

payable under paragraph (a) of this section, when it finds that the circumstances are so unusual that a hazard pay differential is equitably justified and the duties have not been taken into account in the classification of the position.

#### § 550.905 Payment of hazard pay differential.

(a) When an employee performs duty for which hazard pay differential is authorized under this subpart during any portion of his regularly scheduled daily tour of duty (including regularly scheduled overtime), the agency shall pay him the hazard pay differential for the entire tour of duty.

(b) When an employee for whom the first 40 hours of work is his basic work-week performs duty for which hazard pay differential is authorized under this subpart during any period of continuous service, the agency shall pay him the hazard pay differential for the entire period of continuous service during which the hazardous duty or duty involving physical hardship is performed but not to exceed 16 hours for each calendar day on which work is performed.

#### APPENDIX A—SCHEDULE OF PAY DIFFERENTIALS AUTHORIZED FOR IRREGULAR OR INTERMITTENT HAZARDOUS DUTY UNDER SUBPART 1

##### Hazard Pay Differential, of Part 550 Pay Administration (General)

| Irregular or intermittent duty                                                                                                                                                                                                                                                                                                                           | Rate of hazard pay differential | Duration payable | Effective date                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|------------------|----------------------------------------------------|
| High Work. Working on any structure of at least 50 feet above the base level, ground, deck, floor, roof, etc., under open conditions, if the structure is unstable or if scaffolding, ladders or other sub-protective facilities are not used, or if performed under adverse conditions such as darkness, lightning, steady rain, or high wind velocity. | Percent                         | 25               | First pay period beginning after January 15, 1967. |
| Flying. Participating in (1) test flights of a new or repaired plane or modified plane when the modification may affect the flight characteristics of the plane;                                                                                                                                                                                         | 25                              | Indefinite       | Do.                                                |
| (2) Flights to test performance of plane under adverse conditions (such as in low altitude or severe weather conditions, maximum load limits, or overboard);                                                                                                                                                                                             | 25                              | Do.              | Do.                                                |
| (3) Flights deliberately undertaken in extreme weather conditions (such as flying into a hurricane to secure weather data);                                                                                                                                                                                                                              | 25                              | Do.              | Do.                                                |
| (4) Flights to deliver aircraft which has been prepared for one time flight without being test flown prior to delivery flight.                                                                                                                                                                                                                           | 25                              | Do.              | Do.                                                |

(c) When an employee performs duty for which hazard pay differential is authorized under this subpart during any portion of a period of irregular or occasional overtime duty, the agency shall pay him the hazard pay differential for the entire period of his irregular or occasional tour of duty (including overtime duty) during which the hazardous duty or duty involving physical hardship is performed.

#### § 550.906 Termination of hazard pay differential.

An agency shall discontinue payment of hazard pay differential to an employee when one or more of the conditions requisite for such payment ceases to exist in his case.

#### § 550.907 Relationship to additional pay payable under other statutes.

Hazard pay differential is in addition to any additional pay or allowances payable under other statutes. It shall not be considered part of the employee's rate of basic pay in computing additional pay or allowances payable under other statutes.

#### Irregular or intermittent duty

- (5) Flights for pilot proficiency training in aircraft new to the pilot under simulated emergency conditions which parallel conditions encountered in performance of flight test duties.
- (6) Low level flights in small aircraft at altitude of 500 feet and under in daylight and 1000 feet and under at night when the flights are over mountainous terrain.
- (7) Participating in testing a new or repaired submarine or modified submarine when the modification affects underwater stability or control when the submarine is submerged as a part of the test.
- (8) Participating in exploratory trip under the polar ice caps when the submarine is submerged beneath the ice.
- (9) Official duty aboard a Deep Research Vehicle when it submerges.
- (10) Driving required in scientific and engineering pursuits, or for inspection, maintenance, or repair of underwater facilities, at a depth of 20 feet or more below the surface or when visibility is restricted.
- (11) Participating as a test subject underwater in a mock-up component undergoing an underwater space simulation study, as a technician assembling underwater mock-up components, or as an underwater observer to an underwater space simulation study.
- (12) Participating in (1) As an emergency member of a firefighting crew in fighting forest and range fires on the fire line; or (2) As an emergency member of a firefighting crew in fighting fires of Government equipment, installations, or buildings.
- (13) Work in open trenches. Work in an open trench 15 feet or more deep until proper shoring has been installed.
- (14) Exposure to hazardous agents. Work with, or in close proximity to, (1) explosive or incendiary materials which are unstable and highly sensitive; (2) toxic chemical materials when there is a possibility of leakage or spillage; (3) Materials of micro-organic nature which when introduced into the body are likely to cause serious disease or injury and for which protective devices do not afford complete protection.
- (15) Low pressure and high pressure testing. Actual participation in high pressure and/or low pressure testing, including projected and high speed tests on vessels that have been subjected to impact or on components where no tests means are available for returning the vessels to a safe condition.
- (16) Simulated altitude chamber subjecthood. Participating in simulated altitude studies ranging from 18,000 to 150,000 feet either as subject or as observer exposed to the same conditions as the subject.
- (17) Centrifuge Subjecthood. Actually participating as subject in centrifuge studies involving a combination of reduced atmospheric pressure and elevated G forces above the level of 5 G's.
- (18) Experimental land/airborne equipment tests. Participating in tests of experimental or prototype landing and recovery equipment where personnel are required to serve as test subjects in spacecraft being dropped into the sea or laboratory tanks.

