  
(ff) Ethyl phenyl dichlorosilane.  
(gg) Hexyl trichlorosilane.  
(hh) Octyl trichlorosilane.  
(ii) Phenyl trichlorosilane.  
(jj) Propyl trichlorosilane.  
(kk) Hypochlorite solutions containing more than 7 percent available chlorine by weight.

Amending order August 16, 1940, as follows (add):

No. 212—2

249B (a) Amyl trichlorosilane, butyl trichlorosilane, diethyl dichlorosilane, diphenyl dichlorosilane, ethyl phenyl dichlorosilane, hexyl trichlorosilane, octyl trichlorosilane, phenyl trichlorosilane, and propyl trichlorosilane must be packed in specification containers as follows:

(b) *Spec. 15A or 16B*. Wooden boxes with glass inside containers not over 1 gallon capacity each securely closed and cushioned with incombustible absorbent material.

(c) *Spec. 17H or 37D*. Metal drums (single trip) with glass inside containers not over 1 gallon capacity each securely closed and cushioned with incombustible absorbent material.

(d) *Spec. 5A*. Metal drums not over 55 gallons capacity.

(e) *Spec. 5F*. Metal drums not over 11 gallons capacity.

(f) *Spec. 5, 5B, 5C and 17E (single-trip)*. Metal drums. These containers not authorized for shipments by rail express.

(g) Specification cylinders as prescribed for any compressed gas, except acetylene.

Amending section 250, *Automobiles or other self-propelled vehicles*, order August 16, 1940, as follows (add):

(a) (4) When batteries are installed in the vehicle they must be completely protected so that short circuits will be prevented under conditions normal to transportation.

Superseding and amending paragraph (e), section 253, *Chloroacetyl chloride*, order October 28, 1942, to read as follows:

(e) *Spec. 1A, 1C, or 1D*. Carboys in boxes or kegs. Use of these containers will be permitted because of the present emergency and until further order of the Commission.

Amending order August 16, 1940, as follows (add):

253B (a) Chemical kits, except as otherwise provided herein, must be packed, marked and labeled as prescribed by these regulations for the specific acids or corrosive liquids contained therein.

(b) (1) Chemical kits containing acids in inside containers not exceeding 6 fluid ounces capacity each and complying with all of the following requirements, are exempt from specification packing, marking, other than name of contents, and labeling requirements for transportation by rail freight, rail express, highway or water:

(b) (2) The kit must not contain any of the items named in section 245.

(b) (3) The kit must be a strong wooden or metal container, or must be packed in a strong wooden or metal container.

(b) (4) The acids or corrosive liquids must be cushioned with sufficient absorbent cushioning material to completely absorb the contents of the individual containers, and must be protected from injury by other materials in the kit.

(b) (5) The contents of the kit must be of such nature and/or so packed that there will be no possibility of the mixture

of contents causing dangerous evolution of heat or gas.

Superseding and amending paragraph (g) (1), section 272, *Sulfuric acid*, order January 23, 1946, to read as follows:

(g) (1) *Spec. 17F*. Metal barrels or drums (single-trip) only for acid of 1.7059 specific gravity (60° Baume tolerance plus 0.2° Baume); or acid of greater strength with or without inhibitor, provided such acid has a corrosive effect on steel measured at 100° F. no greater than 66° Baume commercial sulfuric acid. Drums equipped with vented closures of an experimental type approved by the Bureau of Explosives are also authorized for export shipments.

Amending order August 16, 1940, as follows (add):

277 (a) Hypochlorite solutions containing more than 7 per cent available chlorine by weight must be packed in specification containers as follows:

(b) *Spec. 15A, 15B, 15C, or 12B*. Wooden or fiberboard boxes with glass or earthenware inside containers of not more than 1 gallon capacity each. Packages must not weigh over 65 pounds gross nor contain more than 4 such inside containers if their capacity is greater than 5 pints each.

(c) *Spec. 1A, 1C, or 1D*. Carboys in boxes or kegs.

(d) Closures for inside containers and carboys must be vented and must be of a material resistant to the lading and capable of preventing leakage of liquid contents.

(e) Containers of 5 gallons capacity and over in service for transportation of this material prior to September 1, 1948, of a design and venting arrangement approved by the Bureau of Explosives, may be continued in use until further order of the Commission.

(f) Glass or earthenware containers of not more than 4 fluid ounces capacity each, packed in strong outside containers, and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in the event of breakage, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents and labeling requirements.

Superseding and amending paragraph (1) (2), section 303, *Weight and pressure check*, order April 19, 1948, to read as follows:

(1) (2) Cylinders with a water capacity of 200 pounds or more and for use with a liquefied petroleum gas with a specific gravity at 60° F. of 0.504 or greater may have their contents determined by using a fixed length dip tube gauging device. The length of the dip tube shall be such that when a liquefied petroleum gas with a specific volume of 0.03051 cu. ft./lb. at a temperature of 40° F. is charged into the cylinder it just reaches the bottom of the tube. The weight of this liquid shall not exceed 42 percent of the stamped water capacity of the cylinder. The length of the dip tube, expressed in inches carried



out to one decimal place and prefixed with the letters DT, shall be stamped on the cylinder and on the exterior of removable type dip tube. The length of each dip tube shall be checked when installed by weighing each cylinder after filling except when installed in groups of substantially identical cylinders in which case one of each 25 cylinders shall be weighed. The quantity of liquefied gas in each container must be checked by means of the dip tube after disconnect-

ing from the charging line. The outlet from the dip tube shall not be larger than a No. 54 drill size orifice. A container representative of each day's filling at each charging plant shall have its contents checked by weighing after disconnecting from the charging line.

