

§ 78.219 Specification 23H; fiberboard boxes.

§ 78.219-5 Tape.

(a) * * *

(2) When pressure sensitive filament reinforced tape is used for vertical application as provided by § 78.219-12, tape backing shall have a minimum longitudinal tensile strength of not less than 160 pounds per inch of width and a minimum elongation of 12 percent at break or not less than 240 pounds per inch of width and a minimum elongation of 3 percent at break. The tape shall have sufficient transverse strength to prevent raveling or separation of the filaments. Tape shall have an adhesion of 18 ounces per inch of width minimum when tested according to acceptable methods. Tape shall adhere immediately and firmly to fiberboard surface when applied with hand pressure in the temperature range of 0° to 120° F. No solvent or heat shall be necessary to activate the adhesive.

Subpart H—Specifications for Portable Tanks

In § 78.245-4 amend paragraphs (b) and (c); in § 78.245-5 amend paragraph (b) (15 F.R. 8483, 8484, Dec. 2, 1950) to read as follows:

§ 78.245 Specification 51; steel portable tanks.

§ 78.245-4 Tank mountings.

(b) All tank mountings such as skids, fastenings, brackets, cradles, lifting lugs, etc., intended to carry loadings shall be permanently secured to tanks in accordance with the requirements under which the tanks are fabricated, and shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a safety factor of not less than four, based on the ultimate strength of the material to be used.

(c) Lifting lugs or hold-down lugs may be attached to either the tank or tank mountings. If lifting lugs and hold-down lugs are attached directly to the tank, they shall be attached to doubling plates welded to the tank and located at points of support, except that lifting lugs or hold-down lugs with integral bases serving as doubling plates may be welded directly to the tank. Each lifting lug and hold-down lug shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a safety factor of not less than four, based on the ultimate strength of the material to be used.

§ 78.245-5 Protection of valves and accessories.

(b) Protective housing shall comply with the requirements under which the tanks are fabricated with respect to design and construction, and shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a safety factor of

not less than four, based on the ultimate strength of the material to be used.

Subpart J—Specifications for Containers for Motor Vehicle Transportation

Amend entire § 78.336-4; in § 78.336-5 amend paragraph (b) (15 F.R. 8556, Dec. 2, 1950) to read as follows:

§ 78.336 Specification MC 330; steel cargo tanks.

§ 78.336-4 Provisions for anchoring tanks to motor vehicles.

(a) Whenever any tank motor vehicle is so designed and constructed that cargo tank constitutes in whole or in part the stress member used in lieu of a frame, such cargo tanks shall be designed to withstand the stresses thereby imposed in addition to those covered by "the Code".

(b) "Hold-down" devices, when used, shall anchor the tank to the cradle, frame or chassis in a suitable and safe manner that will not introduce undue concentration of stresses. These devices shall incorporate positive means for drawing the tank down tight and suitable stops or anchors shall be provided to prevent relative movement between tank and framing due to stopping, starting or changes in direction.

(c) The means of attachment of any tank to the cradle, frame, or chassis of a motor vehicle shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a safety factor of not less than four, based on the ultimate strength of the material to be used.

(d) Stops and anchors shall be installed so as to be readily accessible for inspection and maintenance, except that for lagged tanks lagging is permitted to cover such areas.

§ 78.336-5 Protection of valves and accessories.

(b) Protective housing shall comply with the requirements under which the tanks are fabricated with respect to design and construction, and shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a safety factor of not less than four, based on the ultimate strength of the material to be used.

[F.R. Doc. 59-927; Filed, Feb. 5, 1959; 8:45 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte MC-5]

PART 174—SURETY BONDS AND POLICIES OF INSURANCE

Operations in Foreign Commerce

In the matter of security for the protection of the public as provided in Part II of the Interstate Commerce Act, and of rules and regulations governing filing and approval of bonds, policies of insurance, qualifications as a self-insurer, or

other securities and agreements by motor carriers and brokers subject to Part II of the Act.

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 27th day of January A.D. 1959.

The matter of revision of § 174.11 contained in our rules and regulations governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements prescribed pursuant to section 215 of the Interstate Commerce Act (49 CFR 174.11), being under consideration; and

It appearing, that the revision of the rule in question is by nature interpretative and therefore the procedure set out in section 4(a) of the Administrative Procedure Act (5 U.S.C., sec. 1003(a)) is not applicable; and good reason appearing therefor,

It is ordered, That § 174.11 be revised to read as follows:

§ 174.11 Operations in foreign commerce.