[SEAL]

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPAY,  
Executive Assistant to the Commissioners.

[P.R. Doc. 67-44; Filed, Jan. 3, 1967; 8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Bureau of Customs

[ 19 CFR Part 1 ]

### CUSTOMS PORTS OF ENTRY

Consolidation of Champlain, Rouses Point, and Mooers, N.Y.

DECEMBER 21, 1966.

It has been determined that customs service can be more economically and efficiently provided by the consolidation into a single port of entry of the existing, adjoining ports of entry at Champlain, Rouses Point, and Mooers, N.Y. Consolidation will in no way diminish service to the importing or traveling public. It will permit savings in operating costs by the elimination of duplicating internal functions.

Accordingly, notice is hereby given that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 4 (30 F.R. 15769), it is proposed to abolish the customs port of entry at Champlain, N.Y.; the customs port of entry and port of documentation at Rouses Point, N.Y.; and the port of entry of Mooers, N.Y., in the Ogdensburg, N.Y., customs district (Region I), and simultaneously establish a new customs port of entry and port of documentation to be known as "Champlain-Rouses Point" in the Ogdensburg, N.Y., customs district and to amend § 1.2(c) of the Customs regulations to reflect this change.

The geographical limits of the new consolidated port of entry shall include all of the territory within the limits of the unincorporated townships of Champlain and Mooers, in the county of Clinton, State of New York, in which the present ports of Champlain, Rouses Point, and Mooers, N.Y., are located.

It is further proposed to make Champlain-Rouses Point, N.Y., the home port of all vessels home ported at Rouses Point, N.Y., on the effective date of this change.

Data, views, or arguments concerning the proposed consolidation may be addressed in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 30 days after publication

of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL]

TRUE DAVIS,

Assistant Secretary of the Treasury.

[F.R. Doc. 67-17; Filed, Jan. 3, 1967; 8:45 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 39 ]

[Docket No. 7832]

### AIRWORTHINESS DIRECTIVES

#### Douglas Models DC-8 and DC-8F Series Airplanes

Amendment 773 (29 F.R. 9962), AD 64-17-7, as amended by Amendment 39-10 (29 F.R. 16317), requires inspection, and rework or replacement, where necessary, of the main landing gear bogie beam assembly on Douglas DC-8 and DC-8F Series airplanes incorporating either P/N 5719123, P/N 5760602, or P/N 5773033 assemblies, with 10,000 or more hours' time in service. Additional fatigue testing conducted subsequent to the issuance of AD 64-17-7 indicated the need for service life limits on the forward bogie beams. Therefore, the new AD would introduce a definitive service life limitation to all reworked bogie beams, and would add two additional bogie beam assemblies to the applicability statement. In addition, the AD would require inspection, rework, or replacement of the bogie beams on a revised schedule.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before February 3, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

DOUGLAS. Applies to Model DC-8 and DC-8F Series aircraft incorporating main landing gear bogie beam assemblies P/N 5719123, P/N 5760602, P/N 5773032, P/N 5773033, or P/N 5773346.

Compliance required as indicated.

Several failures in the critical areas on the bottom of the main landing gear forward bogie beam have been attributed to fatigue resulting from high loads and hydrogen embrittlement under steady loads during ground operation. In order to prevent additional occurrences of this nature, accomplish the following or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region:

(a) Within the next 400 landings on parts with 3,600 or more landings as of the effective date of this AD and before the accumulation of 4,000 landings on parts with less than 3,600 landings as of the effective date of this AD, unless already accomplished, inspect P/N 5719123, 5760602, 5773032, 5773033, and 5773346 in the critical area on the bottom bogie beam for cracks, in accordance with Douglas Service Letter C1-78-987/WBM, Revision I, July 17, 1964, and attached service sketches. If no cracks are found, or if cracks within the rework limits of the Douglas Service Letter C1-78-987/WBM, Revision I, July 17, 1964 are found, rework the forward bogie beam in accordance with this Service Letter. Bogie beams found cracked beyond the rework limits specified in this Service Letter must be replaced in accordance with paragraph (d) of this AD.