Superseding and amending paragraph (k), table, section 303, *Restrictions for gases named in table*, orders August 16, 1940, and April 19, 1948, to read as follows:

Kind of gas	Maximum permitted filling density (see sec. 303 (h))	Cylinders* marked as shown in this column must be used except as provided in Note 1 and sec. 303 (p) (2) to 303 (p) (6)
(Add) Carbon dioxide-nitrous oxide mixture (see note 3).	Percent 68	ICC-3A1800; ICC-3.
(Change) Vinyl methyl ether, inhibited (see note 7).	Percent 68	ICC-4B300, without brazed seams; ICC-4BA, without brazed seams; ICC-3A300; ICC-3B300; ICC-25.

Superseding and amending paragraph (k), section 303, note 3 to table, *Restrictions for gases named in table*, order April 19, 1948, to read as follows:

NOTE 3: The maximum amount of liquefied carbon dioxide, nitrous oxide, or carbon dioxide-nitrous oxide mixture, with 1 pound allowable variation in each cylinder, must not be over 20 pounds for standard cylinders 5½ inches in diameter by 51 inches long, nor over 50 pounds for standard cylinders 8½ inches in diameter by 51 inches long and larger: *Provided*, That cylinders having interior diameter not over 10 inches, walls not less than ⅜ inch thick, and capacity not less than 4,200 cubic inches, may be shipped by or for the United States Government when charged with not over 102 pounds of gas.

*Provided, further*, That foregoing provisions of this note do not apply to cylinders of size not over 9½ inches by 51 inches (approximately) when charged with mixtures of carbon dioxide or nitrous oxide containing at least 6 percent by weight of gas or liquid other than carbon dioxide or nitrous oxide.

*Provided, further*, That cylinders marked ICC-3A2300 or for higher pressures are authorized to be shipped when charged with 75 or 100 pounds of gas with not over 1 pound variation plus or minus; filling density must not exceed 68 percent.

Superseding and amending paragraph (n) (2), section 303, *Liquefied petroleum gas*, order April 19, 1948, to read as follows:

(n) (2) *Spec. 3, 3A, 3B, 3E, 4, 4B, 4BA, 4B240X, 4B240FLW, 9, 25, 26, or 38.* Cylinders authorized under section 303 (p) (2) to 303 (p) (6) may be used. (Notes 1 and 2 not cancelled.)

Amending section 303, order August 16, 1940, as follows (add):

(p) (16) (a) Repairs on ICC-4 series, and ICC-8, welded or brazed cylinders are authorized to be made by welding or brazing. Such repairs must be made by a manufacturer of this type of ICC cylinder and by a process similar to that used in its manufacture and under the following specific requirements:

(p) (16) (b) Cylinders with injurious defects in welded joints in or on pressure parts must be repaired by com-

pletely removing the defect prior to re-welding.

(p) (16) (c) Cylinders with injurious defects in brazed joints in or on pressure parts must be repaired by rebrazing.

(p) (16) (d) Cylinders during welding must be free of materials in contact with the welded joint that may impair the serviceability of the metal in or adjacent to the weld. (Precautions must be taken to prevent acetylene cylinder steels from picking up carbon during repair.)

(p) (16) (e) Neckrings, footrings, or other nonpressure attachments authorized by the specification may be replaced or repaired.

(p) (16) (f) After removal, and before replacement of attachments, cylinders must be inspected and defective ones rejected, repaired or rebuilt.

(p) (16) (g) After repair, cylinders must be reheat treated, tested, inspected and reported when and as prescribed by the specification covering their original manufacture in the following circumstances:

(p) (16) (h) When welding or brazing seams in a pressure part of a cylinder.

(p) (16) (i) When welding or brazing on pressure parts of cylinders of plain carbon steels with carbon over 0.25 percent or manganese over 1.00 percent or of alloy steels.

NOTE: The physical and flattening tests may be omitted when the cylinders are not reheat-treated.

(p) (16) (j) Repair of cylinders must be followed by a proof pressure leakage test at prescribed test pressure and visual examination for weld quality in the following circumstances:

(p) (16) (k) When welding or brazing on pressure parts of cylinders of plain carbon steel with carbon 0.25 percent or less and manganese 1.00 percent or less.

(p) (16) (l) Repair of nonpressure attachments by welding or brazing without affecting a pressure part of the cylinder must be followed by visual examination for weld quality.

(p) (16) (m) Walls, heads or bottoms of cylinders with injurious defects or leaks in base metal shall not be repaired, but may be replaced as provided for in section 303 (p) (17) (a).

(p) (17) (a) Rebuilding of ICC-4 series, and ICC-8, welded or brazed cylinders is authorized. Such rebuilding must be done by a manufacturer of this type of ICC cylinder and by a process similar to that used in its original manufacture and under the following specific requirements:

(p) (17) (b) The replacement of a pressure part such as wall, heads, or bottoms of cylinders or the replacement of the porous filling material, shall be considered as rebuilding.

(p) (17) (c) Rebuilt cylinders shall be considered as new cylinders and shall conform to all the requirements of the specifications applying, including verification of material, examination, inspection, etc., and the rendering of the proper reports to the purchaser, cylinders rebuilder, and the Bureau of Explosives.

(p) (17) (d) Information in sufficient detail regarding previous serial numbers and identification symbols must be filed with the Bureau of Explosives.