No motor carrier may operate in the United States in the course of transportation between places in a foreign country or between a place in one foreign country and a place in another foreign country unless and until there shall have been filed with and accepted by the Commission a certificate of insurance, surety bond, proof of qualifications as a self-insurer, or other securities or agreements in the amount prescribed in § 174.2(a), conditioned to pay any final judgment recovered against such motor carrier for bodily injuries to or the death of any person resulting from the negligent operation, maintenance, or use of motor vehicles in transportation between places in a foreign country or between a place in one foreign country and a place in another foreign country, insofar as such transportation takes place in the United States, or for loss of or damage to property of others. The security for the protection of the public required by this section shall be maintained in effect at all times and shall be subject to the provisions of §§ 174.5, 174.6, 174.7, 174.8, 174.9 and 174.10; *Provided*, That the requirements of § 174.8(a) shall be satisfied if the insurance or surety company, in addition to having been approved by this Commission, is legally authorized to issue policies or surety bonds in at least one of the States in the United States, or one of the Provinces in Canada, and has filed with this Commission the name and address of a person upon whom legal process may be served in each State in or through which the motor carrier operates. Such designation may from time to time be changed by like designation similarly filed, but shall be maintained during the effectiveness of any certificate of insurance or surety bond issued by the company, and thereafter with respect to any claims arising during the effectiveness of such certificate or bond; and *Provided further*, That the term "motor carrier" as used in this section shall not include private carriers or carriers operating under the partial exemptions from regulation in sections

202(c) or 203(b) or the Interstate Commerce Act (49 U.S.C. 302(c) and 303(b)).

It is further ordered, That this order shall cancel and supersede the order entered December 15, 1958, in this proceeding.

It is further ordered, That this order shall become effective January 27, 1959 and shall remain in effect until it is otherwise ordered by this Commission.

And it is further ordered, That notice of this order shall be given to the public

by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing with the Director, Federal Register Division. (49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies sec. 215, 49 Stat. 557; 49 U.S.C. 315)

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-1059; Filed, Feb. 5, 1959;
8:50 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 212]

DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; AD- MISSION OF CERTAIN INADMISS- IBLE ALIENS; PAROLE

Permission to Reapply

Correction

In F.R. Doc. 59-914, appearing at page 714 of the issue for Saturday, January 31, 1959, the word "is" at the beginning of the 6th line, 3rd column, should read "it".

DEPARTMENT OF HEALTH, EDU- CATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 9]

COLOR CERTIFICATION

Notice of Proposal to Amend Color- Certification Regulations with Re- spect to Lakes

Notice is hereby given that H. Kohnstamm and Company, Inc., 161 Avenue of the Americas, New York 13, New York, has proposed that provisions in the color-certification regulations applying to lakes of FD&C colors (now certified only for external application to shell eggs) be amended to permit certification for use in other foods. Notice is also given that Ansbacher-Siegle Corporation, Rosebank, Staten Island, New York, has proposed that provisions in the color-certification regulations applying to lakes of D&C colors and Ext D&C colors be amended by adding "calcium carbonate" to the lists of permitted substrata.

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 406, 504, 604, 701; 52 Stat. 1049, 1052, 1055, as amended 70

Stat. 919; 21 U.S.C. 346, 354, 364, 371), and delegated to the Commissioner of Food and Drugs (23 F.R. 9500), all interested persons are invited to present their views in writing regarding the proposals published herein. Views and comments should be submitted in quintuplicate addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

I. The amendments to Part 9 of Title 21 of the Code of Federal Regulations (21 CFR Part 9) proposed by H. Kohnstamm and Company, Inc., are as follows:

1. It is proposed to delete from § 9.3(a) the parenthetical phrase "(subject to the restrictions prescribed by paragraph (c) of this section)".

2. It is proposed to amend § 9.3(a) by inserting in the paragraph under the item "Lakes" the word "certified". As amended, this paragraph will read:

Any lake made by extending on a substratum of alumina a salt prepared from one of the certified water-soluble straight colors listed in this paragraph by combining such color with the basic radical aluminum or calcium.