(b) Forward bogie beams that have been reworked in accordance with Douglas Service Letter C1-78-987/WBM, Revision I, July 17, 1964, must be reinspected in accordance with Appendix I, section III of Douglas Service Letter C1-78-228/WBM, February 16, 1965, prior to the accumulation of 1,200 landings after rework, except that forward bogie beams that, upon the effective date of this AD have accumulated more than 800 landings after rework, must be reinspected prior to the accumulation of 400 additional landings. If no cracks are found during this reinspection, or if cracks are found that do not exceed the rework limits specified in Douglas Service Letter C1-78-987/WBM, Revision I, July 17, 1964, the forward bogie beams must be reworked in accordance with Douglas Service Letter C1-78-228/WBM, February 16, 1965, or Revision I, July 2, 1965, before further flight. Bogie beams found cracked beyond the rework limits specified in Douglas Service Letter C1-78-987/WBM, Revision I, July 17, 1964, must be replaced in accordance with paragraph (d) of this AD.

(c) At intervals of 3,000 landings after rework in accordance with paragraph (b), the forward bogie beams must be reinspected in accordance with Appendix I, section III of Douglas Service Letter C1-78-228/WBM, February 16, 1965. If no cracks are found during the reinspections, or if cracks are found that do not exceed the rework limits specified in this Service Letter, the forward bogie beams must be reworked in accordance with this Service Letter. Forward bogie beams found cracked beyond the rework limits of Douglas Service Letter C1-78-228/WBM, February 16, 1965, may not be returned to service. All forward bogie beams not completely replaced, even though reworked under any of the Douglas Service Letters

referenced, must be replaced before the completion of 13,800 landings in accordance with paragraph (d) of this AD.

(d) A forward bogie beam that exceeds the rework limitations of any of the referenced Douglas Service Letters, or a forward bogie beam that has accumulated 13,800 or more landings, must be replaced before further flight with—

(1) A new P/N 5719123, 5760602, 5773032, 5773033, or 5773346; or

(2) A part inspected and reworked in accordance with this AD that has not exceeded the landing limits of this AD.

(e) For the purpose of complying with this AD, subject to the acceptance of the assigned FAA maintenance inspector, the number of landings may be determined by dividing each aircraft's hours' time in service by the operator's fleet average time from takeoff to landing for the aircraft type.

(f) Subject to the prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, upon the request of the operator, an FAA maintenance inspector may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator, if the request contains substantiating data to justify the increase.

(Douglas Service Letter No. C1-78-987/WBM revised July 17, 1964, Douglas Service Letter C1-78-228/WBM dated February 16, 1965, and Revision I, thereto dated July 2, 1965, pertain to this same subject.)

This supersedes Amendment 773 (29 F.R. 9962), AD 64-17-7, as amended by Amendment 39-10 (29 F.R. 16317).

Issued in Washington, D.C., on December 27, 1966.

JAMES F. RUDOLPH,  
Acting Director,  
Flight Standards Service.

[F.R. Doc. 67-8; Filed, Jan. 3, 1967;  
8:45 a.m.]

## INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71-90]

[Docket No. 3666; Notice 74]

### RADIOACTIVE MATERIALS

#### Transportation

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

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before January 18,

1967. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

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

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

By the Commission, Explosives and Other Dangerous Articles Board.

[SEAL] H. NEIL GARSON,  
Secretary.

| Article                                           | Classed as—  | Exemptions and packing (see sec.) | Label required if not exempt        | Maximum quantity in 1 outside container by rail express |
|---------------------------------------------------|--------------|-----------------------------------|-------------------------------------|---------------------------------------------------------|
| (Add)                                             |              |                                   |                                     |                                                         |
| Plutonium nitrate (radioactive).....              | Oxy. M.....  | 73.182, 73.393.....               | Yellow.....                         | 100 pounds.                                             |
| Radioactive instruments.....                      | Pois. D..... | 73.392(b).....                    |                                     | See § 73.392(b)                                         |
| Radioactive materials, low specific activity..... | Pois. D..... | 73.392(c), 73.393(f).....         | Radioactive materials, red or blue. | See § 73.393(c) and § 73.393.                           |
| Thorium nitrate (radioactive).....                | Oxy. M.....  | 73.182, 73.392, 73.393.....       | Yellow.....                         | 100 pounds.                                             |
| Uranium nitrate (radioactive).....                | Oxy. M.....  | 73.182, 73.392, 73.393.....       | Yellow.....                         | 100 pounds.                                             |

### PART 73—SHIPPERS

In § 73.7 amend paragraph (b) (29 F.R. 18671, Dec. 29, 1964) to read as follows:

§ 73.7 U.S. Government shipments.

(b) Shipments of radioactive materials, made by or under the direction or supervision of the Atomic Energy Commission or the Department of Defense, and which are escorted by personnel specially designated by or under the authority of those agencies for the purpose of national security, are exempt from the regulations in Parts 71-79 of this chapter.

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

In § 73.182 add paragraph (d) (29 F.R. 18715, Dec. 29, 1964) to read as follows:

§ 73.182 Nitrates.

(d) Plutonium nitrate, thorium nitrate, and uranium nitrate (uranium nitrate) shall be packaged only in accordance with the provisions of §§ 73.392 and 73.393.