Superseding and amending paragraph (q) (1), table, section 303, *Compressed gases in tank cars and motor vehicles*, order April 19, 1948, to read as follows:

Name of gas	Maximum permitted filling density, note 1	Required type of tank car, note 2
Liquefied petroleum gas (pressure not exceeding 75 pounds per square inch at 105° F.)	Note 3...	Note 9, ICC-101A. Note 13.

(Add):

NOTE 13. Fusion welded portable tanks manufactured prior to April 19, 1948 in complete compliance with specifications included in ICC authority No. 3666 dated December 23, 1939 (235 I. C. C. 595), are authorized for the transportation of commercial butane: *Provided*, That (1) certificate of manufacture for each tank and record of each required five year retest is filed with the Bureau of Explosives, and (2), in addition to the markings prescribed by the aforementioned authority each tank is permanently marked ICC-50X.

Superseding and amending section 326, orders August 16, 1940, and August 19, 1946, to read as follows:

326. *Extremely dangerous poisons; Class A—Poison gas label.* (a) Poisonous gases or liquids of such nature that a very small amount of the gas, or vapor of the liquid, mixed with air is dangerous to life. This class includes the following:

Chlorpicrin.  
Cyanogen.  
Cyanogen chloride containing less than 0.9 percent water.  
Diphosgene.  
Ethylchlorarsine.  
Hydrocyanic acid.  
Lewisite.  
Methylchlorarsine.  
Mustard gas.  
Nitrogen peroxide (tetroxide).



Phenylcarbylamine chloride,  
Phosgene (diphosgene).

Note: Dilute solutions of hydrocyanic acid of not exceeding 5 percent strength are classed as poisonous articles, class B, (see section 336 and section 350).

Superseding and amending paragraph (a) (1), sec. 331A, *Hexaethyl tetraphosphate etc.*, order July 22, 1948, to read as follows:

(a) (1) Hexaethyl tetraphosphate, parathion, and tetraethyl pyrophosphate mixtures with compressed gas, containing not more than 10 percent by weight of hexaethyl tetraphosphate, parathion or tetraethyl pyrophosphate must be packed in specification containers as follows:

Superseding and amending paragraph (c), section 339, *Aniline oil*, orders August 16, 1940 and August 13, 1943, to read as follows:

(c) Spec. 5, 5A, or 5B metal barrels or drums; Spec. 17C single-trip metal drums; Spec. 17E single-trip metal drums not over 5 gallons capacity each. Net weight in 110-gallon drums should not exceed 915 pounds; gaskets not less than one-eighth inch thick must be used at bung and filling holes and must be made of hard fiber impregnated with glycerin, or of metal-covered cork, or of impregnated asbestos sheets, or metal-covered asbestos; filled drums must be so placed that bungs will be subjected to hydrostatic head of oil contained therein for a period of not less than 12 hours; the exterior of filled drums must be carefully examined for evidence of aniline oil, any traces of which must be removed by washing off with water or, preferably, weak acetic acid; the space between rolling hoops immediately around the bung should be painted, to aid in the detection of leaks at this point; drums showing no signs of leakage only may be shipped; all returnable drums must bear the following returnable container notice, shelacked to head of drum near consignee's name and address:

Prevent damage to foodstuffs, or other freight. Drain this drum thoroughly, tightening bungs securely in place with gaskets, before returning. If necessary, use new gaskets. Aniline oil stains on the outside of drums should be washed off with water or, preferably, weak acetic acid.

Metal barrels or drums under this paragraph must not have openings exceeding 2.3 inches in diameter.

Superseding and amending paragraph (c), section 367, *Radioactive material such as ores, residues etc.*, order October 24, 1947, to read as follows:

(c) Radioactive materials such as ores, residues, etc., of low activity packed in strong tight containers are exempt from specification packing and labeling requirements for shipment in carload lots by rail freight provided the gamma radiation or equivalent will not exceed 10 milliroentgens per hour at a distance of 12 feet from any surface of the car and that the gamma radiation or equivalent will not exceed 10 milliroentgens per hour at a distance of 5 feet from either end surface of the car. There must be

no loose radioactive material in the car, and the shipment must be braced so as to prevent leakage or shift of lading under conditions normally incident to transportation. The car must be placarded by the shipper as provided in section 541A and 552 of these regulations. Shipments must be loaded by consignor and unloaded by consignee.

Superseding and amending paragraph (p) (1), section 402, *Labels and markings*, order July 22, 1948, to read as follows:

(p) (1) Labels and marking name of contents are not required on carload or truckload quantities of dangerous articles, except class A, class C or class D poisons, by rail freight, rail express or highway, when such shipments are unloaded by the consignee or his duly authorized agent from the car or motor vehicle in which originally loaded.

#### Appendix to Part 3—Shipping Container Specifications (CFR 72)

Superseding and amending paragraph 8A, specification 3A, *Welding or brazing*, order April 19, 1948, to read as follows:

8A. Welding or brazing for any purpose whatsoever is prohibited except as follows: (1) Welding or brazing is authorized for the attachment of neckrings and footrings which are non-pressure parts, and only to the tops and bottoms of cylinders having a service pressure of 500 pounds per square inch or less. Cylinders, neckrings, and footrings must be made of weldable steel, carbon content of which must not exceed 0.25 percent except in the case of 4130X steel which may be used with proper welding procedure. (2) As permitted in paragraph 8.

Note: Cylinders used solely in anhydrous ammonia service may have a 1/2 inch diameter bar welded within their concave bottoms in accordance with the foregoing requirements.

