

notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air-mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon the application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-20505 Filed 9-26-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License Application 08/08-5033]

FIRST VENTURE CAPITAL CORP.

Notice of Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 461 et seq.), has been filed by First Venture Capital Corporation (applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1973).

The officers and directors of the applicant are as follows:

Wallace L. Iverson, President, General Manager, Director, 1492 South 2400 East, Salt Lake City, Utah 84106.

Stephen R. Gilliland, Vice President, Director, 46 South 700 East, Salt Lake City, Utah 84102.

Harold E. Singer, Secretary-Treasurer, Director, 820 Hillcrest Avenue, Logan, Utah 84321.

The applicant, a Utah corporation with its principal place of business located at 46 South 700 East, Salt Lake City, Utah 84102, will begin operations with \$302,000 of paid-in capital and paid-in surplus, derived from the sale of 302,000 shares of common stock to Mr. Dallas J. Elder, 800 East Center, Logan, Utah 84321.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and

chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and SBA rules and regulations.

Any person may, not later than October 12, 1973, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Salt Lake City, Utah.

Dated September 21, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.73-20529 Filed 9-26-73;8:45 am]

[Notice of Disaster Loan Area 1005]

PENNSYLVANIA

Notice of Disaster Relief Loan Availability; Amendment 2

As a result of the President's declaration of the State of Pennsylvania as a major disaster area following severe storms and flooding beginning on or about June 27, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the adjacent affected areas to those counties previously declared major disaster areas. (See 38 FR 20510 and 38 FR 21541).

Applications may be filed at the:
Small Business Administration
Regional Office
1 Decker Square—East Lobby Suite 400
Bala Cynwyd, Pa. 19004

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Pub. L. 93-24.

Applications for disaster loans under this announcement must be filed not later than September 17, 1973.

Dated August 2, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-20528 Filed 9-28-73;8:45 am]

[Declaration of Disaster Loan Area 1013]

MONTANA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1973, because of the effects of a certain disaster, damage resulted to business property located in the State of Montana;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Butte, Silver Bow County, Montana, suffered damage or destruction resulting from a fire of undetermined origin on July 28, 1973. Applications will be processed under the provisions of Pub. L. 93-24.

Office:

Small Business Administration
District Office
Corner Main and Sixth Avenue
Helena, Montana 59601

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to November 19, 1973.

Dated September 18, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-20527 Filed 9-26-73;8:45 am]

VETERANS ADMINISTRATION

VOLUNTARY SERVICE NATIONAL ADVISORY COMMITTEE

Notice of Meeting

The Veterans Administration gives notice that the annual meeting of the Veterans Administration Voluntary Service National Advisory Committee, composed of representatives of 46 national voluntary organizations, will be held at the Sheraton-Park Hotel, Washington, D.C., October 25-26, 1973.

The meeting will convene at 9 a.m., October 25th, in the Sheraton Ball Room. The purpose of the meeting is to constructively plan with the committee, which serves in an advisory role to the Chief Medical Director, for the further promotion and development of volunteer participation in the care and treatment of veteran patients in the agency's nationwide medical program.

Dated September 21, 1973.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.73-20606 Filed 9-26-73;8:45 am]

OIL AND GAS OFFICE **COMMITTEE ON ENERGY CONSERVATION;** **NATIONAL PETROLEUM COUNCIL**

Notice of Meeting

Pursuant to Executive Order 11686, notice is hereby given of the following meeting:

The Committee on Energy Conservation of the National Petroleum Council will meet at 1:30 p.m. on October 1, 1973, in the Michigan Room of the Statler Hilton Hotel in Washington, D.C. The agenda will include discussion of an outline, the organizational structure and a work schedule to carry out the energy conservation study requested by the Secretary of the Interior on July 23, 1973.

The purpose of the National Petroleum Council is solely to advise, inform and make recommendations to the Secretary of the Interior on any matter relating to petroleum or the petroleum industry.

The meeting is open to the public to the extent that facilities permit.

Dated: September 26, 1973.

J. ROY GOODEARLE,
Associate Director.

[FR Doc. 73-20752 Filed 9-26-73; 10:35 am]

INTERSTATE COMMERCE **COMMISSION**

[Notice No. 350]

ASSIGNMENT OF HEARINGS

SEPTEMBER 24, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 124783 sub 15, Kato Express, Inc., now being assigned hearing November 27, 1973 (3 days), at Nashville, Tenn., in a hearing room to be later designated.

MC-121142 sub 11, J. & G. Express, Inc., now being assigned hearing December 3, 1973 (1 week), at Jackson, Miss., in a hearing room to be later designated.

MC-F-11869, Crouse Cartage Co.—Purchase—(B) Heartland Express, Inc., and (BB) Lawson Truck Line, Inc., now being assigned hearing November 26, 1973 (2 weeks), at Omaha, Nebr., in a hearing room to be later designated.

MC 120981 sub 15, Bestway Express, Inc., now being assigned hearing December 3, 1973 (2 weeks), at Frankfort, Ky., in a hearing room to be later designated.

MC 129068 sub 14, Griffin Transportation, Inc., Extension Oklahoma, now being assigned hearing December 5, 1973 (2 days), at Oklahoma City, Okla., in a hearing room to be later designated.

MC-C-8116, L. C. Waller, d.b.a. L. C. W. Trucking Co., Glenn Elliott, Harvey W. Jones, Summeragill Enterprises, Inc., and

Nola Forwarding Co., Inc.—Investigation of Operations—now being assigned hearing December 4, 1973 (2 days), at Baton Rouge, La., in a hearing room to be later designated.

MC 136384 sub 2, Palmer Motor Express, Inc., now being assigned hearing December 10, 1973 (2 weeks), at Atlanta, Ga., in a hearing room to be later designated.

MC 135754 sub 1, Robert E. Williamson, Jr., Common Carrier application, now being assigned December 6, 1973, at Columbia, S.C. (2 days), in a hearing room to be later designated.

MCC-8087, Larsen Motor Lines, Inc.—Investigation and Revocation of Certificate—now being assigned hearing December 11, 1973 (1 day), at New Orleans, La., in a hearing room to be later designated.

MC-97904 sub 13, Knoxville-Maryville Motor Express, Inc., now being assigned hearing December 11, 1973 (3 days), at Nashville, Tenn., in a hearing room to be later designated.

MC 112422 sub 5, Sam Vam Galder, Inc., now being assigned hearing December 4, 1973 (1 day), at Madison, Wis., in a hearing room to be later designated.

MC 115841 sub 441, Colonial Refrigeration Transportation, Inc., now being assigned continued hearing November 26, 1973 (2 weeks), at Atlanta, Ga., in a hearing room to be later designated.

MC-100686 sub 246, Melton Truck Lines, Inc., now being assigned hearing December 3, 1973 (2 days), at Louisville, Ky., in a hearing room to be later designated.

MC-133095 sub 44, Texas-Continental Express, Inc., now being assigned hearing December 5, 1973 (3 days), at Louisville, Ky., in a hearing room to be later designated.

MC-138279, Conalco Contract Carrier, Inc., now being assigned hearing December 10, 1973 (1 week), at Louisville, Ky., in a hearing room to be later designated.

MC 138168, Load & Go Truck Line, now being assigned hearing November 26, 1973 (3 days), at Phoenix, Ariz., and November 29, 1973 (2 days), at Grand Junction, Colo., in hearing rooms to be later designated.

MC 134358 sub 3, Central Dispatch, Inc., Extension-Lawson, Mo., now being assigned hearing December 4, 1973 (2 days), at Jefferson City, Mo., in a hearing room to be later designated.

[SEAL] **ROBERT L. OSWALD,**
Secretary.

[FR Doc. 73-20675 Filed 9-26-73; 8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 24, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before October 12, 1973.

FSA No. 42750—Joint water-rail container rates—Showa Shipping Co., Ltd. Filed by Showa Shipping Co., Ltd., (No. 6), for itself and interested rail carriers. Rates on general commodities, between

ports in Japan, Korea, Hong Kong, and Taiwan, on the one hand, and rail stations on the U.S. Atlantic and Gulf Seaboard, on the other.

Grounds for relief—Water competition.

By the Commission.

[SEAL] **ROBERT L. OSWALD,**
Secretary.

[FR Doc. 73-20674 Filed 9-26-73; 8:45 am]

[Ex Parte No. 299 and 299 (Sub-No. 1)]

INCREASES IN FREIGHT RATES AND CHARGES OF THE LONG ISLAND RAIL ROAD COMPANY TO OFFSET RETIREMENT TAX INCREASES—1973

SEPTEMBER 13, 1973.

ICC report and order permitting establishment of interim freight rate increases for most of the Nation's railroads, and rejecting proposed terminal surcharges of Long Island Rail Road Company, to offset retirement tax increases to become effective on October 1, 1973, and January 1, 1974.

1. Petition of railroads, except The Long Island Rail Road Company, for permission to file a tariff establishing certain interim increases in freight rates and charges to offset increases in retirement taxes, granted in part.

2. Petition of The Long Island Rail Road Company for permission to file a surcharge for the same purpose, denied without prejudice.

Andrew C. Armstrong, Harry N. Babcock, Curtis H. Berg, R. W. Bridges, John J. Burchell, J. T. Clark, John A. Daily, Harry L. De Lung, Jr., Louis T. Duerinck, R. S. M. Emrich III, J. D. Feeney, Stuart F. Gassner, Rene J. Gunning, Louis Harris, James L. Howe III, Charlie H. Johns, Edward A. Kaier, Richard W. Kienle, George H. Kleinberger, Richard D. Lallanne, Harry B. Latourette, Charles N. Marshall, John P. McCall, Don McDevitt, Thorndun A. Miller, Robert F. Munsell, Richard J. Murphy, J. J. Nagle, William J. O'Brien, Jr., Joseph M. O'Malley, C. Harold Peterson, Chas. C. Rettberg, Jr., Albert B. Russ, Jr., Scott W. Scully, John M. Simms, John F. Smith, James L. Tapley, Wm. A. Thie, Thomas E. Tisza, D. M. Tolmie, Walter G. Treanor, Donald L. Turkal, John S. Walker, Sidney Weinberg, and Robert E. Zimmerman for the railroads in Ex Parte No. 299.

George M. Onken, Richard H. Stokes, and Walter J. Myskowski for the Long Island Rail Road Company in Ex Parte No. 299 (Sub-No. 1).

It is ordered, That the petition in Ex Parte No. 299 be, and it is hereby, granted to the extent indicated in the report and it is denied in all other respects; that the petitioners therein be, and they are hereby, permitted to establish an interim increase in their rates and charges of 1.9 percent to become effective on October 1, 1973, and an interim increase of 2.6 percent to become effective, in lieu of the 1.9-percent increase, on January 1, 1974, upon not less than 15 days' notice to the general public and to this Commission.

subject to the refund rule in the proposed tariff.

It is further ordered. That in the hearing to be hereafter held herein in Ex Parte No. 299, in accordance with section 15a(4)(c) of the Interstate Commerce Act, the carrier petitioners shall submit for the record any productivity gains experienced in the third quarter of 1973, and the effect on the 1974 projections, including evidence to substantiate those projections, as required by the statute and Ex Parte No. 298.

It is further ordered. That at the subsequent hearing in Ex Parte No. 299, the railroads shall submit for the record an explanation of why the excepted rates and charges shall not be increased without awaiting renewal of individual arrangements, and of the amount of the additional revenue which would be obtained therefrom.

It is further ordered. That in the hearing to be hereafter held herein in Ex Parte No. 299, the carriers shall submit for the record a plan to correct the variations among individual railroads in the amount of increased retirement taxes offset by the additional revenues, as exemplified in the report.

It is further ordered. That any person interested in this proceeding, in Ex Parte No. 299, shall notify this Commission, by filing with the Interstate Commerce Commission, Office of Proceedings, Room 5354, Washington, D.C. 20423, on or before October 10, 1973, the original and one copy of a statement of his interest. Inasmuch as the Commission desires wherever possible (a) to conserve time, (b) to avoid unnecessary expense to the public, and (c) the service of pleadings by parties in proceedings of the type only upon those who intend to take an active part in the proceeding, the statement of intention to participate shall include a specification of the extent of such person's interest, including (1) whether such interest extends merely to receiving Commission releases in this proceeding, (2) whether he genuinely wishes to participate in the formal proceeding, (3) if he so desires to participate as described in (2), whether he will consolidate or is capable of consolidating his interests with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served, such consolidation of interest being strongly urged by the Commission, and (4) any other pertinent information which will aid in limiting the service list to be used in this proceeding; and that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding, and shall designate the nature of further proceeding.

¹Corrected Report and Order of the Commission filed as part of the original Document.

²The opinions of Commissioner Hardin, concurring in part, and Commissioner O'Neal, dissenting, are filed as part of the original document. Chairman Brewer did not participate.

It is further ordered. That the petition in Ex Parte No. 299 (Sub-No. 1) be, and it is hereby, denied, without prejudice to refiling in conformity with the statute and with the requirements of Ex Parte No. 298.

It is further ordered. That notice of the entry of this report and order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission, and by filing a copy with the Director, Office of the Federal Register, for publication therein.

By the Commission.²

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-20673 Filed 9-26-73; 8:45 am]

[Notice 358]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 17, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74386. By order of September 21, 1973, the Motor Carrier Board approved the transfer to Otis C. Johnson, doing business as McCook Feed & Supply, 212 East "A" Street, McCook, Nebr. 69001, of the operating rights in Permit No. MC-2825 (sub-No. 1), issued October 6, 1970, to Darryl W. Peterson and Bonnie L. Peterson, a partnership, doing business as Peterson Trucking, P.O. Box 1141, 2140 Buena Vista Drive, Greeley, Colo. 80631, authorizing the transportation of animal and poultry feeds, from St. Joseph, Mo., to points in Colorado, Nebraska, Kansas, and Wyoming. The operations authorized above are limited to a transportation service to be performed under a continuing contract with Schreiber Mills, Inc., and no shipments of molasses for use as feeds, in bulk, in tank vehicles, may be transported under the above authority.

No. MC-FC-74514. By order of September 20, 1973, the Motor Carrier Board, on reconsideration, approved the transfer to Joel C. Hanson, doing business as Joel C. Hanson Trucking Service, Hammond, St. Croix County, Wis., of Certifi-

cate No. MC-90924 issued August 17, 1959, to Albert Hines, Hammond, St. Croix County, Wis., authorizing the transportation of livestock, feed, seed, and related commodities; supplies for farms, and manufactured fertilizers, from, to, and between specified points in Minnesota and Wisconsin.

No. MC-FC-74651. By order of September 21, 1973, the Motor Carrier Board approved the transfer to Conrad Berg, doing business as C. Berg Co., Saginaw, Minn., of Corrected Permit No. 135688 issued March 23, 1973, to Halco Supply Co., division of Hallett Dock Co., West Duluth, Minn., authorizing the transportation of bentonite clay from Burnett and Duluth, Minn., to points in Wisconsin, Michigan, Illinois, Iowa, and North Dakota. Dual operations were approved. Mr. Val M. Higgins, attorney at law, 1000 First National Bank Building, Minneapolis, Minn. 55402.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-20676 Filed 9-26-73; 8:45 am]

[Notice 76]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 21, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by § 1100.247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in

¹Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and on or before November 26, 1973, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.*

No. MC 1824 (Sub-No. 62), filed July 9, 1973. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, Maryland 21655. Applicant's representative: Frank V. Klein (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving Sidman, Pa., as an off-route point in connection with applicant's regular route operations between Baltimore, Md., and Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2253 (Sub-No. 63), filed August 20, 1973. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, N.C. Highway 150 East, Cherryville, N.C. 28021. Applicant's representative: J. S. McCallie, P.O. Box 697, Cherryville, N.C. 28021. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Synthetic plastic granules*, in bulk, from Celriver (York County), S.C., to Amcelle (Allegheny County), Md.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary,

applicant requests it be held at either Charlotte, N.C., Greenville, S.C., or Washington, D.C.

No. MC 2392 (Sub-No. 87), filed July 26, 1973. Applicant: WHEELER TRANSPORT SERVICE INC., P.O. Box 14248, West Omaha Station, Omaha, Nebr. 68114. Applicant's representative: Keith D. Wheeler (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid feed*, in bulk, in tank vehicles, from the warehouse site of Gooch Milling and Elevator Company, located in Lincoln, Nebr., to points in Colorado, Iowa, Kansas, Missouri, South Dakota, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 2421 (Sub-No. 12), filed July 16, 1973. Applicant: NEWTON TRANSPORTATION COMPANY, INC., Louis Ave. and Greer St., P.O. Box 673, Lenoir, N.C. 28645. Applicant's representative: Charles Ephraim, 1250 Conn. Ave. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from the plantsite and storage facilities of Bernhardt Furniture Company located at or near Statesville and Troutman, N.C., to points in Kentucky, Ohio, and West Virginia; and (2) *damaged shipments of new furniture*, from the above-specified destination points to the above-specified origins.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 3094 (Sub-No. 21), filed August 16, 1973. Applicant: SERVICE MOTOR FREIGHT, INC., 133 East Atlantic Avenue, Lawnside, N.J. 08045. Applicant's representative: A. Charles Tell, 109 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Whippany, N.J., to points in Connecticut, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, and Rhode Island; (2) *materials and supplies* used in the manufacture of paper and paper products, from points in Connecticut, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, and Rhode Island, to Whippany, N.J.; restricted to service performed under continuing contract or contracts with International Paper Company.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 4405 (Sub-No. 506), filed August 16, 1973. Applicant: DEALERS TRANSIT, INC., 2200 East 170th Street, P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner,

2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Asphalt mix storage tanks, bins, conveyors, baghouses, evaporative coolers, together with parts, attachments, and accessories* moving therewith, (1) from Glasgow, Mo., and Leavenworth, Kans. (except commodities named above when trailer mounted) and (2) from Kansas City, Mo. (including commodities named above when trailer mounted and moving in towaway service), to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the above named origin points.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 19945 (Sub-No. 38), filed August 13, 1973. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Flue dust*, in bulk, in dump vehicles, from the plant site of Laclede Steel Co., at Alton, Ill., to Frit Industries, Incorporated, at or near Walnut Ridge, Ark.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 29452 (Sub-No. 4), filed June 21, 1973. Applicant: B.O.W. EXPRESS, INC., 1251 Toney Road, North Kansas City, Mo. 64116. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) (1) Between Burlington, Kans., and Caney, Kans., serving the intermediate and off-route points of Fall River Reservoir, Eureka, and Moline, and Toronto Reservoir; from Burlington, Kans., over U.S. Highway 75 to junction Kansas Highway 57 (3 miles west of LeRoy), thence over Kansas Highway 57 to junction Kansas Highway 99 (at Madison, Kans.), thence south over Kansas Highway 99 to junction U.S. Highway 166 (at Sedan, Kans.), thence east over U.S. Highway 166 to junction U.S. Highway 75 (3 miles north of Caney, Kans.), thence over U.S. Highway 75 to Caney, Kans., and return over the same route; (2) Between Yates Center, Kans., and Elk City, Kans., serving the intermediate and off-route points of New Albany, Buxton, Altoona, Neodesha, Longton, Elk City Reservoir, Sycamore, and Westphalia; from Yates Center, Kans., over U.S.

Highway 75 to junction Kansas Highway 39 (near Buffalo, Kans.) thence over Kansas Highway 39 to Elk City, Kans., and return over the same route; (3) Between Osage City, Kans., and Burlingame, Kans.; from Osage City, Kans., over U.S. Highway 56 to Burlingame, and return over the same route; (4) Between Ottawa, Kans., and Osage City, Kans., serving the intermediate and off-route points of Pomona Reservoir and Quenemo; from Ottawa, Kans., over Kansas Highway 268 to Osage City, Kans., and return over the same route; (5) Between Caney, Kans., and Elk City, Kans., as an alternate route for operating convenience in connection with applicant's regular-route operations; from Caney, Kans., over U.S. Highway 75 to junction U.S. Highway 160, thence over U.S. Highway 160 to Elk City, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 29886 (Sub-No. 297), filed July 27, 1973. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Printing equipment, parts, and attachments*, from the plant site and warehouse facilities of Goss Division of MGD Graphic Systems, Rockwell International, located at Cedar Rapids, Iowa, Chicago, Cicero, and Rockford, Ill., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, West Virginia, Virginia, and Maryland.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 29886 (Sub-No. 298), filed August 20, 1973. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, (2) *self-propelled construction, excavation, and industrial equipment*, (3) *portable concrete pumps*, (4) *attachments for the commodities described above in (1), (2), and (3) above*, (5) *cabs for the commodities described in (1) and (2) above*, (6) *internal combustion engines*, and (7) *parts and accessories for the commodities described above in (1) through (6) when moving in mixed loads therewith*, from the plant and warehouse sites of J. I. Case Co., located at or near Terre Haute, Ind., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, and the District of Columbia.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 33641 (Sub-No. 104), filed August 6, 1973. Applicant: IML FREIGHT, INC., 2175 South 3270 West, Salt Lake City, Utah 80217. Applicant's representative: Carl L. Steiner, 39 South La Salle St., Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, other than grain and livestock feed, and commodities requiring special equipment), (1) Between Kansas City, Mo., and Omaha, Nebr.: From Kansas City, Mo., over Interstate Highway 29 (U.S. Highway 71) to junction U.S. Highway 59, thence over U.S. Highway 59 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction Interstate Highway 29 (U.S. Highway 71), thence over Interstate 29 (U.S. Highway 71) to Council Bluffs, Iowa, and return over the same routes; and (2) Between Omaha, Nebr., and Kansas City, Mo.: From Omaha, Nebr., over U.S. Highway 75 to junction U.S. Highway 36, thence over U.S. Highway 36 to St. Joseph, Mo., thence over Interstate Highway 29 (U.S. Highway 71) to Kansas City, Mo., and return over the same routes; as alternate routes for operating convenience only, serving Kansas City, Mo., Omaha, Nebr., and Council Bluffs, Iowa, for purposes of joinder only.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Omaha, Nebr.