#### Subpart G—Poisonous Articles; Definition and Preparation

In § 73.391 amend paragraphs (a) (1) and (3), (b), (b) (1); add Note 1 to (b) (1) (29 F.R. 18766, Dec. 29, 1964) (31 F.R. 6493, Apr. 29, 1966) to read as follows:

§ 73.391 Radioactive materials class D Poison; definition.

(a) \* \* \*

(1) Group I. Radioactive materials that emit either gamma rays only, or gamma rays plus alpha and/or beta particles.

### APPENDIX A

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

Amend § 72.5 paragraph (a) *Commodity list* (29 F.R. 18664, 18666, 18667, Dec. 29, 1964) as follows:

§ 72.5 List of explosives and other dangerous articles.

(a) \* \* \*

(3) Group III. (i) Radioactive materials that emit alpha and/or beta particles only, or

(ii) Radioactive materials so shielded that the radiation at the external surface of the outside container does not exceed 0.5 milliroentgens per hour of gamma radiation or equivalent.

(b) A "radiation unit" is the number placed on a package label to designate the degree of control to be exercised by the carrier during transportation. For the purposes of Parts 71-79 of this chapter, the radiation unit number to be assigned to a package shall be either of the following:

(1) The radiation level, in milliroentgens per hour of gamma radiation, or equivalent, at 3 feet from any accessible external surface of the package. One (1) millirad of beta radiation or 0.2 millirads of thermal neutron radiation are considered equivalent to one (1) milliroentgen of gamma radiation.

NOTE 1: Radiation units in excess of the number required by these regulations must not be assigned for the purpose of effecting a higher degree of control during transportation.

In § 73.392 amend the introductory text of paragraph (a), amend paragraphs (a) (2) (i) and (iii), (a) (3), (b), (e), (f) (29 F.R. 18766, Dec. 29, 1964) (31 F.R. 6493, Apr. 29, 1966) to read as follows:

§ 73.392 Exemptions for radioactive materials.

(a) Radioactive materials are exempt from prescribed packaging, marking, and labeling requirements provided they fulfill all of the conditions in subparagraphs (1), (2), and (3) of this paragraph, except that the name of contents is required on the outside container for shipments by water or air. Shipments

for transportation by highway carriers are also exempt from Part 77, except § 77.817, of this chapter.

(2) \* \* \*

(i) 0.1 millicurie of radium, polonium, or plutonium; or

(iii) 15 grams of uranium-235; or

(3) The package must be such that the radiation at the external surface of the package does not exceed 0.5 milliroentgens per hour of gamma radiation or equivalent.

(b) Instruments such as clocks, electronic tubes, or apparatus, or other manufactured goods or devices, having radioactive materials (other than liquids) in a nondispersible form as a component part, are exempt from specification packaging, marking (other than the name of contents), and labeling: *Provided*, That all of the following conditions are met:

NOTE 1: For radioactive gases, the requirement for the radioactive material to be in a nondispersible form does not apply.

(1) Items are securely packaged in strong, tight outside containers;

(2) The radiation dose rate at 4 inches from any unpackaged item does not exceed 10 milliroentgens per hour of gamma radiation or equivalent;

(3) The radiation dose rate at the external surface of the outside container does not exceed 0.5 milliroentgens per hour of gamma radiation or equivalent.

(i) For carload or truckload lots only, the radiation at the external surface of the outside container shall not exceed 2 milliroentgens per hour of gamma radiation or equivalent.

(4) The total quantity of radioactive materials in each package shall not exceed any of the following:

(i) 1 millicurie of radium, polonium, or any isotope with an atomic number of 93 or greater; or

(ii) 50 millicuries of strontium-90 or mixed fission products; or

(iii) 200 curies of tritium as a gas, as a luminous paint, or as adsorbed on a solid carrier; or

(iv) 2.7 curies of any other radionuclide, except that up to 20 curies of any radionuclide in a doubly encapsulated form is permitted: *And further provided*, That no package may contain more than 15 grams of fissile material.

(5) The total radioactivity content of each individual item shall not exceed 10 percent of the total package limits specified in subparagraph (4) of this paragraph.

(e) Magnesium-thorium alloys containing not more than 4 percent nominal thorium-232, in formed shapes, must be in bundles, boxes, barrels, or crates, and as such are exempt from specification packaging, but must be labeled as described in §§ 73.394(c) and 73.414(e). Other exemptions from loading, storage,

and placarding are described in Parts 74, 75, and 77 of this chapter.

(f) Uranium, normal or depleted, in solid form (not borings, chips, or pieces) must be packaged in strong, tight fiberboard, wooden, or plywood boxes, or metal containers, and as such are exempt from specification packaging and marking except for conformance with § 73.393 (c) and (d). Packages weighing more than 500 pounds must be mounted on skids. Packages must be labeled as described in § 73.414(e). Other exemptions from loading, storage, and placarding are described in Parts 74, 75, and 77 of this chapter. Radiation dose rates for each package shall be in accordance with § 73.393(h).