Superseding and amending (a) of paragraph 10, specification 3AA, *Heat treatment*, order August 19, 1946, to read as follows:

(a) All cylinders must be oil-quenched except as noted in paragraphs (e) and (g).

Amending paragraph 10, specification 3AA, *Heat treatment*, order August 19, 1946, as follows (add):

(g) Steels coming under this specification may be quenched in molten salt bath maintained at a temperature not less than 375° F.

Amending specification 3EN, order August 16, 1940, as follows (add):

8A. Welding or brazing for any purpose whatsoever is prohibited except as follows: (1) Welding is authorized for the attachment of neckrings and footrings which are nonpressure parts, and only to the tops and bottoms of cylinders. Neckrings and footrings must be of weldable material, carbon content of which must not exceed 0.25 percent. Nickel welding rod must be used.

Amending specification 3E, order August 16, 1940, as follows (add):

8A. This paragraph does not apply.

Superseding and amending paragraph 13 (a), specification 3E, *Hydrostatic test*, order August 16, 1940, to read as follows:

13. (a) *Hydrostatic test*. Cylinders must be tested as follows:

(1) One cylinder out of each lot of 500 or less to be subjected to hydrostatic pressure of 6,000 pounds per square inch or higher.

(2) The cylinder referred to in (1) above shall burst at a pressure higher than 6,000 pounds per square inch, or shall hold a pressure of 12,000 pounds per square inch for 30 seconds without bursting, in which case it shall be subjected to a crush test of six times wall thickness.

Note: Inspector's report shall be suitably changed to show results of latter alternate and crush test.

(3) Other cylinders must be examined under pressure of 3,000 pounds per square inch and show no defect.

Amending specification 4, order August 16, 1940, as follows (add):

8A. The attachment to the tops and bottoms only of cylinders by welding or brazing 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 except in the case of 4130X steel which may be used with proper welding procedure.

Amending specification 4A, order August 16, 1940, as follows (add):

8A. The attachment to the tops and bottoms only of cylinders by welding or brazing 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 except in the case of 4130X steel which may be used with proper welding procedure.

Amending specification 4B, order August 16, 1940, as follows (add):

8A. The attachment to the tops and bottoms only of cylinders by welding or brazing 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 except in the case of 4130X steel which may be used with proper welding procedure.

Superseding and amending paragraph 11, specification 4B, order February 13, 1946, to read as follows:

11. *Openings in cylinders*. (a) Each opening in cylinders, except those for safety devices, must be provided with a fitting, boss, or pad, securely attached to cylinder by brazing or by welding or by threads. Fitting, boss, or pad must be of steel suitable for the method of attachment employed, and which need not be



identified or verified as to analysis, except that if attachment is by welding, carbon content must not exceed 0.25 percent. If threads are used, they must comply with the following:

(1) Threads must be clean cut, even, without checks, and tapped to gauge.

(2) Taper threads to 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.

(b) Closure of fitting, boss, or pad must be adequate to prevent leakage.

19. Table I.

TABLE I—TYPE OF MATERIAL  
[Chemical analysis—Limits in percent]

Chemical analysis	1315 <sup>1</sup>	HIS <sup>1</sup>	MAY <sup>1</sup>	NAX <sup>1</sup>	COR <sup>1</sup>	4017 <sup>1</sup>
Carbon	0.10/0.20	0.12 max.	0.12 max.	0.20 max.	0.12 max.	0.13/0.20
Manganese	1.30/1.65	0.30/0.90	0.30/1.00	0.45/0.75	0.20/0.50	0.75/1.10
Phosphorus	0.045 max.	0.05/0.12	0.08/0.12	0.045 max.	0.07/0.15	0.04 max.
Sulphur	0.05 max.	0.05 max.	0.05 max.	0.05 max.	0.05 max.	0.04 max.
Silicon	0.15/0.35	0.15 max.	0.10/0.50	0.50/0.90	0.25/0.75	0.25/0.35
Chromium			0.40/1.00	0.45/0.70	0.50/1.25	
Molybdenum		0.08/0.18				0.25/0.35
Zirconium				0.05/0.25		
Nickel		0.45/0.75	0.25/0.75		0.65 max.	
Copper	0.40 max.	0.95/1.30	0.50/0.70		0.25/0.55	
Aluminum		0.12/0.27				(?)
Heat treatment authorized	(?)	(?)	(?)	(?)	(?)	(?)
Maximum stress	35,000	35,000	35,000	35,000	35,000	35,000

<sup>1</sup> The commercial steel is limited as to chemical analysis as shown in the table.

<sup>2</sup> Any suitable heat treatment in excess of 1100° F.

Amending specification 4C, order August 16, 1940, as follows (add):

8A. The attachment to the tops and bottoms only of cylinders by welding or brazing of neckrings, footings, 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 except in the case of 4130X steel which may be used with proper welding procedure.

Superseding and amending paragraph 7 (d), specification 10B, order December 30, 1942, to read as follows:

7. (d) Hoops, number and size.

Capacity of container not over (gallons)	Minimum number of hoops	Minimum size of hoops (inches in width and Birmingham gage)							
		Head		First quarter		Second quarter		Bilge	
		Inch	Gage	Inch	Gage	Inch	Gage	Inch	Gage
50	18	1 1/4	17	1 1/4	18	1 1/4	18	1 1/4	17
30	6	1 1/4	18	1 1/4	19	1 1/4	19	1 1/4	18
15	6	1 1/4	19	1 1/4	19	1 1/4	19	1 1/4	19
10	6	1 1/4	19	1	19	1 1/4	19	1 1/4	19
5	6	1	19	1	19	1 1/4	19	1	19

<sup>1</sup> Because of the present emergency and until further order of the Commission, the minimum number of hoops is authorized to be reduced to 6 by eliminating second quarter hoops.