3. It is proposed to amend § 9.3(a) by inserting as the first specification under the heading "Specifications", following the item captioned "Lakes", the following:

Prepared from previously certified colors listed in this paragraph.

and by deleting the specifications:

Ether extracts, not more than 0.3 percent.

and

Intermediates, not more than 0.1 percent.

4. It is proposed to delete § 9.3(c).

5. It is proposed to delete from the introduction to § 9.6(a) the parenthetical phrase "(subject to the restrictions prescribed in paragraph (d) of this section)".

6. It is proposed to delete § 9.6(d).

7. It is proposed to delete § 9.10(i).

8. It is proposed to delete from § 9.11 (a) (4) the phrase "any lake listed in § 9.3 or".

II. The amendments proposed by the Ansbacher-Siegle Corporation are as follows:

1. It is proposed to amend § 9.4(a) by inserting the words "calcium carbonate," in the paragraph under the item captioned "Lakes". As amended, this paragraph will read:

Any lake, other than those listed in § 9.3, made by extending on a substratum of alumina, blanc fixe, gloss white, clay, titanium dioxide, zinc oxide, talc, rosin, aluminum benzoate, calcium carbonate, or any combination of two or more of these, * * *

2. It is proposed to amend § 9.5(a) by adding the words "calcium carbonate" to the list of substrata under the item captioned "Lakes", so that the list will read:

Any lake made by extending on a substratum of alumina, blanc fixe, gloss white, clay, titanium dioxide, zinc oxide, talc, rosin, aluminum benzoate, calcium carbonate, or any combination of two or more of these, * * *

Dated: January 27, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-856; Filed, Feb. 5, 1959;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 193]

[Ex Parte No. MC-40]

PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Glazing and Window Construction; Extension of Time for Filing State- ments

In the matter of extending time for filing statements in response to the proposal to amend § 193.60 relating to glazing and window construction.

Upon consideration of the record in the above-entitled proceeding, and request of American Trucking Associations, Inc., for an extension of time within which to file statements in response to the Notice of Proposed Rule Making dated December 1, 1958; and good cause appearing therefor:

It is ordered, That the time within which such statements may be filed, be, and it is hereby, extended to March 15, 1959.

Notice of this order should be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Federal Register Division.

Dated at Washington, D.C., this 30th day of January A.D. 1959.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-1058; Filed, Feb. 5, 1959;
8:50 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

HORSE MANE HAIR: IMPORTATION
FROM COUNTRIES NOT IN AU-
THORIZED TRADE TERRITORY

Applications for Licenses

Under the program announced on November 27, 1957, licenses were issued early in 1958 under the Foreign Assets Control Regulations (31 CFR 500.101 to 500.808) authorizing the importation of approximately 620,000 pounds of horse mane hair from the U.S.S.R. Only part of the total amount licensed has been imported or purchased for importation and the Treasury Department has decided it will consider applications for licenses to import the balance of the 620,000 pounds. To receive consideration, applications must be filed prior to February 18, 1959, by or on behalf of persons who have previously (1958 or earlier) received licenses to import horse mane hair or who are engaged in the business of processing horse mane hair. Each application should state the quantity of horse mane hair for which a license is being requested and the names and addresses of all persons who it is contemplated will be involved as suppliers, agents or shippers. Each application should also set forth the quantity of horse mane hair purchased by the applicant in each of the years 1953 through 1958 and the portion thereof resold without processing. Licenses issued on the basis of these applications will require that the horse mane hair be imported within the first five months of 1959 but they will not affect the licensing of horse mane hair for importation from the U.S.S.R. during 1959 under the program announced in the FEDERAL REGISTER on December 23, 1958.

Additional information and license application forms may be obtained from the Foreign Assets Control, Treasury Department, Washington 25, D.C., or the Federal Reserve Bank of New York, 33 Liberty Street, New York 45, New York.

[SEAL]

ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F.R. Doc. 59-1093; Filed, Feb. 5, 1959;
8:54 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 253]

PAN MARITIME CARGO SERVICE,
INC., ET AL.Order Revoking Export Licenses and
Denying Export Privileges

In the matter of Pan Maritime Cargo Service, Inc., 232 Water Street, New York, New York; Kurt O. W. Wahle, Europäische Verkaufs GmbH (European

Sales Company of American Market Stores), Frankfurt/Main-Westhafen, Germany; respondents.