No. MC 33919 (Sub-No. 9), filed August 16, 1973. Applicant: FAIRCHILD GENERAL FREIGHT, INC., P.O. Box 1649, Yakima, Wash. 98907. Applicant's representative: George H. Hart, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite of the Georgia Pacific Corporation at Bellingham, Wash., to points in Oregon.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority in MC 127361 and Subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 33919 (Sub-No. 10), filed August 16, 1973. Applicant: FAIRCHILD GENERAL FREIGHT, INC., P.O. Box 1649, Yakima, Wash. 98907. Applicant's representative: George H. Hart, 1100 IBM Bldg., Seattle, Wash. 98901. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Yakima, Wash., to ports of entry on the International Boundary

line between the United States and Canada at or near Oroville, Wash.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority in MC 127361 and Subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 42487 (Sub-No. 811), filed July 16, 1973. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, P.O. Box 5138, Chicago, Ill. 60680. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Atlanta, Ga., and Chambersburg, Pa.: From Atlanta, Ga., over Interstate Highway 85 to Lexington, N.C., thence over U.S. Highway 52 to junction Interstate Highway 40 at Winston-Salem, N.C., thence over Interstate Highway 40 to junction U.S. Highway 158 at or near Winston-Salem, thence over U.S. Highway 158 to junction U.S. Highway 220, thence over U.S. Highway 220 to Roanoke, Va., thence over U.S. Highway 220 (Interstate Highway 581) to junction Interstate Highway 81, thence over Interstate Highway 81 to Chambersburg, and return over the same route, as an alternate route for operating convenience only in connection with applicant's regular-route operations; (2) Between Winston-Salem, N.C., and Chambersburg, Pa.: From Winston-Salem, N.C., over Interstate Highway 40 to junction U.S. Highway 158 at or near Winston-Salem, thence over U.S. Highway 158 to junction U.S. Highway 220, thence over U.S. Highway 220 to Roanoke, Va., thence over U.S. Highway 220 (Interstate Highway 581) to junction Interstate Highway 81, thence over Interstate Highway 81 to Chambersburg, Pa., and return over the same route, as an alternate route for operating convenience only in connection with applicant's regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52460 (Sub-No. 126), filed August 20, 1973. Applicant: HUGH BREEDING, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coal tar products*, from Stroud, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary,

applicant requests it be held at either Oklahoma City or Tulsa, Okla., Kansas City, Mo., or Dallas, Tex.

No. MC 52460 (Sub-No. 127), filed August 21, 1973. Applicant: HUGH BREEDING, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products* in containers, from Kansas City, Kans., and its Commercial Zone, to points in Alabama, Arkansas, Arizona, Colorado, Florida, Georgia, Louisiana, Mississippi, Montana, North Carolina, South Carolina, Tennessee, Utah, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 55896 (Sub-No. 42), filed August 9, 1973. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, Mich. 48180. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wood products and display racks*, from Alpena, Mich., to points in Illinois, Indiana, Ohio, and Wisconsin; Ashland, Lexington, Louisville, Owensboro, and Paducah, Ky.; Cape Girardeau, Hannibal, and St. Louis, Mo.; and Charleston, Huntington, Parkersburg, and Wheeling, W. Va.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 56167 (Sub-No. 9), filed August 16, 1973. Applicant: DAVID K. HERSHEY, R.D. #5, Hanover, Pa. 17331. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, from the plantsite of The J. E. Baker Company located at Manchester Township (York County), Pa., and the sales origins of the J. E. Baker Company in Earl, Paradise, and Salisbury Townships (Lancaster County), Pa., to points in Delaware, Maryland, New Jersey, New York, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 76032 (Sub-No. 273) (AMENDMENT), filed January 6, 1971, published in the FEDERAL REGISTER issue of January 28, 1971, and republished as amended, this issue. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223.

Applicant's representative: John T. Coon (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wire handling machine, parts and supplies, machinery and machine parts, generators or motors, or generators and motors combined or parts*, between Ventura, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Restricted to traffic originating at or destined to the plantsite facilities of the Whitacre Corporation located at or near Ventura, Calif.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to amend the application to reflect service from the new facility of the supporting shipper which has been relocated at Ventura, Calif., and to restrict the movement of traffic between the points named above. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Los Angeles, Calif.

No. MC 77972 (Sub-No. 21), filed July 24, 1973. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, Miss. 38652. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty National Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, livestock, Classes A and B explosives, and commodities which because of size and weight require the use of special equipment), serving the plant site and/or warehouse facilities of Futurian Corporation, Decorian Division, located at or near Guntown, Miss., as off-route points in connection with applicant's regular-route operations to and from Tupelo, Miss. and Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Jackson, Miss.

No. MC 78228 (Sub-No. 43), filed July 20, 1973. Applicant: J MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Foundry sand additives*, from Wadsworth, Ohio, to points in Maryland, Virginia, Delaware, Rhode Island, New Hampshire, Vermont, and Maine; (2) *foundry sand additives*, in bulk, from Wadsworth, Ohio, to points in Connecticut, Massachusetts, and New Jersey; and (3) *foundry sand additives* (except in bulk), from Wadsworth, Ohio, to points in Michigan, those in Indiana on and north of U.S. Highway 30, those in New York on and west of New York Highway 12, and points in West Virginia (except those in Brooke and Hancock Counties south of U.S. Highway 60).

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 82492 (Sub-No. 86), filed August 9, 1973. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk), from Decatur, Ind., to points in Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 87720 (Sub-No. 149), filed August 16, 1973. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Ctr., New York, N.Y. 10048. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Cleaning compounds, pot scourers, and steel wool* (except in bulk), from the plant sites and facilities of Purex Corporation, Ltd., located at London, Ohio, to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, South Carolina, Virginia, Kentucky, Tennessee, Mississippi, Ohio, Indiana, Illinois, Missouri, Arkansas, Texas, Georgia, Florida, West Virginia, Louisiana, and Alabama, and (2) *materials, supplies, and equipment* (except in bulk), from the above named destination states to London, Ohio, under contract with Purex Corporation, Ltd.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 88161 (Sub-No. 87), filed July 23, 1973. Applicant: INLAND TRANSPORTATION CO., INC., 6737 Corson Avenue South, Seattle, Wash. 98108. Applicant's representative: Stephen A. Cole (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid resins*, in bulk, and *resin catalysts*, in drums or bags, on the same vehicle in combination for the same shipper, (1) from Kent and Tacoma, Wash., to points in Idaho, Montana, Oregon, and Utah, and (2) from Eugene, Springfield, and Portland, Oreg., to points in Idaho, Montana, Utah, and Washington.

NOTE.—Applicant also holds contract carrier authority in MC 128203 (Sub-No. 1), therefore, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 97699 (sub-No. 40), filed August 8, 1973. Applicant: BARBER TRANSPORTATION CO., a corporation, Deadwood Avenue, Rapid City, S. Dak.

57701. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities which because of size or weight require special equipment). Between Sioux Falls, S. Dak., and Omaha, Nebr.: From Sioux Falls, S. Dak., over Interstate Highway 29 to Omaha, Nebr., and return over the same route; as an alternate route for operating convenience only in connection with carrier's present regular route operations, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux Falls, S. Dak.

No. MC 103051 (sub-No. 284), filed August 6, 1973. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Lebanon, Tenn., to points in Alabama, Arkansas, Georgia, Kentucky, Mississippi, Missouri, North Carolina, Tennessee, and Virginia.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority can be tacked at: (1) Atlanta, Ga., to serve points in Florida and South Carolina; (2) Birmingham, Ala., to serve points in Louisiana; and (3) points in Kentucky to provide a through service from Winter Haven, Fla., to points in Tennessee. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 103498 (sub-No. 36), filed August 16, 1973. Applicant: W. D. SMITH TRUCK LINE, INC., P.O. Drawer C, DeQueen, Ark. 71832. Applicant's representative: Donald T. Jack, Jr., 1550 Tower Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plantsite of Georgia-Pacific Corp., at or near El Dorado, Ark., to points in Alabama.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 104683 (Sub-No. 33), filed July 13, 1973. Applicant: TRANSPORT, INC., 1008-B Street, P.O. Box 1696, Meridian, Miss. 39301. Applicant's representative: W. Guy McKenzie, Jr., P.O. Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulp mill liquid and crude call oil*, in bulk, in tank vehicles, from the plantsite of St. Regis Paper Co. located at Ferguson, Miss., to points in Alabama, Florida, and Louisiana.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 105159 (Sub-No. 29) (amendment), filed July 5, 1973, published in the FEDERAL REGISTER issue of September 7, 1973, and republished, as amended, this issue. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, Minn. 55066. Applicant's representative: Robert D. Givold, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese and cheese products*, from points in Wisconsin (except Marshfield and Brown County), and Bongard and Dalbo, Minn., to Philadelphia, Pa., Richmond and Norfolk, Va., North Carolina, Columbia, S.C., Baltimore, Md., and Boston, Mass., restricted to traffic originating at the storage and production facilities serving Wildstein, a division of Brooke Bond Foods, Inc., and destined to the above-named points; (2) *cheese and cheese products*, from the plantsite and warehouse facility of Wildstein, a division of Brooke Bond Foods, Inc., at Philadelphia, Pa., to Richmond and Norfolk, Va., North Carolina, Columbia, S.C., and Baltimore, Md.; (3) *empty steel drum containers*, used for transporting cheese and cheese products, from the plantsite and warehouse facilities of Wildstein, a division of Brooke Bond Foods, Inc., at Philadelphia, Pa., to points in Wisconsin and Bongard and Dalbo, Minn.; and (4) *inedible cheese and inedible cheese products*, from the plantsite and warehouse facilities of Wildstein, a division of Brooke Bond Foods, Inc., located at or near Hainesport, N.J., to points in Everson, Pa. and Peoria, Ill.

NOTE.—The purpose of this republication is to indicate in part (4) applicant substitutes Hainesport, N.J., in lieu of Philadelphia, Pa., as an origin point and adds Everson, Pa., as a destination point. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 105566 (Sub-No. 93), filed August 6, 1973. Applicant: SAM TANK-SLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, not corrugated, from Indianapolis, Ind., to points in Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Indianapolis, Ind.

No. MC 105566 (Sub-No. 94), filed August 6, 1973. Applicant: SAM TANK-

SLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobile parts*, from Fairfield, Ill., and Marked Tree, Ark., to points in Arizona, Nevada, California, and Dallas, Tex., and (2) *automobile parts and materials and supplies* used in the manufacture of automobile parts, from points in California, to Fairfield, Ill. and Marked Tree, Ark.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or St. Louis, Mo.

No. MC 105566 (Sub-No. 95), filed August 6, 1973. Applicant: SAM TANK-SLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drapery hardware*, from the plantsite and facilities of Scottcraft, Inc., at or near Scottsville, Ky., to points in Colorado, Nevada, Utah, Arizona, California, Idaho, Oregon and Washington.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 105566 (Sub-No. 97), filed August 6, 1973. Applicant: SAM TANK-SLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and canned goods in mixed shipments* with commodities exempt under the provisions of section 203(b) of the act, from points in Yakima County, Wash., to points in Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, South Carolina, North Carolina, Tennessee, Kentucky, Virginia, West Virginia, Illinois, Indiana, Ohio, Michigan, Wisconsin, New York, and Pennsylvania.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 105813 (Sub-No. 191), filed August 6, 1973. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Miami, Fla. 33148. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from Naugatuck, Conn., to points in Florida.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority.

If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106127 (Sub-No. 10), filed August 2, 1973. Applicant: PETROLEUM TANK LINES, INC., Sheffield Road, Sheffield, Mass. 01257. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber, wood products and forest products*, between points in Berkshire County, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, and Maryland.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Albany, N.Y., Hartford, Conn., or Boston, Mass.

No. MC 106398 (Sub-No. 683), filed August 6, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, from points in Iron County, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Duluth, Minn.

No. MC 106603 (Sub-No. 130), filed August 8, 1973. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Salt and salt products and materials and supplies* (except in bulk), used in the agricultural, water, treatment, food processing, wholesale grocery, and institutional supply industries, in mixed loads with salt and salt products, from St. Clair, Mich., to points in Ohio.

NOTE.—Applicant also holds contract carrier authority in MC 46240 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 106647 (Sub-No. 41), filed August 1, 1973. Applicant: CLARK TRANSPORT COMPANY, INC., P.O. Box 395, Chicago Heights, Ill. 60411. Applicant's representative: Charles W. Singer, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (in secondary move-

ments, in truckaway service), between points in Minnesota, Montana, North Dakota, and South Dakota.

NOTE.—Applicant states that the requested authority can be tacked at: (a) points in the lower half of Minnesota to serve the additional points of Iowa; Detroit, Mich.; Omaha, Nebr.; and Toledo, Ohio; (b) points in Minnesota, to provide a through service from Milwaukee, Wis., to points in Montana; (c) points in Iowa (tacked to (a) above) to serve points in Illinois, Indiana, Maryland, Ohio, Pennsylvania, and the District of Columbia; and (d) Minneapolis and St. Paul, Minn., to serve points in Douglas, Bayfield, Ashland, Burnett, Washburn, Sawyer, Polk, Barron, Rusk, Price, Taylor, St. Croix, Dunn, Chippewa, Clark, Pierce, Pepin, Eau Claire, Buffalo, Jackson, Trempealeau, and La Crosse Counties, Wis. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 106839 (Sub-No. 5), filed July 5, 1973. Applicant: LARSEN MOTOR LINES, INC., 440 Erato Street, New Orleans, La. 70120. Applicant's representative: Henry O'Connor, Jr., 1440 Oil and Gas Building, New Orleans, La. 70112. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Refrigerants and such merchandise as is dealt in by retail hardware and appliance stores*, between New Orleans, La., and its commercial zone and Pascagoula, Miss.: From New Orleans, La., over U.S. Highway 90 and/or Interstate Highway 10 to Pascagoula, Miss., serving all intermediate points and serving off-route points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 107012 (Sub-No. 182) (correction), filed June 7, 1973, published in the FEDERAL REGISTER issue of August 2, 1973, and republished, as corrected this issue. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway East & Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture, new household furnishings, fixtures, appliances, and equipment, and new commercial and institutional furnishings, fixtures, and equipment*, all uncrated, from points in Washington and Oregon, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming, restricted against the transportation of commodities which because of size or weight require the use of special equipment.

NOTE.—The purpose of this republication is to indicate that applicant seeks to transport uncrated commodities in lieu of crated commodities which was inadvertently previously published in error. Common control and dual

operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or San Francisco, Calif.

No. MC 107295 (Sub-No. 661), filed August 3, 1973. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Floating boat docks, ramps, materials, supplies, and fixtures and accessories incidental to completion, erection, and installation thereof*, from Galesburg, Ill., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 107295 (Sub-No. 663), filed August 10, 1973. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Urethane products*, (1) from Linden, N.J., to points in North Carolina, South Carolina, Virginia, and Georgia, and (2) from Belvidere, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 107295 (Sub-No. 664), filed August 16, 1973. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, insulating materials, roofing and roofing materials, urethane and urethane products, building and construction materials, and related materials, supplies, and accessories incidental thereto* (except commodities in bulk), between the plantsite and warehousing facilities of the Celotex Corp., located at points in Marion County, S.C., and points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin; restricted to the transportation of shipments originating at or destined to points in the above-named states.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Chicago, or St. Louis, Ill., or Washington, D.C.

No. MC 107295 (Sub-No. 665), filed August 9, 1973. Applicant: PRE-FAB

TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum pipe and tubing, aluminum billets, aluminum dross, aluminum fittings and unfinished aluminum shapes*, from Ellenville, N.Y., to points in the United States (except Alaska, Hawaii, Minnesota, Iowa, Nebraska, Kansas, Missouri, Oklahoma, and Texas).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 870), filed August 22, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk), from Decatur, Ind., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 108375 (Sub-No. 33), filed August 6, 1973. Applicant: LEROY L. WADE & SON, INC., 10550 I Street, P.O. Box 27053, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building (7100 West Center Road), Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, from Omaha, Nebr., to points in Minnesota, Kansas, and South Dakota (except Lawrence, Custer, Meade, Pennington, Butte, and Fall River Counties, S. Dak.); restricted against traffic having had an immediate prior movement from the plantsites of the Chrysler Motor Corp.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 110420 (Sub-No. 687), filed July 30, 1973. Applicant: QUALITY CARRIERS, INC., Bristol, Wis. (P.O. Box 186), Pleasant Prairie, Wis. 53158. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignin sulfonate, liquid and dry*, in bulk, in tank vehicles, from points in Wisconsin, to points in Illinois,

Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 110525 (Sub-No. 1068), filed August 20, 1973. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement dust*, in bulk, in tank vehicles, from points in Berks, Northampton, and Lehigh Counties, Pa., to points in Delaware, Maryland, New York, and New Jersey; and (2) *aqueous sulfuric acid*, in bulk, in tank vehicles, from Rockville, Conn., to Adams, Mass.

NOTE.—Applicant states that the requested authority can be tacked in part (1) only at Fort Lee, N.J., to serve points in Massachusetts, Rhode Island, and Connecticut. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 111045 (sub-No. 107), filed August 10, 1973. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint removing compounds*, in bulk, in tank vehicles, from Montgomery, Ala., to Wichita, Kans.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Philadelphia, Pa.

No. MC 112304 (sub-No. 70), filed July 5, 1973. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Cincinnati, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractories and refractory products* (except commodities in bulk) from points in Greenup County, Ky., to points in Delaware, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Applicant states that the requested authority can be tacked at points in Greenup County, Ky., to serve points east or south of Greenup, Ky., within the territorial scope of the authority sought herein, but applicant has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 112822 Sub-No. 284), filed July 26, 1973. Applicant: BRAY LINES INC., P.O. Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's

representative: Jim R. Gardner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camping equipment* (except vehicular) and *equipment and supplies* used in the manufacture and packaging of camping equipment, from (1) St. George, Utah, to points in Washington and California, and (2) points in Missouri, to points in California, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Kansas City, Mo.

No. MC 112822 (Sub-No. 286), filed August 20, 1973. Applicant: BRAY LINES INC., P.O. Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine, in mixed shipments with canned goods*, from the plant and storage facilities of Seneca Foods Corp. at Prosser, Wash., to points in Arizona, Arkansas, Colorado, Iowa, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, Texas, Wyoming, South Dakota, North Dakota, Minnesota, Wisconsin, Illinois, Idaho, Utah, and Indiana; and (2) *canned goods*, from the plant and storage facilities of Seneca Foods Corp. at Prosser, Wash., to points in South Dakota, Minnesota, Wisconsin, and Illinois.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 112822 (sub-No. 287), filed August 21, 1973. Applicant: BRAY LINES INC., P.O. Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration, from Seelyville, Ind., to points in Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, New Mexico, Idaho, Washington, Oregon, California, Nevada, Utah, and Arizona.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 113545 (sub-No. 12), filed August 21, 1973. Applicant: CORMETT FORWARDING CO., INC., P.O. Box 3057, Weehawken Branch, Union City, N.J. 07087. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceu-*

ticals and medical isotopes, from Carlstadt, N.J., to New York, N.Y.; points in Nassau, Suffolk, Westchester, Putnam, Dutchess, Rockland, Orange, Ulster, and Sullivan Counties, N.Y.; and Fairfield, New Haven, and Hartford Counties, Conn., under contract with Mallinckrodt Nuclear.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 113678 (sub-No. 508), filed August 3, 1973. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Denver, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet or rugs, and carpet or rug padding and material and supplies* used in the installation thereof, from the plantsite and warehouse facilities of General Felt Industries located at City of Commerce and Pico Rivera, Calif., to points in Idaho, Oregon, Washington, Arizona, New Mexico, Utah, Colorado, and Nevada.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 114457 (sub-No. 162), filed August 16, 1973. Applicant: DART TRANSIT CO., a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane products*, from Newton, Kans., to points in Arkansas, Missouri, Oklahoma, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Omaha, Nebr.

No. MC 114890 (sub-No. 67), filed July 20, 1973. Applicant: C. E. REYNOLDS TRANSPORT, INC., P.O. Box A, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Doniphan, Nebr., and Kansas City, Mo., to points in Kansas.

NOTE.—Applicant states that the requested authority can be tacked under its lead certificate at Military, Kans., to serve points in Missouri, Oklahoma, Arkansas, and Texas; under sub-No. 33, at a plantsite at or near Dodge City, Kans., to provide for service to points in Colorado, Wyoming, Texas, Oklahoma, Missouri, Nebraska, and Iowa; and with sub-No. 44, at Atchison, Kans., to serve points in Iowa, Missouri, and Nebraska. If a hearing is deemed necessary, applicant requests it be held at either Tulsa, Oklahoma City, Okla., or Kansas City, Mo.