<sup>2</sup> Because of the present emergency and until further order of the Commission, the minimum number of hoops is authorized to be reduced to 4 by eliminating first quarter hoops if head and bilge hoops of 1 1/4 inch by 17 gage are used.

<sup>3</sup> 2 inch by 18 gage hoops are also authorized.

Amending specification 4BA, order April 19, 1948, as follows (add):

8A. The attachment to the tops and bottoms only of cylinders by welding or brazing of neckrings, footings, 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 except in the case of 4130X steel which may be used with proper welding procedure.

Superseding and amending paragraph 19, table I, specification 4BA, Type of material, order April 19, 1948, to read as follows:

Superseding and amending specification 23G, paragraph 13 (c), Completed containers, order January 23, 1946, to read as follows:

(c) Three loaded samples to be tested. Each must withstand side to side pressure of at least 500 pounds without deflection of over 1/2 inch; except that for boxes with fluted crimped ends the deflection shall not exceed 3/4 inch; speed of compression tester to be 1/2 inch per minute plus 1/4 inch minus 1/4 inch per minute.

Superseding and amending paragraph (1), specification MC200, order August 19, 1946, to read as follows:

1. Every motor vehicle used for the transportation of liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, other than desensitized liquid explosives as defined in section 61 (a) (5), shall have a body constructed as set forth below, which body shall have component parts as specified hereinafter:

Part 4—Regulations Applying Particularly to Carriers by Rail Freight (CFR 80)

Amending section 567, order August 16, 1940, as follows (add):

(d) Any car which has contained radioactive material must be thoroughly cleaned by the consignee in such a manner as to remove all radioactive material from the car, and a certificate to this effect must be furnished the local agent of the railway company before the car is released to the carrier.

Superseding and amending section 589, Handling cars, definitions, orders February 12, 1947, and May 8, 1947, to read as follows:

589. Handling cars, definitions. As used in this section, the term:

(1) "Person" means any individual, partnership, corporation, association, joint stock company, business trust or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity;

(2) "Railroad" means any person engaged in transportation as a common carrier by rail and includes its agents or employees;

(3) "Engine" means any locomotive, propelled by any form of energy, used by a railroad;

(4) "Freight car" means any vehicle used for the transportation of property by rail;

(5) "Passenger car" means any vehicle used for the transportation of passengers by rail;

(6) "Combination car" means any vehicle used for the transportation of both property and passengers by rail;

(7) "Occupied caboose" means any vehicle used by railroad employees, caretakers, or others authorized to ride therein;

(Change) (8) "A train" is one or more engines coupled together with or without cars displaying markers.

Superseding and amending specification 13, paragraph 8, Type test, order August 16, 1940, to read as follows:

8. Type test. Keg filled with fine, dry sand in weight equal to that of shipment must be capable of withstanding, without leakage, 4 successive drops of 4 feet on the head onto solid concrete. Tests to be made of each type and size by each company manufacturing this type of container and to be repeated every six months while in production. If production is discontinued and is resumed, this requirement will also apply if prescribed tests have not been made within the previous six-month period. Samples last tested to be retained until further tests are made.

Amending specification 13A, paragraph 8, Type test, order April 19, 1948, as follows (add):

(c) Tests to be made of each type and size by each company manufacturing this type of container and to be repeated every six months while in production. If production is discontinued and is resumed, this requirement will also apply if prescribed tests have not been made within the previous six-month period. Samples last tested to be retained until further tests are made.

Superseding and amending specification 23F, paragraph 19 (a), Flap closures, order April 19, 1948, to read as follows:

19. (a) Flap closures. Flaps must butt or have full overlap excepting that inner flaps overlapping 1/2 inch are permitted.



(Add) (9) "Freight train" means one or more engines coupled with one or more freight cars, displaying markers.

(Change) (10) "Passenger train" means one or more engines coupled with one or more passenger cars carrying passengers, displaying markers.

(Change) (11) "Mixed train" means one or more engines coupled with one or more freight cars and passenger cars carrying passengers, displaying markers.

(Change) (12) "Placarded car" shall be construed to embrace also any car which under these regulations is required to be placarded.

(Add) (13) (a) "Pickup and/or setoff service" shall be construed to mean trains in service that pick up and/or set off one or more cars at three or more stations enroute; (b) trains having cars from which less-than-carload freight is loaded or unloaded enroute; or (c) trains regularly scheduled to perform pickup and/or setoff service which on some days make less than three stops.

Superseding and amending paragraph (e) (1), section 589, *Notice to crews*, order July 28, 1947, to read as follows:

*Notice to crews of cars containing explosives in freight trains or mixed trains.* (e) (1) At all terminals or other places where trains are made up by crews other than road crew accompanying the outbound movement of cars, the railroad shall execute a consecutively numbered notice showing the location in the freight train or mixed train of every car placarded "Explosives". A copy of such notice shall be delivered to the train and engine crew and a copy thereof showing delivery to the train and engine crew shall be kept on file by the railroad at each point where such notice is given. At points other than terminals where train or engine crews are changed, the notice shall be transferred from crew to crew.