The respondents, Pan Maritime Cargo Service, Inc., Kurt O. W. Wahle, and Europäische Verkaufs GmbH (European Sales Company of American Market Stores), having been charged by the Investigation Staff, Bureau of Foreign Commerce, United States Department of Commerce, with violations of the Export Control Act of 1949, as amended, and regulations promulgated thereunder; and

The said respondents having been duly served with the charging letters and having submitted their answers thereto;

This case was referred to the Compliance Commissioner, who held a hearing at which all the respondents were present and represented by counsel.

The Compliance Commissioner, having heard and considered all the evidence submitted in support of the charges and all the evidence and arguments submitted by the respondents in opposition thereto, has transmitted to the undersigned Director, Office of Export Supply, Bureau of Foreign Commerce, United States Department of Commerce, his written report, including findings of fact and findings that violations have occurred, and his recommendation that the respondents be denied export privileges in the manner and in accordance with the qualifications hereinafter set forth, together with which report he has transmitted the record.

After reviewing and considering the entire record of this case and the Compliance Commissioner's Report and Recommendation, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, the respondent Kurt O. W. Wahle was and now is engaged in the import and export business in Frankfurt, Germany, and he conducts this business through the medium of Europäische Verkaufs GmbH (European Sales Company of American Market Stores), which appears to be completely controlled by him. (These respondents are hereafter referred to as Wahle.)

2. At all times hereinafter mentioned, Pan Maritime Cargo Service, Inc., was and now is an air and sea freight forwarder in the city of New York.

3. Heretofore, by application dated December 21, 1954, Wahle applied to the Department of Commerce for a validated export license of the "Periodic Requirements" type, authorizing the exportation to him of a large quantity of automotive replacement parts to be shipped over a period of time therein to be designated. In the application respondent made it appear that the applicant was a New York based corporation, American Market Stores, Inc., which, in turn, intended to export the goods to its branch, distributor, or established purchaser, American Market Stores, in Frankfurt, West Germany.

4. "American Market Stores" (without the "Inc.") is and was a trade name

or diminutive used by respondent for "Europäische Verkaufs GmbH (European Sales Company of American Market Stores)."

5. American Market Stores, Inc., the New York corporation, did not submit said application, and it had no interest in any of the transactions contemplated thereby or consummated under the license issued thereon.

6. The license was issued in March 1955 and had endorsed thereon a limitation or restriction, "Distribution or resale of the commodities listed above is permitted in WEST GERMANY only."

7. After its issuance, Wahle made various purchases of automotive parts in the United States and caused said parts to be exported from the United States as hereinafter set forth.

8. Prior to the time that he caused each of the exportations involved herein to be exported from the United States, he had contracted to sell the goods involved therein to consignees in countries or destinations other than West Germany, and he, at all times, knew that the export license which had been issued authorized exportations thereunder only for West Germany.

9. In October 1955, he caused said license to be used to support two exportations of automotive replacement parts valued at \$999.89 and \$912.00 respectively. To accomplish this, his forwarder in the United States was required to and did, pursuant to his authorization, cause to be authenticated shipper's export declarations in which it was stated and represented that the place and country of ultimate destination were Frankfurt, West Germany, and that the ultimate consignee was "American Market Stores" there.

10. The bills of lading issued in connection with these exportations named "American Market Stores" of Frankfurt, West Germany, as the party to be notified of arrival, and each of them carried destination control notices limiting the country of ultimate destination to West Germany, although the intermediate port of unloading was Rotterdam.

11. In October 1955, Wahle directed that the forwarder at Rotterdam cause the goods shipped under the first of said two bills of lading and 13 of 16 packages shipped under the second to be delivered to a forwarder at Vienna, Austria, there to be made available to a Zurich, Switzerland, firm. There is no evidence of what happened to the goods after their arrival in Vienna, but transshipment to Vienna is conceded by Wahle.

12. In January 1956, he again caused said license to be used to support an exportation of automotive replacement parts valued at \$1,006.00. To accomplish this, his forwarder in the United States was required to and did, pursuant to his authorization, cause to be authenticated a shipper's export declaration, in which it was stated and represented that the place and country of ultimate destination were Frankfurt, West Germany, and that