No. MC 115162 (Sub-No. 278), filed August 6, 1973. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen,

Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, couplings*, thereof, from the plantsites of the Clow Corp., located at or near Bensenville, Ill., and Coshocton, Ohio, to points in Iowa, Kansas, Missouri, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Birmingham, Ala.

No. MC 115162 (Sub-No. 279), filed August 16, 1973. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from points in Elmore and Montgomery Counties, Ala., to points in Escambia County, Fla.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Mobile or Montgomery, Ala.

No. MC 115331 (Sub-No. 348), filed August 16, 1973. Applicant: TRUCK TRANSPORT, INC., 1931 North Geyer Road, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, trailer chassis* (except those designed to be drawn by passenger automobiles), *trailer converter dollies, tractors, bodies and containers*, in secondary truckway and driveway service, and (2) *materials, supplies and parts* used in the manufacture, assembly or servicing of the commodities described in (1) above, when moving in mixed loads with such commodities, between points in North Dakota, South Dakota, Nebraska, Colorado, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Illinois, Wisconsin, Michigan, Indiana, Kentucky, Alabama, Ohio, West Virginia, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 115496 (Sub-No. 18) filed August 23, 1973. Applicant: LUMBER TRANSPORT, INC., 306 First Street, Cochran, Ga. 31014. Applicant's representative: James L. Flemister, 1220 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plant and warehouse sites of Conwall, Inc., located in Richmond and Wilkes Counties, Ga., to points in Virginia, South Carolina, and North Carolina.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 115826 (Sub-No. 253), filed August 6, 1973. Applicant: W. J. DIGBY, INC., 1960-31st Street, Denver, Colo. 80217. Applicant's representative: Charles J. Kimball, 2310 Colorado National Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Dakota City, Nebr., and Emporia, Kans., to points in Colorado and Wyoming.

NOTE.—Applicant states that the requested authority can be tacked with its sub-28 at Denver, Colo., to provide a through service to points in California, but further indicates that it has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Cheyenne, Wyo.

No. MC 116045 (Sub-No. 39), filed July 26, 1973. Applicant: NEUMAN TRANSIT CO., INC., P.O. Box 38, Rawlins, Wyo. 82301. Applicant's representative: Leslie R. Kehl, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur*, in bulk, in tank vehicles, from the plantsite of Farmers Union Central Exchange, located in Laurel, Mont., to the plantsite of Western Nuclear, Inc., located at or near Riverton, Wyo.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 116474 (Sub-No. 28), filed August 17, 1973. Applicant: LEAVITT'S FREIGHT SERVICE, INC., 3855 Marcola Road, Springfield, Ore. 97477. Applicant's representative: David C. White, 2400 Southwest Fourth Avenue, Portland, Ore. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Treated poles and pilings*, from Eugene, Ore., to points in Washington and California (except Butte, Del Norte, El Dorado, Humboldt, Lassen, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, and Yuba Counties), under a continuing contract with L. D. McFarland Co., located at Eugene, Ore.; and (2) *treated poles and pilings*, (a) from Arlington, Wash., to points in Oregon and Nevada, and (b) from Eugene, Ore., to points in Washington, Clark, Esmeralda, Lincoln, Mineral and Nye Counties, Nev., and points in California (except Del Norte, Siskiyou, Modoc, Trinity, Tehama, Plumas, Sierra, Sutter, Nevada, Yuba, Butte, Lassen, Shasta, Placer and Humboldt Counties), under a continuing contract with

J. H. Baxter & Co., located at San Mateo, Calif.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 117610 (Sub-No. 11), filed August 16, 1973. Applicant: DERRICO TRUCKING CORP., 907 East 141st Street, Bronx, N.Y. 10454. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Paperboard, box board, kraft board, corrugated and paper containers, cartons, boxes, waste paper, rags and materials and supplies used in the manufacture and distribution thereof (except in bulk), between Whippany and Clifton, N.J., and Riegelsville, Pa., on the one hand, and, on the other, points in Nassau, Suffolk, Westchester, Orange, Rockland Counties, N.Y., and New York, N.Y., under contract with Whippany Paper Board Co., Inc.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117848 (Sub-No. 7), filed August 22, 1973. Applicant: FRED CARPENTIER, 1415 Luzerne Street, Scranton, Pa. 18504. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas, from Baltimore, Md., to Scranton, Pa.*

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 118039 (Sub-No. 20), filed August 3, 1973. Applicant: MUSTANG TRANSPORTATION, INC., 833 Warner Street, SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Screen woven cloth, wrought iron and steel pipe and plastic film or sheeting, from the plantsite of X. S. Smith, Inc., located at Eatontown, N.J., to points in the United States (except Alaska, Hawaii, and New Jersey).*

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 118142 (Sub-No. 52), filed August 21, 1973. Applicant: M. BRUENGER & CO., INC., 6330 North Broadway, Wichita, Kans. 67219. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses, as described in sections A and C of appendix*

I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Emporia, Kans., to points in Arizona, California, Nevada, Oregon, Utah, and Washington, restricted to traffic originating at the plantsite of Iowa Beef Processors, Inc., located at Emporia, Kans., and destined to the above-named States.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 118202 (Sub-No. 14), filed July 19, 1973. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, Minn. 55987. Applicant's representative: Eugene A. Schultz (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Agricultural fermentation compounds and ingredients*, (2) *fertilizers and ingredients*, (3) *animal minerals and vitamins*, (4) *supplies, signs and materials used in the sale of (1), (2), and (3) above*, and (5) *commodities, the transportation of which is partially exempt under section 203(b) (6) of the Interstate Commerce Act when moving with the above commodities (except commodities in bulk, in tank vehicles), from Carson City, Nev., to points in the United States (except Alaska and Hawaii).*

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn. or Washington, D.C.

No. MC 118341 (Sub-No. 2), filed July 24, 1973. Applicant: VALLEY TRUCKING CO., INC., P.O. Box 2298, (F.M. 802 and Central Avenue), Brownsville, Tex. 77820. Applicant's representative: Joe T. Lanham, 1102 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods and commodities which are partially exempt under section 203(b) (6) of the act, when moving in the same vehicles and at the same time, from Alamo, Laredo, McAllen, Monte Alto, Edinburg, Brownsville, Corpus Christi, San Antonio, and Harlingen, Tex., to Providence, R.I., Albuquerque, N. Mex., and points in Iowa, Louisiana, Maine, Massachusetts, Kansas, Michigan, Kentucky, Maryland, Minnesota, Mississippi, Alabama, California, Delaware, Illinois, New Hampshire, Missouri, Arizona, Colorado, Florida, Indiana, New Jersey, Nebraska, Arkansas, Connecticut, Georgia, New York, Oklahoma, Tennessee, West Virginia, North Carolina, South Carolina, Pennsylvania, Wisconsin, Ohio, Vermont, and Virginia.*

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Brownsville, San Antonio, or Houston, Tex.

No. MC 119118 (sub-No. 36), filed July 16, 1973. Applicant: McCURDY

TRUCKING, INC., P.O. Box 388, Latrobe, Pa. 15650. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages, in containers, and related advertising material moving therewith, from Frankenmuth, Mich., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, Rhode Island, Vermont, Virginia, and the District of Columbia, and empty malt beverage containers on return.*

NOTE.—Applicant holds a permit in MC 116564 and sub 22, therefore dual operations may be involved. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Boston, Mass.

No. MC 119522 (sub-No. 25), filed July 27, 1973. Applicant: McLAIN TRUCKING, INC., 2425 Walton Street, Anderson, Ind. 46011. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Antifreeze, engine coolant, heat transfer and de-icing preparations, from Alsip, Ill., on the one hand, and, on the other, points in Indiana and Missouri (except St. Louis and Kansas City, Mo.).*

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also holds contract carrier authority in MC 3465 sub-No. 39, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., Washington, D.C., or Indianapolis, Ind.

No. MC 119789 (Sub-No. 174) (amendment), filed July 26, 1973, published in the FEDERAL REGISTER issue, August 30, 1973 and republished, as amended, this issue. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 East Irving Boulevard, Dallas, Tex. 75222. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs (except frozen foods, commodities in bulk, meats, meat products, meat byproducts, and articles distributed by meat packinghouses), as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Pittsburgh, Leetsdale, and Chambersburg, Pa., Salem, N.J., Fremont, Toledo and Bowling Green, Ohio, to points in Texas, Oklahoma, Arkansas, Louisiana, Mississippi, and Missouri.*

NOTE.—The purpose of this republication is to add Toledo, Ohio as a point of origin. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119789 (Sub-No. 178), filed July 27, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 East Irving Boulevard, Dallas, Tex. 75222. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Synthetic fabric and synthetic yarn, from Waynesboro, Va., to points in Arizona, California, Oklahoma, and Libertyville, Ill., and Milwaukee, Wis.*

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 120841 (sub-No. 5), filed August 15, 1973. Applicant: WALTER J. DUNLAP AND W. A. BIRCKBICHLER, a partnership, doing business as BLACK & WHITE EXPRESS, 217 American Avenue, Butler, Pa. 16001. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, in refrigerated vehicles, from points in Westmoreland County, Pa., to points in Pennsylvania on and west of U.S. Highway 15.*

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123765 (sub-No. 3), filed August 22, 1973. Applicant: BARRY TRANSFER AND STORAGE CO., INC., 120 East National Avenue, Milwaukee, Wis. 53204. Applicant's representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores, between the retail outlets, storage facilities, and distribution centers of H. C. Prange Co., located at Green Bay, Wis., on the one hand, and, on the other, the retail outlets and storage facilities of H. C. Prange Co., at or near Rockford, Ill., restricted to traffic originating at or destined to the said retail outlets, storage facilities and distribution centers of H. C. Prange Co.*

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also holds contract carrier authority in MC 6031 sub 34, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 124073 (Sub-No. 7), filed August 2, 1973. Applicant: ROY S. SARGEANT, INC., P.O. Box 95, Vienna, N.J. 07880. Applicant's representative: Ed-

ward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Frozen meats, frozen meat products, frozen poultry, and frozen poultry products, from Moosic, Pa., to Manassas, Winchester, and Norfolk, Va., and Charleston and Mt. Clare, W. Va., restricted to a transportation service to be performed under continuing contract or contracts with Polarized Products Division of Tenda Brand Frozen Foods, Inc., located at Scranton, Pa.; and (2) frozen seafood, when moving in the same vehicle with the commodities described in part (1) above, from Exeter, Pa., to Baltimore, Md., Alexandria, Manassas, Winchester, Norfolk, Roanoke, and Richmond, Va., and the District of Columbia, restricted to a transportation service to be performed under continuing contract or contracts with Phillips Seafood Kitchens, Inc., located at Exeter, Pa.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or Scranton, Pa.

No. MC 124078 (Sub-No. 558), filed June 29, 1973. Applicant: SCHWERTMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (Same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sodium sulfate, in bulk, from Danville, Ill., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, and Wisconsin.*

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at La Salle, Ill., on chemicals, in bulk (except petroleum products and fertilizers), to serve points in Alabama, Arkansas, Colorado, Georgia, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Nebraska, North Dakota, Oklahoma, Pennsylvania, South Dakota, and part of Tennessee. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124111 (Sub-No. 44), filed August 13, 1973. Applicant: OHIO EASTERN EXPRESS, INC., P.O. Box 2297, 300 West Perkins Avenue, Sandusky, Ohio 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs (except frozen foods and commodities in bulk), from Decatur, Ind., to points in Connecticut, Delaware, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, North Carolina, and South Carolina.*

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 124505 (Sub-No. 15) (amendment), filed May 7, 1973, published in the FEDERAL REGISTER issue June 28, 1973, and republished as amended, this issue. Applicant: EUGENE TRIPP, 4624

South Avenue West, Missoula, Mont. 59801. Applicant's representative: Jeremy G. Thane, Savings Center Building, Missoula, Mont. 59801. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising matter when moving in the same vehicle, from Seattle and Tacoma, Wash., to points in California, and empty containers for recycling, from points in California to Seattle, Wash., under contract with Carling Brewing Co., and Rainier Brewing Co., Inc., Seattle, Wash.*

NOTE.—The purpose of this republication is to include Tacoma, Wash. as a point of origin. If a hearing is deemed necessary, applicant requests it be held at Seattle or Tacoma, Wash. By order of the Commission, dated August 22, 1973, said matter was directed for handling under modified procedure, and is now vacated and set aside. By the Commission, Commissioner Murphy, September 14, 1973.

No. MC 124656 (Sub-No. 6) annotation, filed August 6, 1973, published in the FEDERAL REGISTER issue of September 13, 1973, and republished as corrected, in part, this issue. Applicant: JOHN LONG TRUCKING, INC., 1030 Denton Street, Sapulpa, Okla. 74066. Applicant's representative: Wilburn L. Williamson, 280 National Life Building, 3535 Northwest 58th Street, Oklahoma City, Okla. 73112.

NOTE.—The purpose of this partial republication is to indicate the correct Docket No. as MC 124656 (sub-No. 6) in lieu of MC 124565 (sub-No. 6) as previously published. The rest of the notice remains as originally published.

No. MC 124711 (Sub-No. 21), filed August 17, 1973. Applicant: BECKER AND SONS, INC., P.O. Box 1050, El Dorado, Kans. 67042. Applicant's representative: T. M. BROWN, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials, in bulk, in tank vehicles, from the nitrogen plant of Farmland Industries, located at Enid, Okla., to points in Kansas, Colorado, Texas, Missouri, Arkansas, and Louisiana, restricted to shipments originating at the above named plantsite.*

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 124774 (Sub-No. 86) (annotation), filed May 7, 1973, published in the FEDERAL REGISTER issue July 8, 1973, and republished as annotated, this issue. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Street, P.O. Box 7344, Omaha, Nebr. 68106. Applicant's representative: Marshall D. Becker, 530 Univac Building, Omaha, Nebr. 68106.

NOTE.—The purpose of this partial republication is to indicate the correct docket number as MC 124774 (sub-No. 86) in lieu of MC 134744 (sub-No. 86), previously published in

error. The rest of the notice remains as originally published.

No. MC 125358 (Sub-No. 14), filed August 13, 1973. Applicant: MID-WEST TRUCK LINES, LTD., 1216 Fife Street, Winnipeg, Manitoba, Canada. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, equipment, materials and supplies* used in the manufacture of tractors, combines, swathers and other farm equipment, from Chicago and Havana, Ill.; Hutchison and McPherson, Kans.; Henderson, Ky.; Joplin, Mo.; Lebanon and Cookville, Tenn.; Dallas, Tex.; and Milwaukee and Racine, Wis., to the ports of entry on the international boundary line between the United States and Canada, at or near Pembina, N. Dak., Noyes and International Falls, Minn., and Detroit, Mich., under contract with Versatile Manufacturing, Ltd.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn. or Chicago, Ill.

No. MC 125708 (Sub-No. 133), filed August 17, 1973. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., Highway 32 East, Crawfordville, Ind. 47933. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, plastic or iron fittings and connections, valves, hydrants and gaskets* (except oil field commodities as defined in *Mercer-Ext. Oil Field Commodities*, 74 M.C.C. 459), from Columbia, Mo., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, restricted to traffic originating at the plantsite and storage facilities of the Clow Corp., located at Columbia, Mo.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126346 (Sub-No. 13), filed July 30, 1973. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 842, Wausau, Wis. 54401. Applicant's representative: Charles W. Singer, 2440 E. Commercial Boulevard, Fort Lauderdale, Fla. 33308. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *parts and accessories* for transmissions and power pumps, and (c) *materials, equipment and supplies* used in the manufacture and distribution of transmissions and power pumps (except commodities in bulk), between Ames, Iowa, Denver, Colo., and La Salle and Rockford, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) (a) *machines and machine tools*, (b) *parts and accessories* for machines and machine tools, and

(c) *materials, equipment and supplies* used in the manufacture and distribution of machines and machine tools (except commodities in bulk), between Belvidere, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts with Sundstrand Corp., located at Rockford, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127705 (Sub-No. 40), filed August 3, 1973. Applicant: KREVDIA BROS. EXPRESS, INC., P.O. Box 68, Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers and closures* therefor, (a) from Freehold, N.J., to points in Ohio and Michigan and (b) from Lapel, Ind., to points in Pennsylvania, West Virginia, New Jersey, Delaware, New York, and (2) *returned glass containers and glass cullet*, (a) from points in Ohio and Michigan to Freehold, N.J., and (b) from points in Delaware, West Virginia, Pennsylvania, New Jersey, and New York, to Lapel, Ind.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128375 (Sub-No. 101), filed August 21, 1973. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Ackle, P.O. Box 81228, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rejected, returned, replacement, recalled and obsolete motor vehicle parts, accessories and related items*, from points in the United States (except Alaska and Hawaii), to the facilities of the Maremont Corp., located at or near Loudon, Pulaski, and Nashville, Tenn., under contract with Maremont Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Chicago, Ill.

No. MC 128616 (sub-No. 13), filed August 20, 1973. Applicant: BANKERS DISPATCH CORP., 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin, 330 South Jefferson Street, Chicago, Ill. 60606. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except coins, currency, and negotiable securities), as are used in the conduct and operation of banks and banking institutions, between Chicago, Ill., on the one hand, and, on the other, points in Door, Langlade, and Menominee Counties, Wis., under contract with the Federal Reserve Bank of Chicago.

NOTE.—Applicant also holds common carrier authority in MC 114533 and subs thereunder, therefore dual operations may be

involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 129410 (sub-No. 4), filed August 20, 1973. Applicant: ROBERT BONCOSKY, INC., 4811 Tile Line Road, Crystal Lake, Ill. 60014. Applicant's representative: Irving Stillerman, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except in bulk), in shipper-owned trailers, from the plant and warehouse facilities of Dean Foods Co., at or near Chemung, Ill., to the plant and warehouse facilities of Dean Foods Co., at or near Racine, Wis., under contract with Dean Foods Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129516 (Sub-No. 24), filed August 1, 1973. Applicant: PATTON'S INC., 2300 Canyon Road, Ellensburg, Wash. 98926. Applicant's representative: James T. Johnson, 1601 IBN Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices and fruit drinks*, from points in Orange County, Calif., to ports of entry on the international boundary line between the United States and Canada, located at Idaho, Montana, and North Dakota.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 129828 (Sub-No. 2), filed July 26, 1973. Applicant: GLENN DAVIS AND DON R. DAVIS, a partnership, doing business as DAVIS BROS., P.O. Box 962, Missoula, Mont. 59801. Applicant's representative: Joe Gerbase, 100 Transwestern Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products, lumber, lumber products, particle board, and chip board*, from points in Washington and Oregon, to points in North Dakota, South Dakota, Minnesota, Wisconsin, and Iowa.

NOTE.—Applicant holds contract carrier authority in MC 127349 (sub-No. 2 and 4) therefore, dual operations may be involved. Common control may also be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Spokane, Wash.

No. MC 133203 (Sub-No. 3), filed July 16, 1963. Applicant: COURIER EXPRESS CORP., 440 Domino Court, Charlotte, N.C. 28201. Applicant's representative: William F. King, 301 Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit and accounting media and other business records and documents used in processing such media, and commercial papers, documents, and written instruments* (except cash let-

ters), between Richmond, Va., on the one hand, and, on the other, the District of Columbia; Baltimore, Md.; and points in Montgomery and Prince Georges Counties, Md.

NOTE.—Applicant holds contract carrier authority in MC 133207, therefore dual operations may be involved. Common control may also be involved. Further, applicant states that the requested authority can be tacked with its existing authority in its lead certificate MC 133203 at Richmond, Va., to provide through service between points in North Carolina, on the one hand, and, on the other, the District of Columbia, and points in Maryland and Virginia. If a hearing is deemed necessary, applicant requests it be held at either Richmond, Va.; Charlotte, N.C.; or Washington, D.C.

No. MC 134291 (Sub-No. 3), filed August 9, 1973. Applicant: JOSEPH R. ST. HILAIRE, doing business as ST. HILAIRE'S DELIVERY SERVICE, 285 Emmett Street, Bristol, Conn. 06010. Applicant's representative: J. Aiden Connors, 145 East 49th Street, New York, N.Y. 10017. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Manuscripts, proofs, page proofs, art work, film magazines, printed matter*, (except in bulk or tank vehicles), between the plant-site of American Can. Co., Bristol Printing Division, at Bristol, Conn., and points in Nassau and Suffolk Counties, N.Y., New York, N.Y. commercial zone, Philadelphia, Pa. commercial zone, Newark, N.J., Wilmington, Del., Baltimore, Md., and Trenton, N.J., under contract with American Can Co., Bristol Printing Division.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 134734 (Sub-No. 13), filed July 31, 1973. Applicant: NATIONAL TRANSPORTATION, INC., Box 31, Norfolk, Nebr. 68701. Applicant's representative: Lanny N. Fause, P.O. Box 37096, Omaha, Nebr. 68137. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Cranberries and cranberry products*, from Kenosha, Wis., to points in Arkansas and points in Missouri west of U.S. Highway 65, including Springfield, under contract with National Foods, Inc., and Ocean Spray Cranberries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 134783 (Sub-No. 6), filed June 21, 1973. Applicant: DIRECT SERVICE, INC., P.O. Box 786, Plainview, Tex. 79072. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses*, as described in sections A and C of appendix I to the *Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from plantsite and

storage facilities of Peyton Packing Co. (division of John Morrell & Co.), at or near points in El Paso County, Tex., to points in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee (except Memphis), Virginia, and West Virginia.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or El Paso, Tex.