In § 73.393 amend paragraph (a) and add Note 1; amend paragraphs (f) (5), (h), (m) (3), (n); amend the introductory text of paragraph (i); redesignate paragraph (f) (6) as (f) (9), add paragraphs (f) (6), (f) (7), (f) (8); cancel paragraphs (b), (e) (29 F.R. 18767, Dec. 29, 1964) (31 F.R. 6494, Apr. 29, 1966) to read as follows:

#### § 73.393 Packing and shielding.

(a) Radioactive materials that present special hazards due to their tendency to remain fixed in the human body for long periods of time (e.g., radium, plutonium, strontium, etc.) must, in addition to the packaging hereinafter prescribed, be packaged in inside metal containers Specification 2R (§ 78.34 of this chapter), or in other containers approved by the Commission.

NOTE 1: Encapsulated sealed sources meeting the definition of "special form" as prescribed in § 71.4(o)(2) and Appendix D of the regulations of the Atomic Energy Commission, Title 10, Code of Federal Regulations, Part 71, are hereby approved as equivalent to a Specification 2R (§ 78.34 of this chapter) container.

(b) [Deleted]

(e) [Deleted]

(f) \* \* \*

(5) Specification 55 (§ 78.250 of this chapter), metal encased, lead, or uranium metal shielded containers. Authorized for not more than 300 curies (see paragraph (i) (2) of this section). Container closures must be equipped with a seal.

(6) Specification 21P (§ 78.225 of this chapter) fiber drum overpacks or Specification 6D or 37M (§ 78.102 or § 78.134 of this chapter) cylindrical steel drum overpacks; when utilized with Specification 2S, 2SL or 2T (§ 78.35, § 78.35a, or § 78.21 of this chapter) polyethylene inside containers. Authorized only for low specific activity radioactive materials, not to exceed 500 curies per container. The requirements of paragraph (j) of this section are waived for these containers. The containers are not authorized for materials containing nitric acid in strength exceeding 20 percent.

(7) Specification 103C-W tank cars (§§ 79.200 and 79.201 of this chapter). Authorized only for low specific activity

liquids (§ 73.391(c)). The requirements of paragraph (j) of this section are waived for these tank cars. Bottom fittings and valves are not authorized.

(8) Specification MC 310, MC 311, or MC 331 cargo tanks (§§ 78.330, 78.331, and 78.337 of this chapter). Authorized only for low specific activity liquids (§ 73.391(c)) where the radioactivity concentration does not exceed 10 percent of the specified levels. The requirements of paragraph (j) of this section are waived for these cargo tanks. Bottom fittings and valves are not authorized.

(9) Any other container approved by the Commission under the provisions of § 73.22(a) (1).

(h) All radioactive materials, liquid, solid, and gaseous must be packaged in suitable containers (shielded, if necessary) so that any time during transportation the radiation dose rate does not exceed any of the limits specified in the following subparagraphs, except as provided for under paragraph (i) of this section. The container must be designed to maintain its shielding efficiency and leak tightness under conditions normally incident to transport.

(1) 200 milliroentgens per hour of gamma radiation or equivalent at the external surface of the package.

(2) 10 milliroentgens per hour of gamma radiation or equivalent at 3 feet from the external surface of the package.

(3) 0.5 milliroentgen per hour of gamma radiation or equivalent at 15 feet from the external surface of the package.

(i) When a package is transported in a car or vehicle assigned for the sole use of that consignor, the radiation dose rate from the package may exceed the limits specified in paragraph (h) of this section provided it does not exceed at any time during transportation any of the limits specified in subparagraphs (1) through (4) of this paragraph. Shipments must be loaded by the consignor or his duly authorized agent and unloaded by the consignee or his duly authorized agent.

(m) \* \* \*

(3) No package of fissile radioactive material for which the calculated radiation unit number is greater than 10 may be offered to a carrier for transportation, nor may it be transported, as Fissile Class II. Mixing of packages of other types of radioactive materials including Fissile Class I, with Fissile Class II is permissible provided that no more than 40 units are carried in any one car or vehicle. Fissile Class II shipments made under the sole use provisions of either paragraph (i) or (m) (4) of this section shall be loaded such that the total number of radiation units defined in § 73.391(b) (2) (ii) shall not exceed 40 in any car or vehicle.

(n) Containers constructed prior to January 1, 1967, and approved by the Bureau of Explosives may be continued

in use for the shipment of fissile and other radioactive materials under the approved conditions until such approval expires or is terminated by this Commission.

In § 73.394 amend paragraph (c) (29 F.R. 18787, Dec. 29, 1964) to read as follows:

**§ 73.394 Radioactive materials labels.**

(c) Each bundle, box, barrel, or crate of magnesium-thorium alloys in formed shapes or uranium, normal or depleted, in solid metal form must be labeled with a label as described in § 73.414(e) unless exempt by § 73.392 (a) and (b).