Superseding and amending paragraph (f) (1), section 589, *Position in trains*, order October 27, 1947, to read as follows:

*Position in freight train or mixed train of cars containing explosives.* (f) (1) In a freight train or a mixed train either standing or during transportation thereof, a car placarded "Explosives" shall, when length of train permits, be placed not nearer than the sixteenth car from both the engine or occupied caboose, except:

(a) When the length of freight train or mixed train will not permit it to be so placed, it shall be placed near the middle of the train;

(b) When transported in a freight train made up in "blocks" or classifications, a car placarded "Explosives" shall be placed near the middle of the "block" or classification in which moving, but not nearer than the sixth car from both the engine or occupied caboose;

(c) When transported in a freight train or a mixed train performing pickup and/or setoff service, it shall be placed not nearer than the second car from both the engine or occupied caboose, except as provided in section 589 (i) (1).

Superseding and amending paragraph (f) (2), section 589, order July 22, 1948, to read as follows:

(f) (2) In a freight train or a mixed train either standing or during transportation thereof, a car placarded "Explosives" must not be handled next to:

1. Occupied passenger car, other than gas handlers accompanying shipment.

2. Occupied combination car, other than gas handlers accompanying shipment.

3. Any car placarded "Dangerous."

4. Engine.

5. Any car placarded "Poison Gas."

6. Wooden underframe car (except on narrow gauge railroads).

7. Loaded flat car.

8. Open-top car when any of the lading extends or protrudes above or beyond the ends of sides thereof.

9. Car equipped with automatic refrigeration of the gas-burning type.

10. Car containing lighted heaters, stoves, or lanterns.

11. Car loaded with live animals or fowl, occupied by an attendant.

12. Occupied caboose (except as permitted in section 589 (i) (1)).

Superseding and amending paragraph (g) (1), section 589, order October 27, 1947, to read as follows:

*Position in train of loaded placarded tank car.* (g) (1) (a) In a freight train or a mixed train, except a train consisting entirely of placarded loaded tank cars and as provided in sec. 589 (g) (2), a placarded loaded tank car shall when the length of the train permits, be not nearer than the sixth car from the engine, occupied caboose or passenger car.

(g) (1) (b) When the length of the freight train or mixed train will not permit it to be so placed, it shall be not nearer than the second car from the engine, occupied caboose or passenger car.

(g) (1) (c) When transported in a freight train engaged in "pickup" or "setoff" service, a placarded loaded tank car shall be not nearer than the second car from both engine or occupied caboose.

Superseding and amending paragraph (h) (1) and heading, section 589, order February 12, 1947, to read as follows:

*Position in freight train or mixed train of cars placarded "Poison Gas" or containing poison liquids Class A.* (h) (1) In a freight train or mixed train either standing or during transportation thereof, a car placarded "Poison Gas" or containing poison liquids, Class A, shall not be next to other freight cars placarded "Explosives" or cars placarded "Dangerous".

Superseding and amending paragraph (i) (1) and heading, section 589, orders July 28, 1947, and February 12, 1947, to read as follows:

*Position in freight train or mixed train of cars placarded "explosives" and "poison gas" or containing poison liquids when accompanied by cars carrying gas handling crews.* (i) (1) A car placarded "Poison Gas" or containing poison liquids Class A in drums, tanks or bombs, or a car placarded both "Explosives" and "Poison Gas" shall at all times be next to and ahead of the car occupied by the gas handling crews, when accompanying such car.

*Part 7—Regulations Applying to Shipments Made by Way of Common, Contract or Private Carriers by Public Highway (CFR 85)*

Superseding and amending paragraph (b) (1), section 815, *Labels etc.*, order July 22, 1948, to read as follows:

(b) (1) Labels and marking name of contents are not required on truckload quantities of dangerous articles, except Class A, class C or class D poisons, when such shipments are unloaded by the consignee or his duly authorized agent from the motor vehicle in which originally loaded.

Superseding and amending paragraph (a), section 821, *Nitroglycerin etc.*, order August 19, 1946, to read as follows:

821. (a) Nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, forbidden to common carriers. Liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, except as defined in sec. 61 (a) (5), may not be accepted for transportation or be transported by any common carrier by motor vehicle.

Superseding and amending paragraphs (a) and (b), section 822, *Acceptable packages*, order August 19, 1946, to read as follows:

822. (a) *Acceptable packages.* Any motor carrier may accept for transportation or transport any acceptable explosive or other dangerous articles listed in the Commodity List, Part 2, of the regulations in this part: *Provided, however,* That no provision of this section shall be so construed as to permit the acceptance or transportation of liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, other than as defined in section 61 (a) (5), by any common carrier.

(b) *Liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate.* Liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, other than as defined in section 61 (a) (5), may be transported only by motor carriers other than common carriers in containers complying with specification MC200. No form of trailer may be attached.

Superseding and amending paragraph (b) (3), section 824, *Explosives on trucks or semitrailers*, order August 19, 1946, to read as follows:

824. (b) (3) *Explosives on trucks or semitrailers; no other trailer.* Any explosive other than liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, except as defined in section 61 (a) (5), and forbidden explosives may be loaded into and transported on any truck or any semitrailer attached to a tractor, to which no form of trailer may be attached when so loaded.

Superseding and amending paragraph (b) (8), section 824, *Lading within body or covered, tailgate closed*, order August 19, 1946, to read as follows:

(b) (8) *Lading within body or covered, tailgate closed.* Except as provided in section 824 (b) (7), (b) (11)



and (b) (13), dealing with the transportation of liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, other than as defined in section 61 (a) (5), all of that portion of the lading of any motor vehicle which consists of explosives shall be contained entirely within the body of the motor vehicle, and if such motor vehicle has a tailboard or tailgate, it shall be closed and secured in place during such transportation. Every motor vehicle transporting explosives must either have a closed body or have the body thereof covered with a tarpaulin, and in either event care must be taken to protect the load from moisture and sparks.