No. MC 134922 (Sub-No. 48), filed July 23, 1973. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sporting goods and recreational equipment*, between Old Forge, Pa., and Bossier City, La.

NOTE.—Applicant states that the requested authority could be tacked at Bossier City, La., to provide through service on westbound traffic only under its pending docket in MC 134922 (sub-No. 24), but it has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa., or Little Rock, Ark.

No. MC 134922 (Sub-No. 49), filed July 30, 1973. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Common ground clay and ground soapstone*, from Gonzales, Houston, Palestine, and Zavalla, Tex., and Morgan City, La., to Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, and Tennessee.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Houston, Tex.

No. MC 135185 (Sub-No. 15), filed August 15, 1973. Applicant: COLUMBINE CARRIERS, INC., 2149 South Clermont Street, Englewood, Colo. 80110. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Cameras, camera outfits, camera cases, projectors, photographic material, and self developing film packs*, from Cambridge, Needham Heights, Norwood, and Waltham, Mass., to Dallas, Tex., under contract with Polaroid Corp., located at Needham Heights, Mass.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 135280 (Sub-No. 9), filed July 5, 1973. Applicant: PEP LINES TRUCKING CO., a corporation, 15120 Third Avenue, Highland Park, Mich. 48203. Applicant's representative: J. A. Kundtz, 1100 National City Bank Build-

ing, Cleveland, Ohio 44114. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and retail general mercantile establishments and in connection therein, materials and supplies used in the conduct of such business (except commodities in bulk)*, between Chicago, Ill., on the one hand, and, on the other, points in LaPorte, Newton, and Jasper Counties, Ind., under continuing contract or contracts with Montgomery Ward & Co., Inc.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135660 (Sub-No. 8), filed July 31, 1973. Applicant: BROWNSBERGER ENTERPRISES, INC., RFD No. 1, P.O. Box 243, Butler, Mo. 64730. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic conduit, plastic molding, valves, fittings, compounds, joint sealers, bonding cement, thinner, vinyl and accessories used in the installation of such products*, from Linn Creek, Mo., to points in North Dakota, South Dakota, Montana, Wyoming, Idaho, Utah, Nevada, Arizona, California, Oregon, and Washington, under contract with Central Missouri Pipe Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 135813 (Sub-No.) filed August 1, 1973. Applicant: PARR TRUCKING SERVICE, INC., 829 Alsop Lane, P.O. Box 1308, Owensboro, Ky. 42301. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products*, between points in Hancock County, Ky., on the one hand, and, on the other, Davenport, Iowa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Owensboro, Ky.

No. MC 136384 (Sub-No. 5), filed August 8, 1973. Applicant: PALMER MOTOR EXPRESS, INC., P.O. Box 103, Savannah, Ga. 31405. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE, Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Nails, screws, and fasteners*, from Savannah, Ga., to points in Georgia, Florida, North Carolina, South Carolina, Virginia, Tennessee, Alabama, Kentucky, and West Virginia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 136640 (Sub-No. 4) (correction), filed June 19, 1973, published in the FEDERAL REGISTER issue of August 9, 1973, republished in part as amended, in the FEDERAL REGISTER issue of August 23, 1973 and corrected in third publication this issue. Applicant: ROBERT L. ALLEN, doing business as R. ALLEN TRANSPORT, P.O. Box 321, Pocomoke City, Md. 21851. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen onion rings*, made from diced, fresh onions, when moving in mixed shipments with agricultural commodities otherwise exempt from economic regulations under section 203(b) (6) of the act, from Boston, Mass., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Michigan, North Carolina, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Illinois, Mississippi, Missouri, and New Jersey, and (2) *canned foods*, from Hallwood, Va., to points in California, Montana, Oregon, and Washington, under contract with Boston Bonnie, Inc., and John W. Taylor Packing Co., Inc.

NOTE.—The purpose of this republication is to include the destination States of Illinois, Mississippi, Missouri, and New Jersey in part (1) above omitted in the previous notice. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 138157 (Sub-No. 9), filed July 29, 1973. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as, SOUTHWEST MOTOR FREIGHT, P.O. Box 3561, 15006 Nelson Avenue, City of Industry, Calif. 91744. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products, plastic products, toothpick dispensers, sporting goods, and sporting goods accessories*, from the plantsite of Forster Manufacturing Co., Inc., at or near Wilton, Maine, to Denver, Colo.; Jacksonville and Miami, Fla.; San Francisco and Los Angeles, Calif.; and Seattle, Wash.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138481, filed June 29, 1973. Applicant: TENNESSEE TRANSPORT, INC., 1822 Parkway Towers, Nashville, Tenn. 37219. Applicant's representative: Walter Harwood (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats and parts, components and accessories* when moving with boats, and *related accessories and items* used incidental to the service and operation of such boats, from points in Davidson, Rutherford, Wilson, and Hamilton Counties, Tenn., to points

in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 138635 (Sub-No. 7), filed August 8, 1973. Applicant: CALIFORNIA WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, N.C. 28052. Applicant's representative: John R. Sims, Jr., Suite 600 1707 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton knit underwear*, from Clio (Marlboro County), S.C., and points in Mullins and Marion Counties, S.C., to Los Angeles, National City, and Oakland, Calif.

NOTE.—Dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 138821 (Sub-No. 2), filed August 8, 1973. Applicant: WHEELBERG CO., a corporation, 8707 East Quarry Street, Manassas, Va. 22110. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Reinforced concrete products and materials* used in the installation thereof, from the plantsite of Earley Studio, Inc., at or near Manassas, Va., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia, under contract with Earley Studio, Inc.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 138949 (Sub-No. 1), filed July 30, 1973. Applicant: RITE-WAY DISTRIBUTORS, INC., 2606 Cartwright Street, Dallas, Tex. 75212. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products and Dairy byproducts*, in cartons, bottles, and jugs, from Tulsa, Okla., to Dallas, Tex.; (2) *ice cream and novelties*, in cartons, and *empty plastic containers*, in *straight or mixed shipments*, from Houston, Tex., to Tulsa, Okla.; and (3) *cardboard dairy products containers*, from Fort Worth and Waco, Tex., to Tulsa, Okla., under continuing contract or contracts with Carnation Co., located at Tulsa, Okla., restricted from, to or between the facilities of Carnation Co., and to the above-named commodities transported in shipper owned or controlled trailers.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Tulsa, Okla.

No. MC 138952, filed July 9, 1973. Applicant: CENTRAL CITY EXPRESS, INC., 1822 Parkway Towers, Nashville, Tenn. 37219. Applicant's representative: Walter Harwood (Same address as appli-

cant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), between Nashville, Tenn., and Central City, Ky.: (1) From Nashville over U.S. Highway 431, to Central City, and return over same route; and (2) From Nashville over U.S. Highway 41 to Springfield, Tenn., to junction U.S. Highway 431, thence over U.S. Highway 431 to Central City, and return over the same route, serving all intermediate points between Russellville and Central City (except Russellville) in (1) and (2) above, and serving Paradise, (Muhlenberg County), Ky., as an off-route point in (2) above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Central City or Bowling Green, Ky., or Nashville, Tenn.

No. MC 138953, filed July 16, 1973. Applicant: GROWN MOVING AND STORAGE CO., a corporation, 180 Quint Street, San Francisco, Calif. 94124. Applicant's representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Marin, San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa, and Solano Counties, Calif., restricted to transportation of traffic having a prior or subsequent movement in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 138973, filed July 26, 1973. Applicant: EL DORADO MOVING AND SHIPPING CORP., 437 Concord Avenue, New York, New York 10455. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, in foreign commerce, between points in that part of New York, N.Y., commercial zone, as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b) (8) of the Interstate Commerce Act (the "exempt" zone), restricted to (1) traffic moving on ocean bills of lading issued by a water carrier not subject to part III of the act and (2) traffic having a prior or subsequent movement, by water, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery services in connection with packing, crating and contain-

erization or unpacking, uncrating, and decontamination of such traffic.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138998 (Sub-No. 1), filed August 20, 1973. Applicant: BEE CEE BOAT MOVERS, LTD., 771 Forsman Avenue, North Vancouver, British Columbia, Canada. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Boats*, on especially constructed trailers, between points in Washington west of the Cascade Mountain Range, and the international boundary line between the United States and Canada at or near Blaine, Lynden, and Sumas, Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 139006, filed July 16, 1973. Applicant: RAPIER SMITH, 103 East Forrest Avenue, Bardstown, Ky. 40004. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). Between Chaplin and Bardstown, Ky., serving all intermediate points: From Chaplin over U.S. Highway 62 to Bardstown, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 139037 filed July 19, 1973. Applicant: RALPH STOOPS, Boggstown, Ind. 46110. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Steel pipe*, from Youngstown, Ohio, to the plantsite of Culligan Fyrprotection, Inc., located at Indianapolis, Ind., under continuing contract with Culligan Fyrprotection, Inc., and (2) *highway guard rail*, from Girard, Ohio, to Boggstown, Ind., under continuing contract with Beaty Construction Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 139041, filed July 27, 1973. Applicant: FRED MASSAT, 3955 West 135th Street, Crestwood, Ill. 60445. Applicant's representative: Paul J. Maton, 10 South LaSalle Street, Suite 1620, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building materials* used in construction

of building, and brick, stone, sand, cinders and steel, between points in St. Joseph, Elkhart, Allen, Grant, Marshall, Delaware, Madison, Marion, Howard, Kosciusko, Tippecanoe, Vigo, Montgomery, White, Boone, Hamilton, Monroe, Shelby, Bartholomew, Wayne, and Fayette Counties, Ind., and Chicago, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139055, filed August 16, 1973. Applicant: HUNT'S TRUCKING, INC., 112 Sunset Drive, Gallatin, Tenn. 37066. Applicant's representative: Robert L. Baker, 300 James Robertson Parkway, Nashville, Tenn. 37201. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Synthetic fabric*, woven from synthetic fibers and synthetic yarn, from Waynesboro, Va., to points in North Carolina, South Carolina, and Georgia, under contract with Thiokol Fibers Division of Thiokol Chemical Corp., located at Waynesboro, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

MOTOR CARRIER OF PASSENGER

No. MC 138700 (Sub-No. 2), filed August 2, 1973. Applicant: REDCLIFF BUS LINES LTD., Box 304, Redcliff, Alberta, Canada. Applicant's representative: Ken Van Wert (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at ports of entry in Montana on the international boundary line between the United States and Canada, and extending to Great Falls, and Kallispell, Mont.; restricted to passengers moving in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Billings, Mont., field office.

APPLICATIONS FOR FILING BROKERAGE LICENSES (PROPERTY)

No. MC 130207, filed August 6, 1973. Applicant: JAMES W. PIERCE, 4015 Camelot Dr., A-2, Raleigh, N.C. 27609. Applicant's representative: James W. Pierce (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Raleigh, N.C., to sell or offer to sell to common and contract, motor, rail, water, and air carriers, the transportation of *general commodities*, beginning and ending at points in North Carolina and extending to points in the United States (excluding Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Raleigh or Charlotte, N.C.

APPLICATIONS FOR FILING BROKERAGE LICENSES (PASSENGER)

No. MC 130208, filed August 23, 1973. Applicant: EMMA WALDECK, HOWARD SRYGLER, AND ROBERT SRYG-

LER, a partnership, doing business as WORLD WIDE CHRISTIAN TOURS, 114 West Dixie, U.O. Box 506, Elizabeth, Ky. 42701. Applicant's representative: Emma Waldeck (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Elizabeth, Ky., to sell or offer to sell the transportation of *passengers and their baggage* in sightseeing and/or vacationing tours, between Elizabethtown, Ky., and points in Florida, Michigan, Virginia, North Carolina, South Carolina, Pennsylvania, Ohio, Maryland, the District of Columbia, Delaware, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, and Maine.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Louisville, Bowling Green, Frankfurt, or Lexington, Ky.

FREIGHT FORWARDER APPLICATIONS

No. FF 439 (amendment), filed May 24, 1973, published in the FEDERAL REGISTER issue of June 21, 1973, and republished, as amended, this issue. Applicant: EDCO EXHIBIT DRAYAGE CO., a corporation, 444 Treat Avenue, San Francisco, Calif. 94110. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, Suite 1400, San Francisco, Calif. 94104. Authority sought to engage in operation, in interstate commerce, as a freight forwarder, through use of the facilities of common carriers by railroad, express, water, air, and motor vehicle, in the transportation of *exhibits, displays, and exhibit and display materials, supplies, equipment and booths*, (1) from points in San Francisco, Los Angeles, Alameda, and Orange Counties, Calif., to points in the United States (except Alaska and Hawaii), and (2) between points in San Francisco County, Calif., and points in Oahu County, Hawaii.

NOTE.—The purpose of this republication is: (a) To indicate applicant's correct name; and (b) to add the origin point of Orange County, Calif., to the request for authority in (1) above. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. FF-444, filed September 13, 1973. Applicant: CONTAINER MOVING INTERNATIONAL, INC., 4600 Eisenhower Avenue, Alexandria, Va. 22304. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a freight forwarder, through use of the facilities of common carriers by railroad, motor vehicle, water, and express, in the transportation of *used household goods, unaccompanied baggage and used automobiles*, between points in the United States (including Hawaii but excluding Alaska), restricted to the transportation of import-export traffic only.

NOTE.—Common control may be involved. Applicant requests processing under modified procedure, however, if a hearing is deemed necessary applicant requests it be held at Washington, D.C.

APPLICATIONS(S) IN WHICH HANDLING
WITHOUT ORAL HEARING HAS BEEN
REQUESTED

No. MC 139038, filed August 7, 1973.
Applicant: LEON R. GOLDSMITH, doing
business as TERMINAL MOTOR EX-
PRESS, 1711 East 15th Street, Los An-
geles, Calif. 90021. Applicant's represent-
ative: Jerry Solomon Berger, 9454 Wil-
shire Boulevard—Penthouse, Beverly
Hills, Calif. 90212. Authority sought to
operate as a *contract carrier*, by motor
vehicle, over irregular routes, transport-
ing: (1) *Specialty commodities*, manu-

factured, dealt in, and marketed by man-
ufacturing chemists for the graphic arts
industry, in containers, and, *materials*
and *supplies* used in the manufacture of
said commodities (except commodities
in bulk); and (2) *commodities* other-
wise exempt under section 203(b)(6) of
the act when transported in mixed ship-
ments with those commodities named in
(1) above, between points in Alabama,
Arizona, Arkansas, California, Colorado,
Georgia, Indiana, Kansas, Illinois, Lou-
isiana, Massachusetts, Michigan, Missis-
sippi, Missouri, New Mexico, New York,

North Carolina, Ohio, Oklahoma, Ore-
gon, Pennsylvania, South Carolina,
Texas, Utah, Vermont, and Washington,
under contract with Anchor Chemical
Co., Inc.

NOTE.—Applicant states that the requested
authority cannot be tacked with its existing
authority. If a hearing is deemed necessary,
applicant requests it be held at Los Angeles,
Calif.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-20504 Filed 9-26-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—SEPTEMBER

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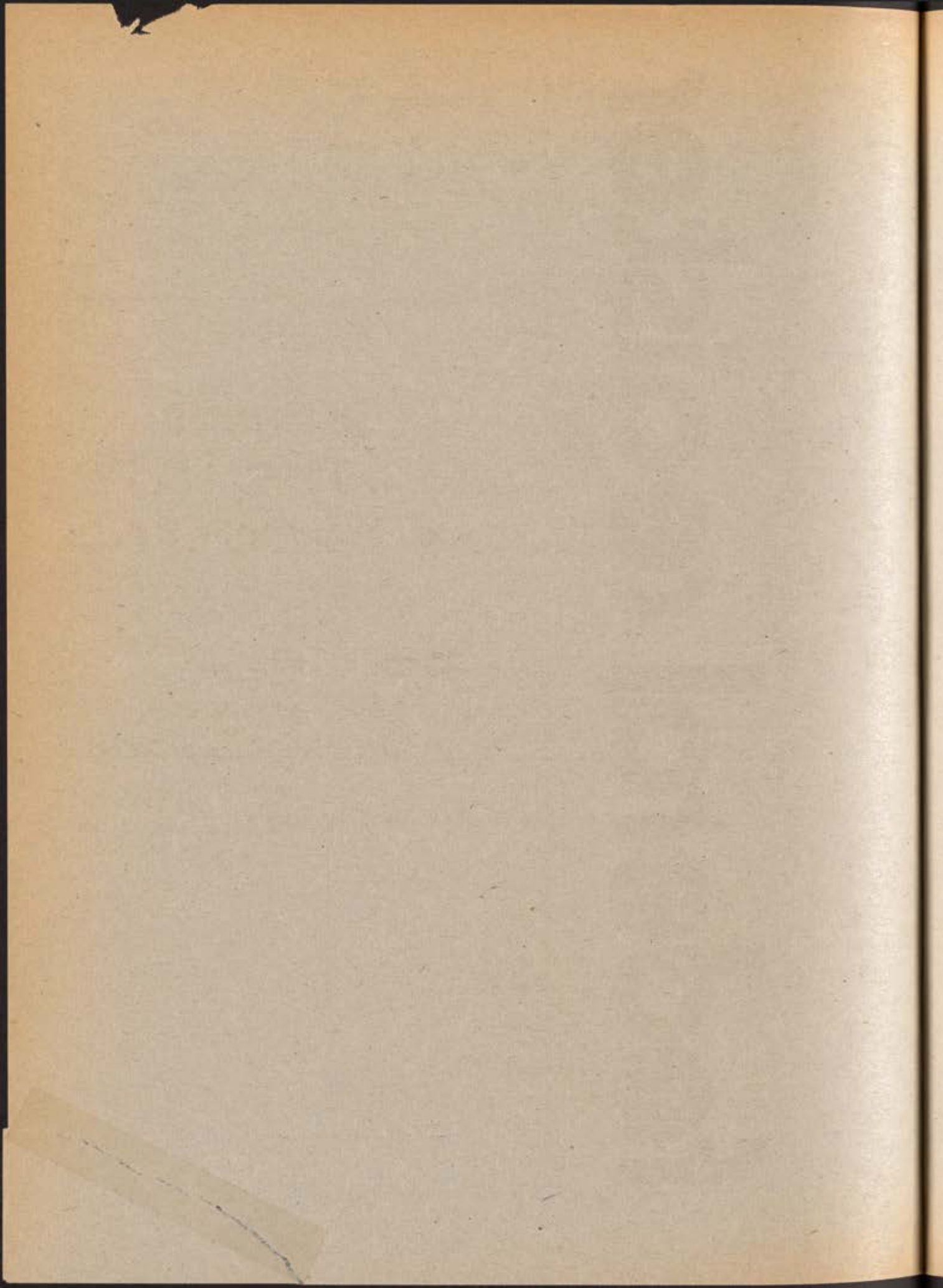
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PART II



CONSUMER PRODUCT SAFETY COMMISSION

■

FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

Revision and Transfer

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

PART 1505—REQUIREMENTS FOR ELECTRICALLY OPERATED TOYS OR OTHER ELECTRICALLY OPERATED ARTICLES INTENDED FOR USE BY CHILDREN

Revision and Transfer

Effective May 14, 1973, sec. 30(a) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1231 (15 U.S.C. 2079 (a))), among other things, transferred from the Secretary of Health, Education, and Welfare to the Consumer Product Safety Commission functions under the Federal Hazardous Substances Act.

Before May 14, 1973, the Commissioner of Food and Drugs under delegated authority, promulgated regulations under the Federal Hazardous Substances Act which appear in the Code of Federal Regulations as 21 CFR Parts 191 and 191b. The purpose of this document is to revise and transfer those regulations.

Accordingly, pursuant to sec 30(a) of the Consumer Product Safety Act, the Consumer Product Safety Commission hereby (1) deletes Parts 191 and 191b from Title 21, Chapter I, and (2) revises and reissues the regulations under the Federal Hazardous Substances Act as Parts 1500 and 1505, respectively, of Title 16, Chapter II, Subchapter C, as set forth below.

Any provisions of 21 CFR Parts 191 and 191b having delayed effective dates shall have the same delayed effective date in 16 CFR Parts 1500 and 1505, and these are noted.

The material is revised to update names, titles, cross-references, etc., and to add and clarify certain definitions. The statutory definitions appearing in sec. 2 of the Federal Hazardous Substances Act (15 U.S.C. 1261) have been added to the regulations for convenience and are set forth in 16 CFR 1500.3(b). The definitions that previously appeared in 21 CFR 191.1 have been clarified as to their relationship to the statutory definitions and those that involve the latter are set forth in 16 CFR 1500.3(c).

Since no new requirements are added by this revision, notice and public procedure are not prerequisites to this issuance.

Parts 1500 and 1505 of Title 16, Chapter II, Subchapter C, read as follows:

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

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1500.272	Costs chargeable in connection with relabeling and reconditioning inadmissible imports.

AUTHORITY.—Secs. 2-5, 10, 14, 74 Stat. 372-76, 378-79, as amended, 80 Stat. 1303-05, 83 Stat. 187-89, 84 Stat. 1673 (15 U.S.C. 1261 and note, 1262-64, 1269, 1273) unless otherwise noted.