**PART 74—CARRIERS BY RAIL  
FREIGHT**

**Subpart A—Loading, Unloading,  
Placarding, and Handling Cars;  
Loading Packages into Cars**

In § 74.532 revise paragraph (j) (29 F.R. 18779, Dec. 29, 1964) (31 F.R. 6495, Apr. 29, 1966) to read as follows:

**§ 74.532 Loading other dangerous articles.**

(j) Radioactive materials:

(1) Shipments of radioactive materials of low specific activity, loaded in accordance with § 73.392(c) of this chapter, must be loaded so as to avoid spillage and scattering of loose material.

(2) Shipments of radioactive materials as provided for in § 73.393 of this chapter shall be loaded and stored such that the number of radiation units (§ 73.391(b) of this chapter) in any car, vehicle, or storage location does not exceed 40, as determined by totaling the number of radiation units shown on the individual labels on the packages. The provisions of this "40-unit rule" do not apply to exclusive-use shipments described in § 73.392 or § 73.393 of this chapter.

(3) Containers of radioactive material weighing 5,000 pounds or more in strong wooden boxes with inside containers of solid radioactive material, securely braced and cushioned, and concrete-filled metal drums or concrete vaults weighing 700 pounds or more may be loaded in gondola cars (drop bottom cars not authorized); containers of radioactive material weighing 15,000 pounds or more may be loaded on flat cars.

(4) Containers must be so blocked and braced that they cannot change position during transit.

(5) Persons should not remain unnecessarily in a car containing radioactive materials.

**Subpart C—Placards on Cars**

In § 74.544, amend paragraph (a) (6) (31 F.R. 6495, Apr. 29, 1966) to read as follows:

**§ 74.544 Placards not required.**

(a) \* \* \*

(6) Cars containing radioactive materials which are exempt from the placarding requirements under the provisions of § 73.392 of this chapter.

**Subpart E—Handling by Carriers by Rail Freight**

In § 74.584(a) Table amend Footnote 1 (29 F.R. 18787, Dec. 29, 1964) to read as follows:

**§ 74.584 Waybills, switching orders, or other billing.**

(a) \* \* \*

These requirements do not apply to billing prepared for shipments which are exempt from the placarding requirements under the provisions of § 73.392 of this chapter.

In § 74.586 cancel (h) (2) Table, Note 2; amend paragraph (h) (3) (29 F.R. 18788, Dec. 29, 1964) (31 F.R. 6495, Apr. 29, 1966) to read as follows:

**§ 74.586 Handling explosives and other dangerous articles.**

(h) \* \* \*

(2) \* \* \*

Note 2: [Deleted]

(3) Shipments of radioactive materials as provided for in § 73.393 of this chapter shall be loaded and stored such that the number of radiation units (§ 73.391(b) of this chapter) in any car, vehicle, or storage location does not exceed 40, as determined by totaling the number of radiation units shown on the individual labels on the packages. The provisions of this "40-unit rule" do not apply to exclusive-use shipments described in § 73.392 or § 73.393 of this chapter.

In § 74.588 amend paragraph (c) (29 F.R. 18788, 18789, Dec. 29, 1964) to read as follows:

**§ 74.588 Disposition of damaged or astray shipments.**

(c) Unless they are leaking, or in a manifestly insecure condition, packages of dangerous articles other than explosives in transit must be forwarded to destination and report made of any violation observed. Leaking packages must not be forwarded until repaired or reconditioned.

(1) *Radioactive materials.* In case of fire, wreck, breakage, or unusual delay involving shipments of radioactive materials, the package or materials should be segregated from personnel contact. The shipper and the Interstate Commerce Commission must be immediately notified. If radiological advice or assistance is needed, the Atomic Energy Commission should also be notified. In case of obvious leakage or if it appears likely that the inside container may have been damaged, care must be taken to avoid inhalation, ingestion, or contact with the

radioactive material. Any loose radioactive material should be left in a segregated area and held pending disposal instructions from qualified persons. Cars, buildings, areas, or equipment in which radioactive materials have been spilled must not be again placed in service or occupied until decontaminated by qualified persons.

In § 74.600, amend paragraph (c) (29 F.R. 18792, Dec. 29, 1964) to read as follows:

**§ 74.600 In case of a wreck.**

(c) Radioactive materials: See § 74.588(c).