Superseding and amending paragraph (b) (11), section 824, *Loading requirements for liquid nitroglycerin etc.*, order August 19, 1946, to read as follows:

(b) (11) *Loading requirements for liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate.* Liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, other than as defined in section 61 (a) (5), may be accepted for transportation and transported only by motor carriers other than common carriers if it be loaded into or on a truck having the type of body specified in specification MC200. No liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate may be loaded

directly above any other explosive, or in any quantity in excess of 900 quarts on one motor vehicle or 10 quarts in any one individual container. Additional quantities of explosives, other than nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, excepting any type of blasting or percussion cap or other detonating device, may be carried on such motor vehicle in a closed or covered bed or body which shall be firmly bolted or fastened above the lid of the compartment containing the nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate. In no case shall the net load be more than 7,500 pounds. (See section 824 (b) (13) and specification MC201.)

Superseding and amending paragraph (b) (13), section 824, *Caps or other explosives*, order August 19, 1946, to read as follows:

(b) (13) *Caps or other explosives.* Any explosives, including desensitized liquid explosives as defined in section 61 (a) (5), other than liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, transported on any motor vehicle transporting liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, shall be segregated; each kind from every other kind, and from tools or other supplies. Any percussion caps, detonators, blasting caps, or electric blasting

caps, shall be carried either in a cloth container having individual pockets for each such cap, or by a least equally safe means. No greater number of any such caps shall be carried in the manner described than is necessary for use on any particular trip.

*It is further ordered,* That the aforesaid regulations as further amended herein shall be and remain in full force and effect on and after January 17, 1949, and shall be observed until further order of the Commission.

*It is further ordered,* That compliance with the aforesaid regulations, as amended, made effective by this order, is hereby authorized on and after day of service hereof;

*And it is further ordered,* That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, Pub. Law 772, 80th Cong.: 62 Stat. 738-739; 49 U. S. C. 304)

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 48-9513; Filed, Oct. 28, 1948; 8:47 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF THE TREASURY

#### Bureau of Internal Revenue

#### [26 CFR, Part 191]

#### IMPORTATION OF DISTILLED SPIRITS AND WINES

##### NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue (and concurred in by the Commissioner of Customs), with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted, in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of Sections 2800 as amended, 3030 as amended, and 3176 of the Internal Revenue Code (U. S. C., Title 26, Sections 2800, 3030, and 3176).

[SEAL]

FRED S. MARTIN,  
Acting Commissioner  
of Internal Revenue.

1. In order to correct the regulations to conform to the intentment of section

3030 (a) (2) of the Internal Revenue Code, §§ 191.8 and 191.9 of Regulations 21 (26 CFR, 191.8 and 191.9) are amended to read as follows:

§ 191.8 *Liqueurs, cordials, and similar compounds.* Liqueurs, cordials, and similar compounds, containing distilled spirits, in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn, at the rate of \$9 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon. Wines containing not over 24 per centum of alcohol by volume to which sweetening or flavoring materials, but no distilled spirits, have been added are not classified as liqueurs, cordials, or similar compounds, but are considered to be flavored wines only and are subject to internal revenue tax at the rates applicable to wines. (Secs. 2800 as amended, 3030 as amended, 3176, I. R. C.)

§ 191.9 *Rate of tax on other compounds and preparations.* Compounds and preparations, other than those specified in § 191.8, containing distilled spirits, which are fit for beverage purposes, in customs bonded warehouse or imported into the United States are subject to internal revenue tax at the rate of \$9 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional

parts of such proof or wine gallon. Compounds and preparations containing wine, but no distilled spirits, which are fit for beverage purposes and which are sold as wine, are subject to internal revenue tax at the rates applicable to wines. (Secs. 2800 as amended, 3030 as amended, 3176, I. R. C.)

2. The effect of these amendments is that, on imported liqueurs, cordials, and similar compounds and preparations, internal revenue tax will be collected, (1) at the basic rate applicable to distilled spirits (namely, \$9 per proof gallon, or wine gallon when below proof), if the products contain distilled spirits, or (2) at the basic rates applicable to wines (namely, 15 cents per wine gallon when containing not more than 14 per centum of alcohol by volume, 60 cents per wine gallon when containing more than 14 per centum and not exceeding 21 per centum of alcohol, \$2 per wine gallon when containing more than 21 per centum and not exceeding 24 per centum of alcohol, and \$9 per wine gallon, or proof gallon if over 100 proof, when containing more than 24 per centum of alcohol) if the products contain wine, but no distilled spirits, and are sold as wine. Such taxes will be collected, instead of the taxes levied by Section 3030 (a) (2), for the reasons hereinafter stated.

3. Taxes were collected on such products at the regular (basic) rates applicable to distilled spirits and wines during the entire period intervening between



the original act of September 8, 1916, which imposed basic taxes on wines and an additional tax, in lieu of rectification tax, on liqueurs, cordials, and similar compounds made with domestic fortified wines, and December 15, 1940, the effective date of Regulations 21, which contain erroneous instructions for collection of the additional tax (now levied by section 3030 (a) (2)), instead of the basic taxes, on such products. Tax at the distilled spirits rate was likewise collected on such products, which contained distilled spirits, prior to the act of September 8, 1916.