§ 1500.1 Scope of subchapter.

Set forth in this Subchapter C are the regulations of the Consumer Product Safety Commission issued pursuant to and for the implementation of the Federal Hazardous Substances Act as amended (see § 1500.3(a)(1)).

§ 1500.2 Authority.

Authority under the Federal Hazardous Substances Act is vested in the Consumer Product Safety Commission by section 30(a) of the Consumer Product Safety Act (15 U.S.C. 2079(a)).

§ 1500.3 Definitions.

(a) *Certain terms used in this part.* As used in this part:

(1) "Act" means the Federal Hazardous Substances Act (Pub. L. 86-613, 74 Stat. 372-81 (15 U.S.C. 1261-74)) as amended by:

(i) The Child Protection Act of 1966 (Pub. L. 89-756, 80 Stat. 1303-05).

(ii) The Child Protection and Toy Safety Act of 1969 (Pub. L. 91-113, 83 Stat. 187-90).

(iii) The Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, 84 Stat. 1670-74).

(2) "Commission" means the Consumer Product Safety Commission established May 14, 1973, pursuant to provisions of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1207-33 (15 U.S.C. 2051-81)).

(b) *Statutory definitions.* Except for the definitions given in section 2 (c) and (d) of the act, which are obsolete, the definitions set forth in section 2 of the act are applicable to this part and are repeated for convenience as follows (some of these statutory definitions are interpreted, supplemented, or provided with alternatives in paragraph (c) of this section):

(1) "Territory" means any territory or possession of the United States, including the District of Columbia and the Commonwealth of Puerto Rico but excluding the Canal Zone.

(2) "Interstate commerce" means (i) commerce between any State or territory and any place outside thereof and (ii) commerce within the District of Columbia or within any territory not organized with a legislative body.

(3) "Person" includes an individual, partnership, corporation, and association.

(4) (i) "Hazardous substance" means:

(A) Any substance or mixture of substances which is toxic, corrosive, an irritant, a strong sensitizer, flammable or combustible, or generates pressure through decomposition, heat, or other means, if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any

customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.

(B) Any substance which the Commission by regulation finds, pursuant to the provisions of section 3(a) of the act, meet the requirements of section 2(f) (1) (A) of the act (restated in (A) above).

(C) Any radioactive substance if, with respect to such substance as used in a particular class of article or as packaged, the Commission determines by regulation that the substance is sufficiently hazardous to require labeling in accordance with the act in order to protect the public health.

(D) Any toy or other article intended for use by children which the Commission by regulation determines, in accordance with section 3(e) of the act, presents an electrical, mechanical, or thermal hazard.

(i) "Hazardous substance" shall not apply to pesticides subject to the Federal Insecticide, Fungicide, and Rodenticide Act, to foods, drugs, and cosmetics subject to the Federal Food, Drug, and Cosmetic Act, nor to substances intended for use as fuels when stored in containers and used in the heating, cooking, or refrigeration system of a house. "Hazardous substance" shall apply, however, to any article which is not itself a pesticide within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act but which is a hazardous substance within the meaning of section 2(f) (1) of the Federal Hazardous Substances Act (restated in paragraph (b) (4) (i) of this section) by reason of bearing or containing such a pesticide.

(ii) "Hazardous substance" shall not include any source material, special nuclear material, or byproduct material as defined in the Atomic Energy Act of 1954, as amended, and regulations issued pursuant thereto by the Atomic Energy Commission.

(5) "Toxic" shall apply to any substance (other than a radioactive substance) which has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through any body surface.

(6) (i) "Highly toxic" means any substance which falls within any of the following categories:

(A) Produces death within 14 days in half or more than half of a group of 10 or more laboratory white rats each weighing between 200 and 300 grams, at a single dose of 50 milligrams or less per kilogram of body weight, when orally administered; or

(B) Produces death within 14 days in half or more than half of a group of 10 or more laboratory white rats each weighing between 200 and 300 grams, when inhaled continuously for a period of 1 hour or less at an atmospheric concentration of 200 parts per million by volume or less of gas or vapor or 2 milligrams per liter by volume or less of mist or dust, provided such concentration is likely to be encountered by man when the substance is used in any reasonably foreseeable manner; or

(C) Produces death within 14 days in half or more than half of a group of 10 or more rabbits tested in a dosage of 200 milligrams or less per kilogram of body weight, when administered by continuous contact with the bare skin for 24 hours or less.

(ii) If the Commission finds that available data on human experience with any substance indicate results different from those obtained on animals in the dosages and concentrations specified in paragraph (b) (6) (i) of this section, the human data shall take precedence.

(7) "Corrosive" means any substance which in contact with living tissue will cause destruction of tissue by chemical action, but shall not refer to action on inanimate surfaces.

(8) "Irritant" means any substance not corrosive within the meaning of section 2(i) of the act (restated in paragraph (b) (7) of this section) which on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction.

(9) "Strong sensitizer" means a substance which will cause on normal living tissue through an allergic or photodynamic process a hypersensitivity which becomes evident on reapplication of the same substance and which is designated as such by the Commission. Before designating any substance as a strong sensitizer, the Commission, upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity.

(10) "Extremely flammable" shall apply to any substance which has a flashpoint at or below 20° F. as determined by the Tagliabue Open Cup Tester; "flammable" shall apply to any substance which has a flashpoint of above 20° F., to and including 80° F., as determined by the Tagliabue Open Cup Tester; and "combustible" shall apply to any substance which has a flashpoint above 80° F. to and including 150° F., as determined by the Tagliabue Open Cup Tester; except that the flammability or combustibility of solids and of the contents of self-pressurized containers shall be determined by methods found by the Commission to be generally applicable to such materials or containers, respectively, and established by regulations issued by the Commission, which regulations shall also define the terms "flammable," "combustible," and "extremely flammable" in accord with such methods.

(11) "Radioactive substance" means a substance which emits ionizing radiation.

(12) "Label" means a display of written, printed, or graphic matter upon the immediate container of any substance or, in the cases of an article which is unpackaged or is not packaged in an immediate container intended or suitable for delivery to the ultimate consumer, a display of such matter directly upon the article involved or upon a tag or other suitable material affixed thereto. A requirement made by or under authority

of the act that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears (i) on the outside container or wrapper, if any there be, unless it is easily legible through the outside container or wrapper and (ii) on all accompanying literature where there are directions for use, written or otherwise.

(13) "Immediate container" does not include package liners.

(14) "Misbranded hazardous substance" means a hazardous substance (including a toy, or other article intended for use by children, which is a hazardous substance, or which bears or contains a hazardous substance in such manner as to be susceptible of access by a child to whom such toy or other article is entrusted) intended, or packaged in a form suitable, for use in the household or by children, if the packaging or labeling of such substance is in violation of an applicable regulation issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970 or if such substance, except as otherwise provided by or pursuant to section 3 of the act (Federal Hazardous Substances Act), fails to bear a label:

(i) Which states conspicuously:

(A) The name and place of business of the manufacturer, packer, distributor, or seller;

(B) The common or usual name or the chemical name (if there be no common or usual name) of the hazardous substance or of each component which contributes substantially to its hazard, unless the Commission by regulation permits or requires the use of a recognized generic name;

(C) The signal word "DANGER" on substances which are extremely flammable, corrosive, or highly toxic;

(D) The signal word "WARNING" or "CAUTION" on all other hazardous substances;

(E) An affirmative statement of the principal hazard or hazards, such as "Flammable," "Combustible," "Vapor Harmful," "Causes Burns," "Absorbed Through Skin," or similar wording descriptive of the hazard;

(F) Precautionary measures describing the action to be followed or avoided, except when modified by regulation of the Commission pursuant to section 3 of the act;

(G) Instruction, when necessary or appropriate, for first-aid treatment;

(H) The word "Poison" for any hazardous substance which is defined as "highly toxic" by section 2(h) of the act (restated in paragraph (b) (6) of this section);

(I) Instructions for handling and storage of packages which require special care in handling or storage; and

(J) The statement (1) "Keep out of the reach of children" or its practical equivalent, or, (2) if the article is intended for use by children and is not a banned hazardous substance, adequate directions for the protection of children from the hazard; and

(ii) On which any statements required under section 2(p)(1) of the act (re-stated in paragraph (b)(15)(i) of this section) are located prominently and are in the English language in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the label.

"Misbranded hazardous substance" also means a household substance as defined in section 2(2)(D) of the Poison Prevention Packaging Act of 1970 if it is a substance described in section 2(f)(1) of the Federal Hazardous Substances Act (re-stated in paragraph (b)(4)(i)(A) of this section) and its packaging or labeling is in violation of an applicable regulation issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970.

(15)(i) "Banned hazardous substance" means:

(A) Any toy, or other article intended for use by children, which is a hazardous substance, or which bears or contains a hazardous substance in such manner as to be susceptible of access by a child to whom such toy or other article is entrusted; or

(B) Any hazardous substance intended, or packaged in a form suitable, for use in the household, which the Commission by regulation classifies as a "banned hazardous substance" on the basis of a finding that, notwithstanding such cautionary labeling as is or may be required under the act for that substance, the degree or nature of the hazard involved in the presence or use of such substance in households is such that the objective of the protection of the public health and safety can be adequately served only by keeping such substance, when so intended or packaged, out of the channels of interstate commerce: *Provided*, That the Commission by regulation (1) shall exempt from section 2(q)(1)(A) of the act (re-stated in paragraph (b)(15)(i)(A) of this section) articles, such as chemistry sets, which by reason of their functional purpose require the inclusion of the hazardous substance involved, or necessarily present an electrical, mechanical, or thermal hazard, and which bear labeling giving adequate directions and warnings for safe use and are intended for use by children who have attained sufficient maturity, and may reasonably be expected, to read and heed such directions and warnings, and (2) shall exempt from section 2(q)(1)(A) of the act (re-stated in paragraph (b)(15)(i)(A) of this section), and provide for the labeling of, common fireworks (including toy paper caps, cone fountains, cylinder fountains, whistles without report, and sparklers) to the extent that the Commission determines that such articles can be adequately labeled to protect the purchasers and users thereof.

(ii) Proceedings for the issuance, amendment, or repeal of regulations pursuant to section 2(q)(1)(B) of the act (re-stated in paragraph (b)(15)(i)(B) of this section) shall be governed by the provisions of section 701 (e), (f), and (g) of the Federal Food, Drug, and Cosmetic Act: *Provided*, That if the Commission

finds that the distribution for household use of the hazardous substance involved presents an imminent hazard to the public health, the Commission may by order published in the *FEDERAL REGISTER* give notice of such finding, and thereupon such substance when intended or offered for household use, or when so packaged as to be suitable for such use, shall be deemed to be a "banned hazardous substance" pending the completion of proceedings relating to the issuance of such regulations.

(16) "Electrical hazard"—an article may be determined to present an electrical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture may cause personal injury or illness by electric shock.

(17) "Mechanical hazard"—an article may be determined to present a mechanical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness:

(i) From fracture, fragmentation, or disassembly of the article;

(ii) From propulsion of the article (or any part or accessory thereof);

(iii) From points or other protrusions, surfaces, edges, openings, or closures;

(iv) From moving parts;

(v) From lack or insufficiency of controls to reduce or stop motion;

(vi) As a result of self-adhering characteristics of the article;

(vii) Because the article (or any part or accessory thereof) may be aspirated or ingested;

(viii) Because of instability; or

(ix) Because of any other aspect of the article's design or manufacture.

(18) "Thermal hazard"—an article may be determined to present a thermal hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness because of heat as from heated parts, substances, or surfaces.

(c) *Certain statutory definitions interpreted, supplemented, or provided with alternatives.* The following items interpret, supplement, or provide alternatives to definitions set forth in section 2 of the act (and restated in paragraph (b) of this section):

(1) To provide flexibility as to the number of animals tested, the following is an alternative to the definition of "highly toxic" in section 2(h) of the act (and paragraph (b)(6) of this section): "Highly toxic" means:

(i) A substance determined by the Commission to be highly toxic on the basis of human experience; and/or

(ii) A substance that produces death within 14 days in half or more than half of a group of:

(A) White rats (each weighing between 200 and 300 grams) when a single dose of 50 milligrams or less per kilogram of body weight is administered orally;

(B) White rats (each weighing between 200 and 300 grams) when a concentration of 200 parts per million by

volume or less of gas or vapor, or 2 milligrams per liter by volume or less of mist or dust, is inhaled continuously for 1 hour or less, if such concentration is likely to be encountered by man when the substance is used in any reasonably foreseeable manner; and/or

(C) Rabbits (each weighing between 2.3 and 3.0 kilograms) when a dosage of 200 milligrams or less per kilogram of body weight is administered by continuous contact with the bare skin for 24 hours or less by the method described in § 1500.40.

The number of animals tested shall be sufficient to give a statistically significant result and shall be in conformity with good pharmacological practices.

(2) To give specificity to the definition of "toxic" in section 2(g) of the act (and restated in paragraph (b)(5) of this section), the following supplements that definition: "Toxic" means any substance that produces death within 14 days in half or more than half of a group of:

(i) White rats (each weighing between 200 and 300 grams) when a single dose of from 50 milligrams to 5 grams per kilogram of body weight is administered orally. Substances falling in the toxicity range between 500 milligrams and 5 grams per kilogram of body weight will be considered for exemption from some or all of the labeling requirements of the act, under § 1500.82, upon a showing that such labeling is not needed because of the physical form of the substances (solid, a thick plastic, emulsion, etc.), the size or closure of the container, human experience with the article, or any other relevant factors;

(ii) White rats (each weighing between 200 and 300 grams) when an atmospheric concentration of more than 200 parts per million but not more than 20,000 parts per million by volume of gas or vapor, or more than 2 but not more than 200 milligrams per liter by volume of mist or dust, is inhaled continuously for 1 hour or less, if such concentration is likely to be encountered by man when the substance is used in any reasonably foreseeable manner; and/or

(iii) Rabbits (each weighing between 2.3 and 3.0 kilograms) when a dosage of more than 200 milligrams but not more than 2 grams per kilogram of body weight is administered by continuous contact with the bare skin for 24 hours by the method described in § 1500.40.

The number of animals tested shall be sufficient to give a statistically significant result and shall be in conformity with good pharmacological practices. "Toxic" also applies to any substance that is "toxic" (but not "highly toxic") on the basis of human experience.

(3) The definition of "corrosive" in section 2(i) of the act (re-stated in paragraph (b)(7) of this section) is interpreted to also mean the following: "Corrosive" means a substance that causes visible destruction or irreversible alterations in the tissue at the site of contact. A test for a corrosive substance is whether, by human experience, such tissue destruction occurs at the site of application. A substance would be consid-

ered corrosive to the skin if, when tested on the intact skin of the albino rabbit by the technique described in § 1500.41, the structure of the tissue at the site or contact is destroyed or changed irreversibly in 24 hours or less. Other appropriate tests should be applied when contact of the substance with other than skin tissue is being considered.

(4) The definition of "irritant" in section 2(j) of the act (restated in paragraph (b) (8) of this section) is supplemented by the following: "Irritant" includes "primary irritant to the skin" as well as substances irritant to the eye or to mucous membranes. "Primary irritant" means a substance that is not corrosive and that human experience data indicate is a primary irritant and/or means a substance that results in an empirical score of five or more when tested by the method described in § 1500.41. "Eye irritant" means a substance that human experience data indicate is an irritant to the eye and/or means a substance for which a positive test is obtained when tested by the method described in § 1500.42.

(5) The definition of "strong sensitizer" in section 2(k) of the act (restated in paragraph (b) (9) of this section) is supplemented by the following: A "strong allergic sensitizer" is a substance that produces an allergic sensitization in a substantial number of persons who come into contact with it. An allergic sensitization develops by means of an "antibody mechanism" in contradistinction to a primary irritant reaction which does not arise because of the participation of an "antibody mechanism." An allergic reaction ordinarily does not develop on first contact because of necessity of prior exposure to the substance in question. The sensitized tissue exhibits a greatly increased capacity to react to subsequent exposures of the offending agent. Subsequent exposures may therefore produce severe reactions with little correlation to the amounts of excitant involved. A "photodynamic sensitizer" is a substance that causes an alteration in the skin or mucous membranes in general or to the skin or mucous membrane at the site of contact so that when these areas are subsequently exposed to ordinary sunlight (or equivalent radiant energy) an inflammatory reaction will develop.

(6) The following definitions are supplementary to the definitions of "extremely flammable" and "flammable" in section 2(l) of the act or are in response to certain provisions of section 2(l) regarding the flammability of solids and of the contents of self-pressurized containers (section 2(l) is restated in paragraph (b) (10) of this section):

(i) "Extremely flammable" means any substance that has a flashpoint at or below 20° F. as determined by the method described in § 1500.43.

(ii) "Flammable" means any substance that has a flashpoint of above 20° F., to and including 80° F., as determined by the method described in § 1500.43.

(iii) "Extremely flammable solid" means a solid substance that ignites and burns at an ambient temperature of 80°

F. or less when subjected to friction, percussion, or electrical spark.

(iv) "Flammable solid" means a solid substance that, when tested by the method described in § 1500.44, ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

(v) "Extremely flammable contents of self-pressurized container" means contents of a self-pressurized container that, when tested by the method described in § 1500.45, a flashback (a flame extending back to the dispenser) is obtained at any degree of valve opening and the flashpoint, when tested by the method described in § 1500.46, is less than 20° F.

(vi) "Flammable contents of self-pressurized container" means contents of a self-pressurized container that, when tested by the method described in § 1500.45, a flame projection exceeding 18 inches is obtained at full valve opening or a flashback (a flame extending back to the dispenser) is obtained at any degree of valve opening.

(7) The definition of "hazardous substance" in section 2(f) (1) (A) of the act (restated in paragraph (b) (4) (i) A) of this section is supplemented by the following definitions or interpretations of terms used therein:

(i) A substance or mixture of substances that "generates pressure through decomposition, heat, or other means" is a hazardous substance:

(A) If it explodes when subjected to an electrical spark, percussion, or the flame of a burning paraffin candle for 5 seconds or less.

(B) If it expels the closure of its container, or bursts its container, when held at or below 130° F. for 2 days or less.

(C) If it erupts from its opened container at a temperature of 130° F. or less after having been held in the closed container at 130° F. for 2 days.

(D) If it comprises the contents of a self-pressurized container.

(ii) "Substantial personal injury or illness" means any injury or illness of a significant nature. It need not be severe or serious. What is excluded by the word "substantial" is a wholly insignificant or negligible injury or illness.

(iii) "Proximate result" means a result that follows in the course of events without an unforeseeable, intervening, independent cause.

(iv) "Reasonably foreseeable handling or use" includes the reasonably foreseeable accidental handling or use, not only by the purchaser or intended user of the product, but by all others in a household, especially children.

(8) The definition of "radioactive substance" in section 2(m) of the act (restated in paragraph (b) (11) of this section) is supplemented by the following: "Radioactive substance" means a substance which, because of nuclear instability, emits electromagnetic and/or particulate radiation capable of producing ions in its passage through matter. Source materials, special nuclear material, and byproduct materials described in section 2(f) (3) of the act are exempt.

(9) In the definition of "label" in section 2(n) of the act (restated in paragraph (b) (12) of this section), a provision stipulates that words, statements, or other information required to be on the label must also appear on all accompanying literature where there are directions for use, written or otherwise. To make this provision more specific, "accompanying literature" is interpreted to mean any placard, pamphlet, booklet, book, sign, or other written, printed, or graphic matter or visual device that provides directions for use, written or otherwise, and that is used in connection with the display, sale, demonstration, or merchandising of a hazardous substance intended for or packaged in a form suitable for use in the household or by children.

(10) The definition of "misbranded hazardous substance" in section 2(p) of the act (restated in paragraph (b) (14) of this section) is supplemented by the following definitions or interpretations of terms used therein:

(i) "Hazardous substances intended, or packaged in a form suitable, for use in the household" means any hazardous substance, whether or not packaged, that under any customary or reasonably foreseeable condition of purchase, storage, or use may be brought into or around a house, apartment, or other place where people dwell, or in or around any related building or shed including, but not limited to, a garage, carport, barn, or storage shed. The term includes articles, such as polishes or cleaners, designed primarily for professional use but which are available in retail stores, such as hobby shops, for nonprofessional use. Also included are items, such as antifreeze and radiator cleaners, that although principally for car use may be stored in or around dwelling places. The term does not include industrial supplies that might be taken into a home by a serviceman. An article labeled as, and marketed solely for, industrial use does not become subject to this act because of the possibility that an industrial worker may take a supply for his own use. Size of unit or container is not the only index of whether the article is suitable for use in or around the household; the test shall be whether under any reasonably foreseeable condition of purchase, storage, or use the article may be found in or around a dwelling.

(ii) "Conspicuously" in section 2(p) (1) of the act and "prominently" and "conspicuous" in section 2(p) (2) of the act mean that, under customary conditions of purchase, storage, and use, the required information shall be visible, noticeable, and in clear and legible English. Some factors affecting a warning's prominence and conspicuousness are: Location, size of type, and contrast of printing against background. Also bearing on the effectiveness of a warning might be the effect of the package contents if spilled on the label.

§ 1500.4 Human experience with hazardous substances.