**PART 75—CARRIERS BY RAIL  
EXPRESS**

In § 75.655 amend paragraphs (j) (3), (j) (7); cancel (j) (2) Table Note 2, (j) (7) Note 1, paragraph (j) (6); redesignate paragraph (j) (7) as paragraph (j) (6) (29 F.R. 18794, Dec. 29, 1964) (31 F.R. 6495, Apr. 29, 1966) to read as follows:

**§ 75.655 Protection of packages.**

(j) \* \* \*

(2) \* \* \*

Note 2: [Deleted]

(3) Shipments of radioactive materials as provided for in § 73.393 of this chapter shall be loaded and stored such that the number of radiation units (§ 73.391(b) of this chapter) in any car, vehicle, or storage location does not exceed 40, as determined by totaling the number of radiation units shown on the individual labels on the packages. The provisions of this "40-unit rule" do not apply to exclusive-use shipments described in § 73.392, or § 73.393 of this chapter.

(6) Radioactive materials: In case of fire, wreck, breakage, or unusual delay involving any shipment of radioactive materials, the package or material should be segregated as far as possible from personnel contact. The shipper, and the Interstate Commerce Commission must be immediately notified. If radiological advice or assistance is needed, the Atomic Energy Commission should also be notified. In case of obvious leakage or if it appears likely that the inside container may have been damaged, care must be taken to avoid inhalation, ingestion, or contact with the radioactive material. Any loose radioactive material should be left in a segregated area and held pending disposal instructions from qualified persons. Cars, buildings, areas, or equipment in which radioactive materials have been spilled must not be again placed in service or occupied until decontaminated by qualified persons.

# PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

## Subpart A—General Information and Regulations

In § 77.806, amend paragraph (b) (29 F.R. 18797, Dec. 29, 1964) to read as follows:

§ 77.806 U.S. Government shipments.

(b) Shipments of radioactive materials, made by or under the direction or supervision of the Atomic Energy Commission or the Department of Defense, and which are escorted by personnel specially designated by or under the authority of those agencies, for the purpose of national security are exempt from the regulations in Parts 71-79 of this chapter.

## Subpart B—Loading and Unloading

In § 77.841 amend paragraphs (d) (2), (d) (4), (d) (5); cancel Note 2 following paragraph (d) (1) Table (29 F.R. 18804, Dec. 29, 1964) (31 F.R. 6495, Apr. 29, 1966) to read as follows:

§ 77.841 Poisons.

(d) \* \* \*

(1) \* \* \*

NOTE 2: [Deleted]

(2) Shipments of radioactive materials as provided for in § 73.393 of this chapter shall be loaded and stored such that the number of radiation units (§ 73.391(b) of this chapter) in any car, vehicle or storage location does not exceed 40, as determined by totaling the number of radiation units shown on the individual labels on the packages. The provisions of this "40-unit rule" do not apply to exclusive-use shipments described in § 73.392 or § 73.393 of this chapter.

(4) Shipments of radioactive materials of low specific activity, loaded in accordance with § 73.392(c) of this chapter, must be loaded so as to avoid spillage and scattering of loose material.

(5) Containers must be so blocked and braced that they cannot change position during transit.

(No change in Note 1.)

## Subpart D—Vehicles and Shipments in Transit; Accidents

In § 77.860 amend paragraph (c) (29 F.R. 18809, Dec. 29, 1964) to read as follows:

§ 77.860 Accidents; poisons.

(c) *Radioactive materials.* In case of fire, wreck, breakage, or unusual delay involving shipments of radioactive materials, the package or material should be segregated from personnel contact. The shipper and the Interstate Commerce Commission must be immediately

notified. If radiological advice or assistance is needed, the Atomic Energy Commission should also be notified. In case of obvious leakage, or if the inside container appears to have been damaged, care should be taken to avoid inhalation, ingestion, or contact with the radioactive material. Any loose radioactive material should be left in a segregated area and held pending disposal instructions from qualified persons. Cars, buildings, areas, or equipment in which radioactive materials have been spilled must not be again placed in service or routinely occupied until decontaminated by qualified persons.

# PART 78—SHIPPING CONTAINER SPECIFICATIONS

## Subpart F—Specifications for Fiberboard Boxes, Drums, and Mailing Tubes

In § 78.205, add 78.205-38 (29 F.R. 18955, Dec. 29, 1964) to read as follows:

§ 78.205 Specification 12B; fiberboard boxes.

§ 78.205-38 Special box; authorized only for radioactive materials.

(a) Box shall comply with this specification.

(b) An inside container, specification 2N (§ 78.32), metal can, shall enclose the radioactive material. End closures shall be rolled or crimped. The length shall not exceed the diameter by more than a factor of 2.

(c) If the radioactive material is a liquid, the vial, bottle or other inner container shall be spaced in the center of the metal can and held there by an absorbent material capable of absorbing at least twice the liquid volume being shipped.

(1) If shielding is required, the shield may be placed inside the absorbent material only if, in the event of leakage of the total quantity of liquid into the absorbent material, the radiation level would not exceed 1,000 milliroentgens per hour of gamma radiation or equivalent, at the surface of the package.

(d) The void between the metal can and the box shall contain spacers of sufficient strength to hold the can in the approximate center of the package during conditions normally incident to transportation.