4. It is evident from the original act of September 8, 1916, the Legislative History of that Act, the subsequent superseding and amendatory acts (from which section 3030 (a) (2) was derived and codified), and the various related statutes, that the tax levied by section 3030 (a) (2) is an additional tax, in lieu of the rectification tax, applicable only to products made with domestic fortified wine, and is intended as an equalizing tax to compensate to some extent for the difference between the wine tax and the regular distilled spirits tax, when wines containing tax-free brandy are used by a rectifier to make liqueurs. The present instructions in § 191.8 of Regulations 21 (26 CFR, 191.8) for collection of the tax levied by section 3030 (a) (2), I. R. C., on imported liqueurs, cordials, and similar compounds, instead of the regular (basic) taxes applicable to distilled spirits and wines, go beyond the intent and purpose of the law and are, therefore, erroneous. The distilled spirits and fortified wines used to make domestic liqueurs, cordials, and similar compounds are subject to tax at the regular distilled spirits and wine rates, and, in addition, the products are subject to the additional tax levied by section 3030 (a) (2).

5. This Treasury Decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(Sec. 2800 as amended, 3030 as amended, and 3176 of the Internal Revenue Code (26 U. S. C. 2800, 3030, and 3176))

[F. R. Doc. 48-9531; Filed, Oct. 28, 1948; 8:53 a. m.]

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

#### [7 CFR, Part 941]

#### HANDLING OF MILK IN CHICAGO, ILL., MILK MARKETING AREA

#### DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENTS TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE CHICAGO, ILLINOIS, MILK MARKETING AREA

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing procedures to formulate marketing agreements and orders (7 CFR, Supps.

900.1 et seq.), a public hearing was held at Chicago, Illinois, June 30, 1948, after the issuance of notice on June 17, 1948 (13 F. R. 3342).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on August 30, 1948, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on September 3, 1948 (13 F. R. 5158).

The sole material issue of record was the extent, if any, to which handlers who produce certified milk, and whose sole distribution in the marketing area is certified milk, should be relieved of obligations as handlers under the order with respect to milk not of their own production.

**Rulings on exceptions.** Exceptions to the recommended decision were filed on behalf of Wern Farms.

In arriving at the findings and conclusions decided upon in this decision, each of the exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions decided upon herein are at variance with the exceptions pertaining thereto, such exceptions are overruled.

Exception was taken to failure of the decision recommended by the Assistant Administrator to find numerous facts, principally concerned with details of the proponent's operations, and with the distinctive characteristics of certified milk. This proceeding is concerned with amendment to an order and for this purpose the operations of the proponent are recognized in the decision in sufficient detail. It does not appear that any finding with respect to characteristics of certified milk as distinct from those of regular milk would form a basis for providing amendments releasing the handling of regular milk from regulation under the order, which the exceptions clearly recognize as the main issue by stating that "the real issue is the pooling of producer milk, particularly the uncertified producer milk, purchased by Wern Farms." The exceptions, while conceding the milk in question to be approved for consumption in Chicago, claim it to be no part of the Chicago supply. The basis for making a distinction susceptible of general application under the order between Chicago approved milk which is part of the Chicago supply and that which is not is not apparent in the record.

Exception also was taken to the recommended decision on the ground that the Chicago approved milk sought by the proponent to be released from regulation was not within the regulatory jurisdiction of the Federal Government, in that, allegedly, it was not in interstate commerce or affected interstate commerce in milk and its products. The conclusion was not supported by the record and the exception is without merit.

**Findings and conclusions.** The findings and conclusions set forth in the

FEDERAL REGISTER (F. R. Doc. 48-7891, 13 F. R. 5158) with respect to this issue are approved and adopted as the findings and conclusions of this decision as if set forth in full herein. Such findings and conclusions provide for no change in the order currently in effect or in the marketing agreement heretofore tentatively approved by the Secretary of Agriculture.

This decision filed at Washington, D. C., this 25th day of October 1948.

[SEAL]

A. J. LOVELAND,

Acting Secretary of Agriculture.

[F. R. Doc. 48-9510; Filed, Oct. 28, 1948; 8:47 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [47 CFR, Parts 8, 13]

[Docket No. 8913]

#### SHIP SERVICE AND COMMERCIAL RADIO OPERATORS

#### FURTHER NOTICE OF PROPOSED RULE MAKING AND NOTICE OF DESIGNATION FOR GENERAL PUBLIC HEARING AND ORAL ARGUMENT

1. Notice is hereby given of further proposed rule making in the above-entitled matter. Notice is also given that the above-entitled matter is hereby designated for general public hearing and oral argument to be held in Washington, D. C., commencing at 10:00 a. m. on November 22, 1948.

2. On April 5, 1948, the Commission released a notice of proposed rule making in this matter. This proposal is in three parts, as follows:

a. The first part proposes that if the radar is capable of being normally operated, in accordance with law and the rules and regulations of the Commission, by exclusively external controls, the master of the radar equipped ship, or a person responsible to him and authorized by him, may, even though not holding a radio operator license issued by this Commission, conduct the normal operation of the radar aboard ship.

b. The second part proposes that all adjustments or tests during or coincident with the installation, servicing, or maintenance of the radar while it is radiating energy must be performed by or under the immediate supervision and responsibility of individuals holding valid first or second class radio operator licenses, either radiotelephone or radiotelegraph.

c. The third part proposes that the issuance of a ship radar station license shall be subject to the condition that the station licensee, in relation to the proper operation of the station in accordance with the radio law and the rules and regulations of the Commission, will be represented on board the radar-equipped vessel by the person who at any given time occupies the position of master.

3. Comments on the above proposal were received from a number of manufacturers and a number of radar user groups. No comment for or against the third part was received. General agree-