(a) Reliable data on human experience with any substance should be taken into

account in determining whether an article is a "hazardous substance" within the meaning of the act. When such data give reliable results different from results with animal data, the human experience takes precedence.

(b) Experience may show that an article is more or less toxic, irritant, or corrosive to man than to test animals. It may show other factors that are important in determining the degree of hazard to humans represented by the substance. For example, experience shows that radiator antifreeze is likely to be stored in the household or garage and likely to be ingested in significant quantities by some persons. It also shows that a particular substance in liquid form is more likely to be ingested than the same substance in a paste or a solid and that an aerosol is more likely to get into the eyes and the nasal passages than a liquid.

§ 1500.5 Hazardous mixtures.

For a mixture of substances, the determination of whether the mixture is a "hazardous substance" as defined by section 2(f) of the act (repeated in § 1500.3(b)(4)) should be based on the physical, chemical, and pharmacological characteristics of the mixture. A mixture of substances may therefore be less hazardous or more hazardous than its components because of synergistic or antagonistic reactions. It may not be possible to reach a fully satisfactory decision concerning the toxic, irritant, corrosive, flammable, sensitizing, or pressure-generating properties of a substance from what is known about its components or ingredients. The mixture itself should be tested.

§ 1500.7 Federal preemption of State and local labeling requirements.

(a) Section 18(b) of the act provides that any law, regulation, or ordinance of the States and political subdivisions thereof purporting to establish a precautionary labeling requirement for any substance or article intended or suitable for household use which differs from the requirements or exemptions of the act or the regulations or interpretations promulgated pursuant thereto shall be null and void. The legislative history reveals that Congress intended by this provision to prevent a proliferation of differing labeling requirements for household products.

(b) Federal preemption applies (1) to household substances and articles required to be labeled in accordance with the act and (2) to household substances and articles not required to be labeled in accordance with the act because they (i) are not "hazardous substances" as defined by section 2(f) of the act (repeated in § 1500.3(b)(4)) or (ii) are exempt from labeling under a regulation promulgated by the Commission. Federal preemption applies to any nonuniform labeling requirement, regardless of whether it conflicts with or is incompatible with the Federal requirement.

(c) Federal preemption applies to any labeling requirement intended to serve as or be a part of, or that is in the nature of, precautionary labeling. Precautionary labeling includes such information as

warnings, registration or identification numbers, disclosure of hazards, antidote information, ingredient statements, and other similar labeling requirements.

(d) Federal preemption does not apply to a State or local ban on a household product.

(e) Whenever a State or local jurisdiction has reason to believe that additional or different precautionary labeling should be required for household substances and articles, it should petition the Commission to promulgate an appropriate nationwide regulation. Such petitions should be submitted to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. The Commission will expedite consideration of any such petition.

§ 1500.12 Products declared to be hazardous substances under section 3(a) of the act.

(a) The Commission finds that the following articles are hazardous substances within the meaning of the act because they are capable of causing substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use:

(1) Charcoal briquettes and other forms of charcoal in containers for retail sale and intended for cooking or heating.

§ 1500.13 Listing of "strong sensitizer" substances.

On the basis of frequency of occurrence and severity of reaction information, the Commission finds that the following substances have a significant potential for causing hypersensitivity and therefore meet the definition for "strong sensitizer" in section 2(k) of the act (repeated in § 1500.3(b)(9)):

(a) Paraphenylenediamine and products containing it.

(b) Powdered orris root and products containing it.

(c) Epoxy resins systems containing in any concentration ethylenediamine, diethylenetriamine, and diglycidyl ethers of molecular weight of less than 200.

(d) Formaldehyde and products containing 1 percent or more of formaldehyde.

(e) Oil of bergamot and products containing 2 percent or more of oil of bergamot.

§ 1500.14 Products requiring special labeling under section 3(b) of the act.

(a) Human experience, as reported in the scientific literature and to the Poison Control Centers and the National Clearing House for Poison Control Centers, and opinions of informed medical experts establish that the following substances are hazardous:

(1) Diethylene glycol and mixtures containing 10 percent or more by weight of diethylene glycol.

(2) Ethylene glycol and mixtures containing 10 percent or more by weight of ethylene glycol.

(3) Products containing 5 percent or more by weight of benzene (also known as benzol) and products containing 10

percent or more by weight of toluene (also known as toluol), xylene (also known as xylo), or petroleum distillates such as kerosene, mineral seal oil, naphtha, gasoline, mineral spirits, stoddard solvent, and related petroleum distillates.

(4) Methyl alcohol (methanol) and mixtures containing 4 percent or more by weight of methyl alcohol (methanol).

(5) Turpentine (including gum turpentine, gum spirits of turpentine, steam-distilled wood turpentine, sulfate wood turpentine, and destructively distilled wood turpentine) and mixtures containing 10 percent or more by weight of such turpentine.

(b) The Commission finds that the following substances present special hazards and that, for these substances, the labeling required by section 2(p)(1) of the act is not adequate for the protection of the public health. Under section 3(b) of the act, the following specific label statements are deemed necessary to supplement the labeling required by section 2(p)(1) of the act:

(1) *Diethylene glycol.* Because diethylene glycol and mixtures containing 10 percent or more by weight of diethylene glycol are commonly marketed, stored, and used in a manner increasing the possibility of accidental ingestion, such products shall be labeled with the signal word "warning" and the statement "Harmful if swallowed."

(2) *Ethylene glycol.* Because ethylene glycol and mixtures containing 10 percent or more by weight of ethylene glycol are commonly marketed, stored, and used in a manner increasing the possibility of accidental ingestion, such products shall be labeled with the signal word "warning" and the statement "Harmful or fatal if swallowed."

(3) *Benzene, toluene, xylene, petroleum distillates.* (i) Because inhalation of the vapors of products containing 5 percent or more by weight of benzene may cause blood dyscrasias, such products shall be labeled with the signal word "danger," the statement of hazard "Vapor harmful," the word "poison," and the skull and crossbones symbol. If the product contains 10 percent or more by weight of benzene, it shall bear the additional statement of hazard "Harmful or fatal if swallowed" and the additional statements "If swallowed, do not induce vomiting. Call physician immediately."

(ii) Because products containing 10 percent or more by weight of toluene, xylene, or any of the other substances listed in paragraph (a)(3) of this section may be aspirated into the lungs, with resulting chemical pneumonitis, pneumonia, and pulmonary edema, such products shall be labeled with the signal word "danger," the statement of hazard "Harmful or fatal if swallowed," and the statements "If swallowed, do not induce vomiting. Call physician immediately."

(iii) Because inhalation of the vapor of products containing 10 percent or more by weight of toluene or xylene may cause systemic injury, such products shall bear the statement of hazard "Vapor harmful" in addition to the statements pre-

scribed in paragraph (b) (3) (ii) of this section.

(4) **Methyl alcohol (methanol).** Because death and blindness can result from the ingestion of methyl alcohol, the label for this substance and for mixtures containing 4 percent or more by weight of this substance shall include the signal word "danger," the additional word "poison," and the skull and crossbones symbol. The statement of hazard shall include "Vapor harmful" and "May be fatal or cause blindness if swallowed." The label shall also bear the statement "Can not be made nonpoisonous."

(5) **Turpentine.** Because turpentine (including gum turpentine, gum spirits of turpentine, steam-distilled wood turpentine, sulfate wood turpentine, and destructively distilled wood turpentine) and products containing 10 percent or more by weight of such turpentine, in addition to oral toxicity resulting in systemic poisoning, may be aspirated into the lungs with resulting chemical pneumonitis, pneumonia, and pulmonary edema, such products shall be labeled with the signal word "danger" and the statement of hazard "Harmful or fatal if swallowed."

(6) **Charcoal.** Charcoal briquettes and other forms of charcoal in containers for retail sale and intended for cooking or heating.

(i) Because inhalation of the carbon monoxide produced by burning charcoal indoors or in confined areas may cause serious injury or death, containers of such products shall bear the following bordered statement:

WARNING: Do Not Use for Indoor Heating or Cooking Unless Ventilation Is Provided for Exhausting Fumes to Outside. Toxic Fumes May Accumulate and Cause Death.

(ii) For bags of charcoal the statement specified in subdivision (i) of this subparagraph shall appear within a heavy borderline in a color sharply contrasting to that of the background, on both front and back panels in the upper 25 percent of the panels of the bag at least 2 inches below the seam, and at least 1 inch above any reading material or design elements in type size as follows: The signal word "WARNING" shall appear in capital letters at least three-eighths inch in height; the remaining text of the warning statement shall be printed in letters at least three-sixteenths inch in height.

§ 1500.15 Labeling of fire extinguishers.

When a substance or mixture of substances labeled for use in or as a fire extinguisher produces substances that are toxic within the meaning of § 1500.3(c) (1) and (2) when used according to label directions to extinguish a fire, the containers for such substances shall bear the following labeling:

(a) When substances are produced that meet the definition of highly toxic in § 1500.3(c) (1), the signal word "Danger" and the statement of hazard "Poisonous gases formed when used to extinguish flame or on contact with heat" are required labeling.

(b) When substances are produced that meet the definition of toxic in § 1500.3(c) (2), the signal word "Caution" or "Warning" and the statement of hazard "Dangerous gas formed when used to extinguish flame or on contact with heat" are required labeling.

(c) Regardless of whether paragraph (a) or (b) of this section applies, any substance or mixture of substances labeled for use as a fire extinguisher that, if applied to an electrical fire, would subject the user to the likelihood of electrical shock shall be conspicuously labeled "Caution: Do not use on electrical wires."

(d) The statements specified in paragraphs (a), (b), and (c) of this section shall be in addition to any other that may be required under the act. All such substances or mixtures of substances shall also bear the additional statements "Use in an enclosed place may be fatal" and "Do not enter area until well ventilated and all odor of chemical has disappeared."

(e) The statements specified in paragraphs (a), (b), and (c) of this section shall be in addition to any other that may be required under the act. All such substances or mixtures of substances shall also bear the additional statements "Use in an enclosed place may be fatal" and "Do not enter area until well ventilated and all odor of chemical has disappeared."

§ 1500.17 Banned hazardous substances.

(a) Under the authority of section 2(q) (1) (B) of the act, the Commission declares as banned hazardous substances the following articles because they possess such a degree or nature of hazard that adequate cautionary labeling cannot be written and the public health and safety can be served only by keeping such articles out of interstate commerce:

(1) Mixtures that are intended primarily for application to interior masonry walls, floors, etc., as a water repellent treatment and that are "extremely flammable" within the meaning of section 2(1) of the act (repeated in § 1500.3(b) (10)).

(2) Carbon tetrachloride and mixtures containing it (including carbon tetrachloride and mixtures containing it used in fire extinguishers), excluding unavoidable manufacturing residues of carbon tetrachloride in other chemicals that under reasonably foreseeable conditions of use do not result in an atmospheric concentration of carbon tetrachloride greater than 10 parts per million.

(3) Fireworks devices intended to produce audible effects (including but not limited to cherry bombs, M-80 salutes, silver salutes, and other large firecrackers, aerial bombs, and other fireworks designed to produce audible effects, and including kits and components intended to produce such fireworks) if the audible effect is produced by a charge of more than 2 grains of pyrotechnic composition; except that this provision shall not apply to such fireworks devices if all of the following conditions are met:

(i) Such fireworks devices are distributed to farmers, ranchers, or growers through a wildlife management program administered by the U.S. Department of the Interior (or by equivalent State or local government agencies); and

(ii) Such distribution is in response to a written application describing the wildlife management problem that re-

quires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control are unavailable or inadequate.

(4) Liquid drain cleaners containing 10 percent or more by weight of sodium and/or potassium hydroxide; except that this subparagraph shall not apply to such liquid drain cleaners if packaged in accordance with a standard for special packaging of such articles promulgated under the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, 84 Stat. 1670-74 (15 U.S.C. 1471-76)).

(5) Products containing soluble cyanide salts, excluding unavoidable manufacturing residues of cyanide salts in other chemicals that under reasonable and foreseeable conditions of use will not result in a concentration of cyanide greater than 25 parts per million.

(6) (i) Any paint or other similar surface-coating material intended, or packaged in a form suitable, for use in or around the household that:

(A) Is shipped in interstate commerce after December 31, 1973, and contains lead compounds of which the lead content (calculated as the metal) is in excess of 0.06 percent of the total weight of the contained solids or dried paint film; or

(B) Is shipped in interstate commerce between December 31, 1972, and December 31, 1973, and contains lead compounds of which the lead content (calculated as the metal) is in excess of 0.5 percent of the total weight of the contained solids or dried paint film.

(ii) Any toy or other article intended for use by children that:

(A) Is shipped in interstate commerce after December 31, 1973, and bears any paint or other similar surface-coating material containing lead compounds of which the lead content (calculated as the metal) is in excess of 0.06 percent of the total weight of the contained solids or dried paint film; or

(B) Is shipped in interstate commerce between December 31, 1972, and December 31, 1973, and bears any paint or other similar surface-coating material containing lead compounds of which the lead content (calculated as the metal) is in excess of 0.5 percent of the total weight of the contained solids or dried paint film.

NOTE.—The effective date of paragraphs (a) (6) (i) (A) and (a) (6) (ii) (A) were stayed by an order published in the FEDERAL REGISTER of August 10, 1972 (37 FR 16078).

(7) General-use garments containing asbestos (other than garments having a bona fide application for personal protection against thermal injury and so constructed that the asbestos fibers will not become airborne under reasonably foreseeable conditions of use).

(Sec. 701 (e), (f), (g), 52 Stat. 1055, as amended (21 U.S.C. 371 (e), (f), (g)).)

§ 1500.18 Banned toys and other banned articles intended for use by children.

(a) Toys and other children's articles presenting mechanical hazards. Under the authority of section 2(f) (1) (D) of the act and pursuant to provisions of section 3(e) of the act, the Commission has

determined that the following types of toys or other articles intended for use by children present a mechanical hazard within the meaning of section 2(s) of the act because in normal use, or when subjected to reasonably foreseeable damage or abuse, the design or manufacture presents an unreasonable risk of personal injury or illness:

(1) Any toy rattle containing, either internally or externally, rigid wires, sharp protrusions, or loose small objects that have the potential for causing lacerations, puncture wound injury, aspiration, ingestion, or other injury.

(2) Any toy having noisemaking components or attachments capable of being dislodged by the operating features of the toy or capable of being deliberately removed by a child, which toy has the potential for causing laceration, puncture wound injury, aspiration, ingestion, or other injury.

(3) Any doll, stuffed animal, or other similar toy having internal or external components that have the potential for causing laceration, puncture wound injury, or similar injury.

(4) Lawn darts and other similar sharp-pointed toys usually intended for outdoor use and having the potential for causing puncture wound injury.

(5) Caps (paper or plastic) intended for use with toy guns and toy guns not intended for use with caps if such caps when so used or such toy guns produce impulse-type sound at a peak pressure level of at or above 138 decibels, referred to 0.0002 dyne per square centimeter, when measured in an anechoic chamber at a distance of 25 centimeters (or the distance at which the sound source ordinarily would be from the ear of the child using it if such distance is less than 25 centimeters) in any direction from the source of the sound. This subparagraph is an interim regulation pending further investigation to determine whether prevention of damage to the hearing of children requires revision hereof.

(6) Any article known as a "baby-bouncer," "walker-jumper," or "baby-walker" and any other similar article (referred to in this subparagraph as "article(s)") which is intended to support very young children while sitting, walking, bouncing, jumping, and/or reclining, and which because of its design has any exposed parts capable of causing amputation, crushing, lacerations, fractures, hematomas, bruises, or other injuries to fingers, toes, or other parts of the anatomy of young children. Included among, but not limited to, the design features of such articles which classify the articles as banned hazardous substances are:

(i) The areas about the point on each side of the article where the frame components are joined together to form an "X" shape capable of producing a scissoring, shearing, or pinching effect.

(ii) Other areas where two or more parts are joined in such a manner as to permit a rotational movement capable of exerting a scissoring, shearing, or pinching effect.

(iii) Exposed coil springs which may expand sufficiently to allow an infant's

finger, toe, or any other part of the anatomy to be inserted, in whole or in part, and injured by being caught between the coils of the spring or between the spring and another part of the article.

(iv) Holes in plates or tubes which provide the possibility of insertion, in whole or in part, of a finger, toe, or any part of the anatomy that could then be injured by the movement of another part of the article.

(v) Design and construction that permits accidental collapse while in use.

(7) Toys usually known as clacker balls and consisting of two balls of plastic or another material connected by a length of line or cord or similar connector (referred to as "cord" in § 1500.86(a)(5)), intended to be operated in a rhythmic manner by an upward and downward motion of the hand so that the two balls will meet forcefully at the top and bottom of two semicircles thus causing a "clacking" sound, which toys present a mechanical hazard because their design or manufacture presents an unreasonable risk of personal injury from fracture, fragmentations, or disassembly of the toy and from propulsion of the toy or its part(s).

(b) *Electrically operated toys and other electrical operated children's articles presenting electrical, thermal, and/or certain mechanical hazards.* Under the authority of section 2(f)(1)(D) of the act and pursuant to provisions of section 3(e) of the act, the Commission has determined that the following types of electrically operated toys or other electrically operated articles intended for use by children present electrical, thermal, and/or certain mechanical hazards within the meaning of section 2(r), (s), and/or (t) of the act because in normal use or when subjected to reasonably foreseeable damage or abuse, the design or manufacture may cause personal injury or illness by electric shock and/or presents an unreasonable risk of personal injury or illness because of heat as from heated parts, substances, or surfaces, or because of certain mechanical hazards:

DIMENSIONS OF SLEEVES FOR ACUTE DERMAL TOXICITY TEST

[Test animal—Rabbits]

Measurements in centimeters		Range of weight of animals (grams)	Average area of exposure (square centimeters)	Average percentage of total body surface
Diameter at ends	Overall length			
7.0	12.5	2,500-3,500	240	10.7

(b) *Preparation of test animal.* The animals are prepared by clipping the skin of the trunk free of hair. Approximately one-half of the animals are further prepared by making epidermal abrasions every 2 or 3 centimeters longitudinally over the area of exposure. The abrasions are sufficiently deep to penetrate the stratum corneum (horny layer of the epidermis) but not to disturb the derma; that is, not to obtain bleeding.

(c) *Procedures for testing.* The sleeve is slipped onto the animal which is then placed in a comfortable but immobilized position in a multiple animal holder. Selected doses of liquids and solutions are introduced under the sleeve. If there is

(1) Any electrically operated toy or other electrically operated article intended for use by children (as defined in § 1505.1(a)(1)) that is introduced into interstate commerce and which does not comply with the requirements of Part 1505 of this chapter.

NOTE.—Paragraph (b)(1) was originally promulgated as 21 CFR 191.9a(b)(1) with an effective date of September 3, 1973 (38 FR 6138).

§ 1500.40 Method of testing toxic substances.

The method of testing the toxic substances referred to in § 1500.3(c)(1)(ii)(C) and (2)(iii) is as follows:

(a) *Acute dermal toxicity (single exposure).* In the acute exposures, the agent is held in contact with the skin by means of a sleeve for periods varying up to 24 hours. The sleeve, made of rubber dam or other impervious material, is so constructed that the ends are reinforced with additional strips and should fit snugly around the trunk of the animal. The ends of the sleeve are tucked, permitting the central portion to "balloon" and furnish a reservoir for the dose. The reservoir must have sufficient capacity to contain the dose without pressure. In the following table are given the dimensions of sleeves and the approximate body surface exposed to the test substance. The sleeves may vary in size to accommodate smaller or larger subjects. In the testing of unctuous materials that adhere readily to the skin, mesh wire screen may be employed instead of the sleeve. The screen is padded and raised approximately 2 centimeters from the exposed skin. In the case of dry powder preparations, the skin and substance are moistened with physiological saline prior to exposure. The sleeve or screen is then slipped over the gauze that holds the dose applied to the skin. In the case of finely divided powders, the measured dose is evenly distributed on cotton gauze which is then secured to the area of exposure.

slight leakage from the sleeve, which may occur during the first few hours of exposure, it is collected and reapplied. Dosage levels are adjusted in subsequent exposures (if necessary) to enable a calculation of a dose that would be fatal to 50 percent of the animals. This can be determined from mortality ratios obtained at various doses employed. At the end of 24 hours the sleeves or screens are removed, the volume of unabsorbed material (if any) is measured, and the skin reactions are noted. The subjects are cleaned by thorough wiping, observed for gross symptoms of poisoning, and then observed for 2 weeks.

§ 1500.41 Method of testing primary irritant substances.

Primary irritation to the skin is measured by a patch-test technique on the abraded and intact skin of the albino rabbit, clipped free of hair. A minimum of six subjects are used in abraded and intact skin tests. Introduce under a square patch, such as surgical gauze measuring 1 inch by 1 inch and two single layers thick, 0.5 milliliter (in the case of liquids) or 0.5 gram (in the case of solids and semisolids) of the test substance. Dissolve solids in an appropriate solvent and apply the solution as for liquids. The animals are immobilized with patches secured in place by adhesive tape. The entire trunk of the animal is then wrapped with an impervious material, such as rubberized cloth, for the 24-hour period of exposure. This material aids in maintaining the test patches in position and retards the evaporation of volatile substances. After 24 hours of exposure, the patches are removed and the resulting reactions are evaluated on the basis of the designated values in the following table:

Skin reaction	Value ¹
Erythema and eschar formation:	
No erythema.....	0
Very slight erythema (barely perceptible).....	1
Well-defined erythema.....	2
Moderate to severe erythema.....	3
Severe erythema (beet redness) to slight eschar formations (injuries in depth).....	4
Edema formation:	
No edema.....	0
Very slight edema (barely perceptible).....	1
Slight edema (edges of area well defined by definite raising).....	2
Moderate edema (raised approximately 1 millimeter).....	3
Severe edema (raised more than 1 millimeter and extending beyond the area of exposure).....	4

¹ The "value" recorded for each reading is the average value of the six or more animals subject to the test.