## APPENDIX B

### EXPLANATION OF AMENDMENTS

The Interstate Commerce Commission on April 29, 1966, published its Order Number 70 setting forth a number of changes to its regulations pertaining to transportation of radioactive materials. This order became effective on July 12, 1966. As a result of subsequent operations under that order, it has become evident that a number of additional changes are necessary in order to alleviate a number of minor difficulties. A series of meetings between the Inter-

state Commerce Commission, the Atomic Energy Commission, and various shippers and carrier organizations has revealed the need for a number of additional minor amendments.

In § 72.5, additional classification listings are proposed for plutonium nitrate, thorium nitrate, and uranyl nitrate. These commodities are strong oxidizing materials and this hazard has not been reflected in previous marking and labeling requirements. Radioactive instruments and low specific activity radioactive materials require separate classification so that their exempt status might be more properly reflected in shipping papers and documents.

In §§ 73.7 and 77.806, the shipping exemption for the Atomic Energy Commission has been clarified to more fully reflect the provisions of the Transportation of Explosives Act, 18 U.S.C. 832(c).

In § 73.182, a paragraph has been added to provide for the packaging requirements of the radioactive nitrates.

A number of minor editorial changes are proposed which will update the terminology used in the regulations to reflect current usage. These editorial changes are covered in §§ 73.391(a), 74.532(j), 74.544(a), 74.584(a), 74.586(h) (2), 74.588(c), 74.600(c), 75.655(j) (2), and 77.841(d) (1), (4), and (5).

Sections 73.392 (a) and (b) have been revised to more clearly define those materials which may be considered exempt.

In §§ 73.392 (e) and (f), 73.393(f) (5), 73.391(i), and 73.394(c), changes have been made to correct the references to other sections of the regulations.

Section 73.393(a) has been changed to provide for container approval by the Interstate Commerce Commission instead of the Bureau of Explosives, and to recognize the integrity of sealed sources.

New § 73.393(f) (6), (7), and (8) have been provided to allow for the transportation of large volumes of low specific activity radioactive liquids. These containers are presently authorized in a number of Interstate Commerce Commission special permits and Bureau of Explosives permits.

Section 73.393(m) (3) has been amended to restrict the number of fissile class II packages in a car or vehicle to 40 "criticality units" regardless of the external radiation limits. This will restrict shippers from shipping more than a safe number of packages of fissile materials in carload or truckload lots.

Section 73.393(n) has been amended to delete the reference to the Atomic Energy Commission since such approvals are now provided for in the Interstate Commerce Commission special permits.

Sections 74.532(j) (3), 74.586(h) (3), 75.655(j) (3), and 77.841(d) (2) have been amended to clarify for the carriers the use of the 40-unit rule in loading packages of radioactive materials on a car or vehicle. The 40-unit rule does not apply insofar as the carrier is concerned, to exclusive-use shipments of radioactive materials.

Sections 74.588(c) (1), 75.655(j) (6), and 77.860(c) have been revised to reflect the availability of radiological assistance

under the provisions of the Interagency Radiological Assistance Plan.

Section 78.205-38 has been added to § 78.205 to provide for the commonly-used radioisotope package.

[P.R. Doc. 67-41; Filed, Jan. 3, 1967; 8:48 a.m.]

#### [ 49 CFR Parts 71-90 ]

[No. 3666; Ex Parte No. MC-13]

### NITROMETHANE

#### Transportation

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., this 22d day of December 1966.

It appearing, that notice of proposed rule making was issued in the above-entitled proceeding on December 29, 1964 (30 F.R. 448, Jan. 13, 1965), pursuant to section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003), the Commission having under consideration amend-

ment of the order of September 10, 1958, entered in the above-entitled proceeding to permit the transportation of "Nitromethane Mixtures, Stabilized" in bulk, in railroad tank cars and in tank motor vehicles;

It further appearing, that hearing has been held and a hearing examiner's report and order in this proceeding has been served April 12, 1966, to which report and order exceptions were filed by the Illinois Central Railroad Co., The New York Central Railroad Co., and the Commission's Bureau of Enforcement, with reply by the Commercial Solvents Corp.;

And it further appearing, that, to assist the Commission in making its determination on the matters here considered, the record in this proceeding should contain greater detail concerning the following issues:

(1) The type of tank car and tank truck to be used if transportation in bulk of stabilized mixtures of nitromethane were permitted;

(2) The manner in which these stabilized mixtures would be loaded and unloaded;

(3) The tests of general acceptance by the chemical industry to be used in determining which, if any, mixtures of nitromethane were to be transported in bulk;

(4) The proper classification of such mixtures for inclusion in Title 49—Transportation, Parts 71 to 90, Code of Federal Regulations, § 72.5.

*It is ordered*, That this proceeding be, and it is hereby, reopened for a further hearing at a time and place to be hereafter designated.

Notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL]

H. NEIL GARSON,  
Secretary.

[P.R. Doc. 67-42; Filed, Jan. 3, 1967; 8:48 a.m.]