Readings are again made at the end of a total of 72 hours (48 hours after the first reading). An equal number of exposures are made on areas of skin that have been previously abraded. The abrasions are minor incisions through the stratum corneum, but not sufficiently deep to disturb the derma or to produce bleeding. Evaluate the reactions of the abraded skin at 24 hours and 72 hours, as described in this paragraph. Add the values for erythema and eschar formation at 24 hours and at 72 hours for intact skin to the values on abraded skin at 24 hours and at 72 hours (four values). Similarly, add the values for edema formation at 24 hours and at 72 hours for intact and abraded skin (four values). The total of the eight values is divided by four to give the primary irritation score; for example:

Skin reaction	Exposure time (hours)	Evaluation value
Erythema and eschar formation:		
Intact skin.....	24	2
Do.....	72	1
Abraded skin.....	24	3
Do.....	72	2
Subtotal.....		8
Edema formation:		
Intact skin.....	24	0
Do.....	72	1
Abraded skin.....	24	1
Do.....	72	2
Subtotal.....		4
Total.....		12

Thus, the primary irritation score is $12 \div 4 = 3$.

§ 1500.42 Test for eye irritants.

(a) (1) Six albino rabbits are used for each test substance. Animal facilities for such procedures shall be so designed and maintained as to exclude sawdust, wood chips, or other extraneous materials that might produce eye irritation. Both eyes of each animal in the test group shall be examined before testing, and only those animals without eye defects or irritation shall be used. The animal is held firmly but gently until quiet. The test material is placed in one eye of each animal by gently pulling the lower lid away from the eyeball to form a cup into which the test substance is dropped. The lids are then gently held together for one second and the animal is released. The other eye, remaining untreated, serves as a control. For testing liquids, 0.1 milliliter is used. For solids or pastes, 100 milligrams of the test substance is used, except that for substances in flake, granule, powder, or other particulate form the amount that has a volume of 0.1 milliliter (after compacting as much as possible without crushing or altering the individual particles, such as by tapping the measuring container) shall be used whenever this volume weighs less than 100 milligrams. In such a case, the weight of the 0.1 milliliter test dose should be recorded. The eyes are not washed following instillation of test material except as noted below.

(2) The eyes are examined and the grade of ocular reaction is recorded at 24, 48, and 72 hours. Reading of reactions is facilitated by use of a binocular loupe, hand silt-lamp, or other expert means. After the recording of observations at 24 hours, any or all eyes may be further examined after applying fluorescein. For this optional test, one drop of fluorescein sodium ophthalmic solution U.S.P. or equivalent is dropped directly on the cornea. After flushing out the excess fluorescein with sodium chloride solution U.S.P. or equivalent, injured areas of the cornea appear yellow; this is best visualized in a darkened room under ultraviolet illumination. Any or all eyes

may be washed with sodium chloride solution U.S.P. or equivalent after the 24-hour reading.

(b) (1) An animal shall be considered as exhibiting a positive reaction if the test substance produces at any of the readings ulceration of the cornea (other than a fine stippling), or opacity of the cornea (other than a slight dulling of the normal luster), or inflammation of the iris (other than a slight deepening of the folds (or rugae) or a slight circumcorneal injection of the blood vessels), or if such substance produces in the conjunctivae (excluding the cornea and iris) an obvious swelling with partial eversion of the lids or a diffuse crimson-red with individual vessels not easily discernible.

(2) The test shall be considered positive if four or more of the animals in the test group exhibit a positive reaction. If only one animal exhibits a positive reaction, the test shall be regarded as negative. If two or three animals exhibit a positive reaction, the test is repeated using a different group of six animals. The second test shall be considered positive if three or more of the animals exhibit a positive reaction. If only one or two animals in the second test exhibit a positive reaction, the test shall be repeated with a different group of six animals. Should a third test be needed, the substance will be regarded as an irritant if any animal exhibits a positive response.

(c) To assist testing laboratories and other interested persons in interpreting the results obtained when a substance is tested in accordance with the method described in paragraph (a) of this section, an "Illustrated Guide for Grading Eye Irritation by Hazardous Substances" will be sold by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The guide will contain color plates depicting responses of varying intensity to specific test solutions. The grade of response and the substance used to produce the response will be indicated.

§ 1500.43 Method of test for flashpoint of volatile flammable materials by Tagliabue open-cup apparatus.

SCOPE

1. (a) This method describes a test procedure for the determination of open-cup flashpoints of volatile flammable materials having flashpoints below 175° F.

(b) This method, when applied to paints and resin solutions which tend to skin over or which are very viscous, gives less reproducible results than when applied to solvents.

OUTLINE OF METHOD

2. The sample is placed in the cup of a Tag Open Tester, and heated at a slow but constant rate. A small test flame is passed at a uniform rate across the cup at specified intervals. The flashpoint is taken as the lowest temperature at which application of the test flame causes the vapor at the surface of the liquid to flash, that is, ignite but not continue to burn.

APPARATUS

3. The Tag open-cup tester is illustrated in Fig. 1. It consists of the following parts, which must conform to the dimensions shown, and have the additional characteristics as noted:

(a) *Copper bath*, preferably equipped with a constant level overflow so placed as to maintain the bath liquid level $\frac{1}{8}$ inch below the rim of the glass cup.

(b) *Thermometer holder*. Support firmly with ringstand and clamp.

(c) *Thermometer*. For flashpoints above 40°F ., use the ASTM Tag Closed Tester Thermometer, range of $+20$ to $+230^{\circ}\text{F}$., in 1°F divisions, and conforming to thermometer 9F. of ASTM Standard E 1. For flashpoints from 30°F to 40°F ., use ASTM Tag Closed Tester, Low Range, Thermometer 57F. For flashpoints below 30°F ., use ASTM Thermometer 33F. The original Tag Open-Cup (Paper Scale) Thermometer will be a permissible alternate until January 1, 1962. It is calibrated to -20°F .

(d) *Glass test cup*. Glass test cup (Fig. 2), of molded clear glass, annealed, heat-resistant, and free from surface defects.

(e) *Leveling device*. Leveling device or guide, for proper adjustment of the liquid level in the cup (Fig. 3). This shall be made of No. 18-gage polished aluminum, with a projection for adjusting the liquid level when the sample is added to exactly $\frac{1}{8}$ inch below the level of the edge or rim of the cup.

(f) "Micro," or small gas burner of suitable dimensions for heating the bath. A screw clamp may be used to help regulate the gas. A small electric heater may be used.

(g) *Ignition taper*, which is a small straight, blow-pipe type gas burner. The test flame torch prescribed in the method of test for flash and fire points by Cleveland Open Cup (ASTM designation: D 92) is satisfactory.

(h) *Alternative methods for maintaining the ignition taper in a fixed horizontal plane above the liquid may be used, as follows:*

(1) *Guide wire*, $\frac{3}{32}$ -inch in diameter and $3\frac{1}{2}$ inches in length, with a right-angle bend $\frac{1}{2}$ -inch from each end. This wire is placed snugly in holes drilled in the rim of the bath, so that the guide wire is $\frac{1}{8}$ -inch from the center of the cup and resting on the rim of the cup.

(2) *Swivel-type taper holder*, such as is used in ASTM METHOD D 92. The height and position of the taper are fixed by adjusting the holder on a suitable ringstand support adjacent to the flash cup.

(i) *Draft shield*, consisting of two rectangular sheets of noncombustible material, 24 inches x 28 inches, are fastened together along the 28-inch side, preferably by hinges. A triangular sheet, 24 inches x 24 inches x 34 inches is fastened by hinges to one of the lateral sheets (to form a top when shield is open). The interior of the draft shield shall be painted a flat black.

PROCEDURE

4. (a) Place the tester on a solid table free of vibration, in a location free of perceptible draft, and in a dim light.

(b) Run water, brine, or water-glycol solution into the bath to a predetermined level, which will fill the bath to $\frac{1}{8}$ -inch below the top when the cup is in place. An overflow is permissible for water-level control.

(c) Firmly support the thermometer vertically halfway between the center and edge

of the cup on a diameter at right angles to the guide wire, or on a diameter passing through the center of the cup and the pivot of the taper. Place so that the bottom of the bulb is $\frac{1}{8}$ -inch from the inner bottom surface of the cup. If the old Tagliabue thermometer is used, immerse to well cover the mercury bulb, but not the wide body of the thermometer.

(d) Fill the glass cup with the sample liquid to a depth just $\frac{1}{8}$ -inch below the edge, as determined by the leveling device.

(e) Place the guide wire or swivel device in position, and set the draft shield around the tester so that the sides form right angles with each other and the tester is well toward the back of the shield.

(f) If a guide wire is used, the taper, when passed, should rest lightly on the wire, with the end of the jet burner just clear of the edge of the guide wire. If the swivel-type holder is used, the horizontal and vertical positions of the jet are so adjusted that the jet passes on the circumference of a circle, having a radius of at least 6 inches, across the center of the cup at right angles to the diameter passing through the thermometer, and in a plane $\frac{1}{8}$ -inch above the upper edge of the cup. The taper should be kept in the "off" position, at one end or the other of the swing, except when the flame is applied.

(g) Light the ignition flame and adjust it to form a flame of spherical form matching in size the $\frac{3}{32}$ -inch sphere on the apparatus.

(h) Adjust heater source under bath so that the temperature of the sample increases at a rate of $2 \pm 0.5^{\circ}\text{F}$ per minute. With viscous materials this rate of heating cannot always be obtained.

INITIAL TEST

5. Determine an approximate flashpoint by passing the taper flame across the sample at intervals of 2°F . Each pass must be in one direction only. The time required to pass the ignition flame across the surface of the sample should be 1 second. Remove bubbles from the surface of the sample liquid before starting a determination. Meticulous attention to all details relating to the taper, size of taper flame, and rate of passing the taper is necessary for good results. When determining the flashpoint of viscous liquids and those liquids that tend to form a film of polymer, etc., on the surface, the surface film should be disturbed mechanically each time before the taper flame is passed.

RECORDED TESTS

6. Repeat the procedure by cooling a fresh portion of the sample, the glass cup, the bath solution, and the thermometer at least 20°F below the approximate flashpoint. Resume heating, and pass the taper flame across the sample at two intervals of 5°F and then at intervals of 2°F until the flashpoint occurs.

REPORTING DATA

7. The average of not less than three recorded tests, other than the initial test, shall be used in determining the flashpoint and flammability of the substance.

STANDARDIZATION

8. (a) Make determinations in triplicate on the flashpoint of standard paraxylene and

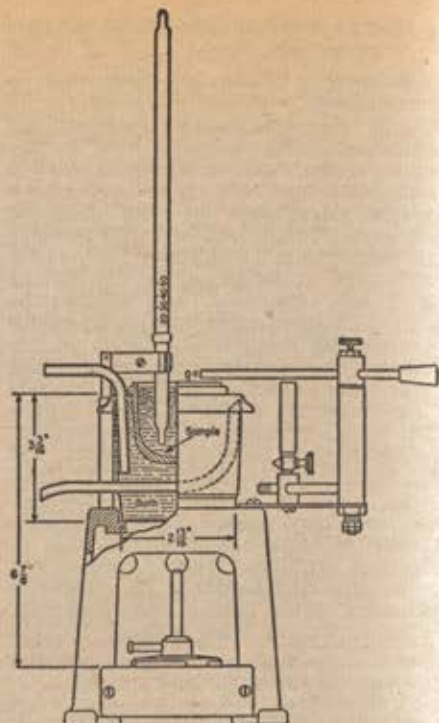


FIGURE 1—Tag open-cup flash tester.

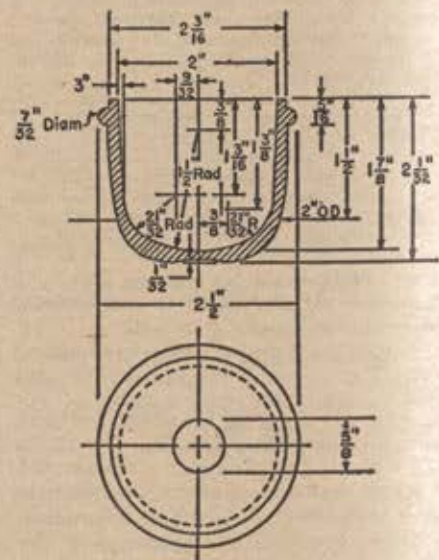


FIGURE 2—Glass test cup.

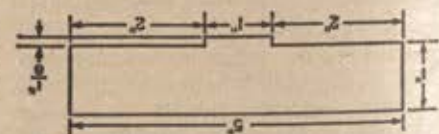


FIGURE 3—Leveling device for adjusting liquid level in test cup.

of standard isopropyl alcohol which meet the following specifications:

(i) *Specifications for p-xylene, flashpoint check grade.* p-Xylene shall conform to the following requirements:

Specific gravity: 15.56° C./15.56° C., 0.860 minimum, 0.866 maximum.

Boiling range: 2° C. maximum from start to dry point when tested in accordance with the method of test for distillation of industrial aromatic hydrocarbons (ASTM designation: D 850), or the method of test for distillation range of lacquer solvents and diluents (ASTM designation: D 1078). The range shall include the boiling point of pure p-xylene, which is 138.35° C. (281.03° F.).

Purity: 95 percent minimum, calculated in accordance with the method of test for determination of purity from freezing points of high-purity compounds (ASTM designation: D 1016), from the experimentally determined freezing point, measured by the method of test for measurement of freezing points of high-purity compounds for evaluation of purity (ASTM designation: D 1015).

(ii) *Specifications for isopropanol, flashpoint check grade.* Isopropanol shall conform to the following requirements:

Specific gravity: 0.8175 to 0.8185 at 20° C./20° C. as determined by means of a calibrated pycnometer.

Distillation range: Shall entirely distill within a 1.0° C. range which shall include the temperature 80.4° C. as determined by ASTM method D 1078.

Average these values for each compound. If the difference between the values for these two compounds is less than 15° F. (8.5° C.) or more than 27° F. (16° C.), repeat the determinations or obtain fresh standards.

(b) Calculate a correction factor as follows:

$$\begin{aligned} X &= 92 - A \\ Y &= 71 - B \\ \text{Correction} &= \frac{X + Y}{2} \end{aligned}$$

Where:

A = Observed flash of p-xylene, and
B = Observed flash of isopropyl alcohol.

Apply this correction of all determinations. Half units in correction shall be discarded.

PRECISION

9. (a) For hydrocarbon solvents having flashpoints between 60° F. and 110° F., repeatability is $\pm 2^\circ$ F. and the reproducibility is $\pm 5^\circ$ F.

(b) If results from two tests differ by more than 10° F., they shall be considered uncertain and should be checked. The calibration procedure provided in this method will cancel out the effect of barometric pressure if calibration and tests are run at the same pressure. Data supporting the precision are given in Appendix III of the 1956 Report of Committee D-1 on Paint, Varnish, Lacquers and Related Products, Proceedings, Am. Soc. Testing Mats., Vol. 56 (1956).

§ 1500.44 Method for determining extremely flammable and flammable solids.

(a) *Preparation of samples*—(1) *Granules, powders, and pastes.* Pack the sample into a flat, rectangular metal boat with inner dimensions 6 inches long x 1 inch wide x one-fourth inch deep.

(2) *Rigid and pliable solids.* Measure the dimensions of the sample and

support it by means of metal ringstands, clamps, rings, or other suitable devices as needed, so that the major axis is oriented horizontally and the maximum surface is freely exposed to the atmosphere.

(b) *Procedure.* Place the prepared sample in a draft-free area that can be ventilated and cleared after each test. The temperature of the sample at the time of testing shall be between 68° F. and 86° F. Hold a burning paraffin candle whose diameter is at least 1 inch, so that the flame is in contact with the surface of the sample at the end of the major axis for 5 seconds or until the sample ignites, whichever is less. Remove the candle. By means of a stopwatch, determine the time of combustion with self-sustained flame. Do not exceed 60 seconds. Extinguish flame with a CO₂ or similar nondestructive type extinguisher. Measure the dimensions of the burnt area and calculate the rate of burning along the major axis of the sample.

§ 1500.45 Method for determining extremely flammable and flammable contents of self-pressurized containers.

(a) *Equipment required.* The test equipment consists of a base 8 inches wide, 2 feet long, marked in 6-inch intervals. A rule 2 feet long and marked in inches is supported horizontally on the side of the base and about 6 inches above it. A paraffin candle 1 inch or more in diameter, and of such height that the top third of the flame is at the height of the horizontal rule, is placed at the zero point in the base.

(b) *Procedure.* The test is conducted in a draft-free area that can be ventilated and cleared after each test. Place the self-pressurized container at a distance of 6 inches from the flame source. Spray for periods of 15 seconds to 20 seconds (one observer noting the extension of the flame and the other operating the container) through the top third of the flame and at a right angle to the flame. The height of the flame should be approximately 2 inches. Take three readings for each test, and average. As a precaution do not spray large quantities in a small, confined space. Free space of previously discharged material.

§ 1500.46 Method for determining flashpoint of extremely flammable contents of self-pressurized containers.

The apparatus used in the Tagliabue Open-Cup Flashpoint Apparatus as described in § 1500.43. Some means such as dry ice in an open container is used to chill the pressurized container. The container, the flash cup, and the bath solution of the apparatus (brine of glycol may be used) are chilled to a temperature of about 25° F. below zero. The chilled container is punctured to exhaust the propellant. The chilled formulation is transferred to the test apparatus and tested in accordance with the method described in § 1500.43.

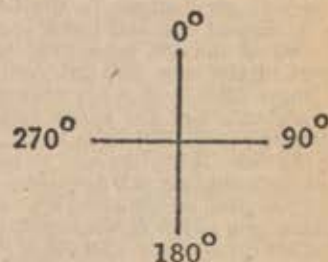
§ 1500.47 Method for determining the sound pressure level produced by toy caps.

(a) *Equipment required.* The equipment for the test includes a microphone, a preamplifier (if required), and an oscilloscope.

(1) The microphone-preamplifier system shall have a free-field response uniform to within ± 2 decibels from 50 hertz to 70 kilohertz or beyond and a dynamic range covering the interval 70 to 160 decibels relative to 20 microwatts per square meter. Depending on the model, the microphone shall be used at normal or at grazing incidence, whichever gives the most uniform free-field response. The microphone shall be calibrated both before and after the test of a model of cap. The calibration shall be accurate to within ± 1 decibel. If the calibration is of the pressure type or of the piston-telephone plus electrostatic actuator type, it shall be corrected to free-field conditions in accordance with the manufacturer's instructions.

(2) The oscilloscope shall be the storage type or one equipped with a camera. It shall have a response uniform to within ± 1 decibel from 50 hertz to 250 kilohertz or higher. It shall be calibrated to within ± 1 decibel against an external voltage source periodically during the tests.

(b) *Procedure.* (1) Use the type pistol that would ordinarily be used with the caps being tested. Place the pistol and testing equipment so that neither the pistol nor the microphone is closer than 1 meter from any wall, floor, ceiling, or other large obstruction. Locate the pistol and the microphone in the same horizontal plane with a distance of 25 centimeters between the diaphragm of the microphone and the position of the explosive. Measure the peak sound pressure level at each of the six designated orientations of the pistol with respect to the measuring microphone. The 0° orientation corresponds to the muzzle of the pistol pointing at the microphone. The 90°, 180°, and 270° orientations are measured in a clockwise direction when looking down on the pistol with its barrel horizontal, as illustrated by the following figure:



(2) The hammer and trigger orientations are obtained by rotating the pistol about the axis of the barrel, when the pistol is in the 90° or 270° orientation, so that the hammer and the trigger are each respectively closest to and in the same horizontal plane with the microphone.

(3) Fire 10 shots at each of the six orientations, obtaining readings on the oscilloscope of the maximum peak voltage for each shot. Average the results of the 10 firings for each of the six orientations.

(4) Using the orientation that yields the highest average value, convert the value to sound pressure levels in decibels relative to 20 microwatts per square meter using the response to the calibrated measuring microphone.

§ 1500.81 Exemptions for food, drugs, cosmetics, and fuels.

(a) *Food, drugs, and cosmetics.* Substances subject to the Federal Food, Drug, and Cosmetic Act are exempted by section 2(f) (2) of the act; but where a food, drug, or cosmetic offers a substantial risk of injury or illness from any handling or use that is customary or usual it may be regarded as misbranded under the Federal Food, Drug, and Cosmetic Act because its label fails to reveal material facts with respect to consequences that may result from use of the article (21 U.S.C. 321(n)) when its label fails to bear information to alert the householder to this hazard.

(b) *Fuels.* A substance intended to be used as a fuel is exempt from the requirements of the act when in containers that are intended to be or are installed as part of the heating, cooling, or refrigeration system of a house. A portable container used for delivery or temporary or additional storage, and containing a substance that is a hazardous substance as defined in section 2(f) of the act, is not exempt from the labeling prescribed in section 2(p) of the act, even though it contains a fuel to be used in the heating, cooking, or refrigeration system of a house.

§ 1500.82 Exemption from full labeling and other requirements.

(a) Any person who believes a particular hazardous substance intended or packaged in a form suitable for use in the household or by children should be exempted from full label compliance otherwise applicable under the act, because of the size of the package or because of the minor hazard presented by the substance, or for other good and sufficient reason, may submit to the Commission a request for exemption under section 3(c) of the act, presenting facts in support of the view that full compliance is impracticable or is not necessary for the protection of the public health. The Commission shall determine on the basis of the facts submitted and all other available information whether the requested exemption is consistent with adequate protection of the public health and safety. If the Commission so finds, it shall detail the exemption granted and the reasons therefor by an appropriate order published in the Federal Register.

(b) The Commission may on its own initiative determine on the basis of facts available to it that a particular hazardous substance intended or packaged in a form suitable for use in the household or by children should be exempted from full labeling compliance otherwise applicable

under the act because of the size of the package or because of the minor hazard presented by the substance or for other good and sufficient reason. If the Commission so finds, it shall detail the exemption granted and the reasons therefor by an appropriate order in the Federal Register.

(c) Any person who believes a particular article should be exempted from being classified as a "banned hazardous substance" as defined by section 2(q) (1) (A) of the act (repeated in § 1500.3(b) (15) (i) (A)), because its functional purpose requires inclusion of a hazardous substance, it bears labeling giving adequate directions and warnings for safe use, and it is intended for use by children who have attained sufficient maturity, and may reasonably be expected, to read and heed such directions and warnings, may submit to the Commission a request for exemption under section 2 (q) (1) (B) (i) of the act (repeated in proviso (1) under § 1500.3(b) (15) (i)), presenting facts in support of his contention. The Commission shall determine on the basis of the facts submitted, and all other available information, whether the requested exemption is consistent with the purposes of the act. If the Commission so finds, it shall detail the exemption granted and the reasons therefor by an appropriate order in the Federal Register.

(d) On its own initiative, the Commission may determine on the basis of available facts that a particular banned hazardous substance should be exempted from section 2(q) (1) (A) of the act (repeated in § 1500.3(b) (15) (i) (A)), because its functional purpose requires inclusion of a hazardous substance, it bears labeling giving adequate directions and warnings for safe use, and it is intended for use by children who have obtained sufficient maturity, and may reasonably be expected, to read and heed such directions and warnings. If the Commission so finds, it shall detail the exemption granted and the reasons therefor by an appropriate order in the Federal Register.

§ 1500.83 Exemptions for small packages, minor hazards, and special circumstances.

(a) The following exemptions are granted for the labeling of hazardous substances under the provisions of § 1500.82:

(1) When the sole hazard from a substance in a self-pressurized container is that it generates pressure or when the sole hazard from a substance is that it is flammable or extremely flammable, the name of the component which contributes the hazardous need not be stated.

(2) Common matches, including book matches, wooden matches, and so-called "safety" matches are exempt from the labeling requirements of section 2(p) (1) of the act (repeated in § 1500.3(b) (14) (i)) insofar as they apply to the product being considered hazardous because of being "flammable" or "extremely flammable" as defined in § 1500.3(c) (6) (iii) and (iv).

(3) Paper items such as newspapers, wrapping papers, toilet and cleansing tissues, and paper writing supplies are exempt from the labeling requirements of section 2(p) (1) of the act (repeated in § 1500.3(b) (14) (i)) insofar as they apply to the products being considered hazardous because of being "flammable" or "extremely flammable" as defined in § 1500.3(c) (6) (iii) and (iv).

(4) Thread, string, twine, rope, cord, and similar materials are exempt from the labeling requirements of section 2 (p) (1) of the act (repeated in § 1500.3 (b) (14) (i)) insofar as they apply to the products being considered hazardous because of being "flammable" or "extremely flammable" as defined in § 1500.3(c) (6) (iii) and (iv).

(5) Laboratory chemicals intended only for research or investigational and other laboratory uses (except those in home chemistry sets) are exempt from the requirements of placement provided in § 1500.121 if all information required by that section and the act appears with the required prominence on the label panel adjacent to the main panel.

(6) Small-arms ammunition packaged in retail containers is exempt from the labeling requirements of section 2(p) (1) of the act (repeated in § 1500.3(b) (14) (i)) if such containers' labels bear the following:

- (i) The common or usual name of the ammunition in the container;
- (ii) The statement "Warning—Keep out of the reach of children," or its practical equivalent; and
- (iii) The name and place of business of the manufacturer, packer, seller, or distributor.

The term "ammunition" as used in this subparagraph includes small-arms ammunition and loads for powder-actuated tools in a form ready for use in a pistol, revolver, rifle, shotgun, or powder-actuated tool, including blank cartridges and shells.

(7) Rigid or semirigid ballpoint ink cartridges are exempt from the labeling requirements of section 2(p) (1) of the act (repeated in § 1500.3(b) (14) (i)), insofar as such requirements would be necessary because the ink contained therein is a "toxic" substance as defined in § 1500.3(c) (2) (i), if:

(i) The ballpoint ink cartridge is of such construction that the ink will, under any reasonably foreseeable conditions of manipulation or use, emerge only from the ballpoint end;

(ii) When tested by the method described in § 1500.3(c) (2) (i), the ink does not have an LD-50 single oral dose of less than 500 milligrams per kilogram of body weight of the test animal; and

(iii) The cartridge does not have a capacity of more than 2 grams of ink.

(8) Containers of paste shoe waxes, paste auto waxes, and paste furniture and floor waxes containing toluene (also known as toluol), xylene (also known as xylol), petroleum distillates, and/or turpentine in the concentrations described in § 1500.14(a) (3) and (5) are exempt from the labeling requirements of § 1500.14(b) (3) (ii) and (5) if the vis-

cosity of such products is sufficiently high so that they will not flow from their opened containers when inverted for 5 minutes at a temperature of 80° F., and are exempt from bearing a flammability warning statement if the flammability of such waxes is due solely to the presence of solvents that have flashpoints above 80° F. when tested by the method described in § 1500.43.

(9) Porous-tip ink-marking devices are exempt from the labeling requirements of section 2(p)(1) of the act (repeated in § 1500.3(b)(14)(i)) and from the labeling requirements of § 1500.14(b)(1), (2), and (3)(ii) and (iii) insofar as such requirements would be necessary because the ink contained therein is a toxic substance as defined in § 1500.3(c)(2)(i), and/or because the ink contains 10 percent or more by weight of toluene (also known as toluol), xylene (also known as xylol), or petroleum distillates as defined in § 1500.14(a)(3), and/or because the ink contains 10 percent or more by weight of ethylene glycol; provided that:

(i) The porous-tip ink-marking devices are of such construction that:

(A) The ink is held within the device by an absorbent material so that no free liquid is within the device; and

(B) Under any reasonably foreseeable conditions of manipulation and use, including reasonably foreseeable abuse by children, the ink will emerge only through the porous writing nib of the device; and

(ii) (A) The device has a capacity of not more than 10 grams of ink and the ink, when tested by methods described in § 1500.3(c)(2)(i), has an LD-50 single oral dose of not less than 2.5 grams per kilogram of body weight of the test animal; or

(B) The device has a capacity of not more than 12 grams of ink and the ink, when tested by methods described in § 1500.3(c)(2)(i), has an LD-50 single oral dose of not less than 3.0 grams per kilogram of body weight of the test animal.

(10) Viscous nitrocellulose-base adhesives containing more than 4 percent methyl alcohol by weight are exempt from the label statement "Cannot be made nonpoisonous" required by § 1500.14(b)(4) if:

(i) The total amount of methyl alcohol by weight in the product does not exceed 15 percent; and

(ii) The contents of any container does not exceed 2 fluid ounces.

(11) Packages containing polishing or cleaning products which consist of a carrier of solid particulate or fibrous composition and which contain toluene (also known as toluol), xylene (also known as xylol), or petroleum distillates in the concentrations described in § 1500.14(a)(1) and (2) are exempt from the labeling requirements of § 1500.14(b)(3)(ii) if such toluene, xylene, or petroleum distillate is fully absorbed by the solid, semisolid, or fibrous carrier and cannot be expressed therefrom with any reasonably foreseeable conditions of manipulation.

(12) Containers of dry ink intended to be used as a liquid ink after the addition of water are exempt from the labeling requirements of section 2(p)(1) of the act (repeated in § 1500.3(b)(14)(i)) and from the labeling requirements of § 1500.14(b)(1) and (2) insofar as such requirements would be necessary because the dried ink contained therein is a toxic substance as defined in § 1500.3(c)(2)(i) and/or because the ink contains 10 percent or more of ethylene glycol as defined in § 1500.14(a)(2); provided that:

(i) When tested by the method described in § 1500.3(c)(2)(i), the dry ink concentrate does not have an LD-50 (lethal dose, median; lethal for 50 percent or more of test group) single oral dose of less than 1 gram per kilogram of body weight of the test animal.

(ii) The dry ink concentrate enclosed in a single container does not weigh more than 75 milligrams.

(iii) The dry ink concentrate does not contain over 15 percent by weight of ethylene glycol.

(13) Containers of liquid and semi-solid substances such as viscous-type paints, varnishes, lacquers, roof coatings, rubber vulcanizing preparations, floor covering adhesives, glazing compounds, and other viscous products containing toluene (also known as toluol), xylene (also known as xylol), or petroleum distillates in concentrations described in § 1500.14(a)(3) are exempt from the labeling requirements of § 1500.14(b)(3)(ii) insofar as that subdivision applies to such toluene, xylene, or petroleum distillates, provided that the viscosity of the substance or of any liquid that may separate or be present in the container is not less than 100 Saybolt universal seconds at 100° F.

(14) Customer-owned portable containers that are filled by retail vendors with gasoline, kerosene (kerosine), or other petroleum distillates are exempt from the provision of section 2(p)(1) of the act (which requires that the name and place of business of the manufacturer, distributor, packer, or seller appear on the label of such containers) provided that all the other label statements required by section 2(p)(1) of the act and § 1500.14(b)(3) appear on the labels of containers of the substances named in this subparagraph.

(15) Cellulose sponges are exempt from the labeling requirements of section 2(p)(1) of the act and § 1500.14(b)(1) insofar as such requirements would be necessary because they contain 10 percent or more of diethylene glycol as defined in § 1500.14(a)(1), provided that:

(i) The cellulose sponge does not contain over 15 percent by weight of diethylene glycol; and

(ii) The diethylene glycol content is completely held by the absorbent cellulose material so that no free liquid is within the sponge as marketed.

(16) Containers of substances which include salt (sodium chloride) as a component are exempt from the labeling requirements of section 2(p)(1) of the act (repeated in § 1500.3(b)(14)(i)) insofar

as such requirements would be necessary because the salt contained therein is present in a quantity sufficient to render the article "toxic" as defined in § 1500.3(c)(2)(i), provided that the labels of such containers bear a conspicuous statement that the product contains salt.

(17) The labeling of substances containing 10 percent or more of ferrous oxalate is exempt from the requirement of § 1500.129(f) that it bear the word "poison" which would be required for such concentration of a salt of oxalic acid.

(18) Packages containing articles intended as single-use spot removers, and which consist of a cotton pad or other absorbent material saturated with a mixture of drycleaning solvents, are exempt from the labeling requirements of section 2(p)(1) of the act (repeated in § 1500.3(b)(14)(i)) insofar as they apply to the "flammable" hazard as defined in § 1500.3(c)(6)(iv), provided that:

(i) The article is packaged in a sealed foil envelope;

(ii) The total amount of solvent in each package does not exceed 4.5 milliliters; and

(iii) The article will ignite only when in contact with an open flame, and when so ignited, the article burns with a sooty flame.

(19) Packages containing articles intended as single-use spot removers, and which consist of a cotton pad or other absorbent material containing methyl alcohol, are exempt from the labeling requirements of § 1500.14(b)(4), if:

(i) The total amount of cleaning solvent in each package does not exceed 4.5 milliliters of which not more than 25 percent is methyl alcohol; and

(ii) The liquid is completely held by the absorbent materials so that no free liquid is within the packages marketed.

(20) Cigarette lighters containing petroleum distillate fuel are exempt from the labeling requirements of section 2(p)(1) of the act (repeated in § 1500.3(b)(14)(i)) and § 1500.14(b)(3) insofar as such requirements would be necessary because the petroleum distillate contained therein is flammable and because the substance is named in § 1500.14(a)(3) as requiring special labeling, provided that:

(i) Such lighters contain not more than 10 cubic centimeters of fuel at the time of sale; and

(ii) Such fuel is contained in a sealed compartment that cannot be opened without the deliberate removal of the flush-set, screw-type refill plug of the lighter.

(21) Containers of dry granular fertilizers and dry granular plant foods are exempt from the labeling requirements of section 2(p)(1) of the act (repeated in § 1500.3(b)(14)(i)) insofar as such requirements would be necessary because the fertilizer or plant food contained therein is a toxic substance as defined in § 1500.3(c)(2)(i), provided that:

(i) When tested by the method described in § 1500.3(c)(2)(i), the product has a single dose LD-50 of not less than

3.0 grams per kilogram of body weight of the test animal;

(ii) The label of any such exempt dry granular fertilizers discloses the identity of each of the hazardous ingredients;

(iii) The label bears the name and address of the manufacturer, packer, distributor, or seller; and

(iv) The label bears the statement "Keep out of the reach of children" or its practical equivalent.

(22) Small plastic capsules containing a paste composed of powdered metal solder mixed with a liquid flux are exempt from the requirements of section 2(p)(1) of the act (repeated in § 1500.3(b)(14)(i)), if:

(i) The capsule holds not more than one-half milliliter of the solder mixture;

(ii) The capsule is sold only as a component of a kit; and

(iii) Adequate caution statements appear on the carton of the kit and on any accompanying labeling which bears directions for use.

(23) Chemistry sets and other science education sets intended primarily for use by juveniles, and replacement containers of chemicals for such sets, are exempt from the requirements of section 2(p)(1) of the act (repeated in § 1500.3(b)(14)(i)), if:

(i) The immediate container of each chemical that is hazardous as defined in the act and regulations thereunder bears on its main panel the name of such chemical, the appropriate signal word for that chemical, and the additional statement "Read back panel before using" (or "Read side panel before using," if appropriate) and bears on the back (or side) panel of the immediate container the remainder of the appropriate cautionary statement for the specific chemical in the container;

(ii) The experiment manual or other instruction book or booklet accompanying such set bears on the front page thereof, as a preface to any written matter in it (or on the cover, if any there be), the following caution statement within the borders of a rectangle and in the type size specified in § 1500.121:

WARNING—This set contains chemicals that may be harmful if misused. Read cautions on individual containers carefully. Not to be used by children except under adult supervision.

; and

(iii) The outer carton of such set bears on the main display panel within the borders of a rectangle, and in the type size specified in § 1500.121, the caution statement specified in paragraph (a)(23)(ii) of this section.

(24) Fire extinguishers containing fire extinguishing agents which are stored under pressure or which develop pressure under normal conditions of use are exempt from the labeling requirements of section 2(p)(1) of the act (repeated in § 1500.3(b)(14)(i)) insofar as such requirements apply to the pressure

hazard as defined in § 1500.3(c)(7)(i), provided that:

(i) If the container is under pressure both during storage and under conditions of use, it shall be designed to withstand a pressure of at least 6 times the charging pressure at 70° F., except that carbon dioxide extinguishers shall be constructed and tested in accordance with applicable Interstate Commerce Commission specifications; or

(ii) If the container is under pressure only during conditions of use, it shall be designed to withstand a pressure of not less than 5 times the maximum pressure developed under closed nozzle conditions at 70° F. or 1½ times the maximum pressure developed under closed nozzle conditions at 120° F., whichever is greater.

(25) Cleaning and spot removing kits intended for use in cleaning carpets, furniture, and other household objects; kits intended for use in coating, painting, antiquing, and similarly processing furniture, furnishings, equipment, sidings, and various other surfaces; and kits intended for use in photographic color processing are exempt from the requirements of section 2(p)(1) of the act (repeated in § 1500.3(b)(14)(i)) and from the requirements of § 1500.14, provided that:

(i) The immediate container of each hazardous substance in the kit is fully labeled and in conformance with the requirements of the act and regulations thereunder; and

(ii) The carton of the kit bears on the main display panel (or panels) within a borderline, and in the type size specified in § 1500.121, the caution statement "Insert proper signal word as specified in paragraph (a)(25)(iii) of this section." This kit contains the following chemicals that may be harmful if misused: (List hazardous chemical components by name.) Read cautions on individual containers carefully. Keep out of the reach of children."

(iii) If either the word "POISON" or "DANGER" is required on the container of any component of the kit, the same word shall be required to appear as part of the caution statement on the kit carton. If both "POISON" and "DANGER" are required in the labeling of any component or components in the kit, the word "POISON" shall be used. In all other cases the word "WARNING" or "CAUTION" shall be used.

(26) Packages containing articles intended as single-use spot removers and containing methyl alcohol are exempt from the labeling specified in § 1500.14(b)(4), if:

(i) The total amount of cleaning solvent in each unit does not exceed 1 milliliter, of which not more than 40 percent is methyl alcohol;

(ii) The liquid is contained in a sealed glass ampoule enclosed in a plastic container with a firmly attached absorbent wick at one end through which the liquid from the crushed ampoule must pass, under the contemplated conditions of use; and

(iii) The labeling of each package of the cleaner bears the statement "WARNING—Keep out of the reach of children,"

or its practical equivalent, and the name and place of business of the manufacturer, packer, distributor, or seller.

(27) Packaged fireworks assortments intended for retail distribution are exempt from section 2(p)(1) of the act (repeated in § 1500.3(b)(14)(i)), if:

(i) The package contains only fireworks devices suitable for use by the public and designed primarily to produce visible effects by combustion, except that small devices designed to produce audible effects may also be included if the audible effect is produced by a charge of not more than 2 grains of pyrotechnic composition;

(ii) Each individual article in the assortment is fully labeled and in conformance with the requirements of the act and regulations thereunder; and

(iii) The outer package bears on the main display panel (or panels), within the borders of a rectangle and in the type size specified in § 1500.121, the caution statement "WARNING—This assortment contains items that may be hazardous if misused and should be used only under adult supervision. IMPORTANT—Read cautions on individual items carefully."

(28) Packages containing felt pads impregnated with ethylene glycol are exempt from the labeling requirements of § 1500.14(b)(1), if:

(i) The total amount of ethylene glycol in each pad does not exceed 1 gram; and

(ii) The liquid is held by the felt pad so that no free ethylene glycol is within the package.

(29) Cigarette lighters containing butane and/or isobutane fuel are exempt from the labeling requirements of section 2(p)(1) of the act (repeated in § 1500.3(b)(14)(i)) insofar as such requirements would otherwise be necessary because the fuel therein is extremely flammable and under pressure, provided that:

(i) The lighters contain not more than 12 grams of fuel at the time of sale; and

(ii) The fuel reservoir is designed to withstand a pressure of at least 1½ times the maximum pressure which will be developed in the container at 120° F.

(30) The outer retail containers of solder kits each consisting of a small tube of flux partially surrounded by a winding of wire-type cadmium-free silver solder are exempt from the labeling requirements of section 2(p)(1) of the act (repeated in § 1500.3(b)(14)(i)), if:

(i) The metal solder contains no cadmium and is not otherwise hazardous under the provisions of the act;

(ii) The tube of flux in the kit is fully labeled and in conformance with the act and regulations thereunder, and any accompanying literature that bears directions for use also bears all the information required by section 2(p) of the act; and

(iii) The main panel of the outer container bears in type size specified in § 1500.121 the following: (A) the signal word; (B) a statement of principal hazard or hazards; (C) the statement "Keep out of the reach of children," or its practical equivalent; and (D) instructions

to read other cautionary instructions on the tube of flux within.

(31) Visual novelty devices consisting of sealed units, each of which unit is a steel and glass cell containing perchloroethylene (among other things), are exempt from the requirements of § 1500.121(a) that would otherwise require a portion of the warning statement to appear on the glass face of the device, provided that:

(i) The device contains not more than 105 milliliters of perchloroethylene and contains no other component that contributes substantially to the hazard; and

(ii) The following cautionary statement appears on the device (other than on the bottom) in the type size specified in § 1500.121 (c) and (d):

CAUTION—IF BROKEN, RESULTANT VAPORS MAY BE HARMFUL

Contains perchloroethylene. Do not expose to extreme heat. If broken indoors, open windows and doors until all odor of chemical is gone.

Keep out of the reach of children.

A practical equivalent may be substituted for the statement "Keep out of the reach of children."

(32) Hollow plastic toys containing mineral oil are exempt from the labeling specified in § 1500.14(b) (3) (ii), if:

(i) The article contains no other ingredient that would cause it to possess the aspiration hazard specified in § 1500.14(b) (3) (ii);

(ii) The article contains not more than 6 fluid ounces of mineral oil;

(iii) The mineral oil has a viscosity of at least 70 Saybolt universal seconds at 100° F.;

(iv) The mineral oil meets the specifications in the N.F. for light liquid petrolatum; and

(v) The container bears the statement "CAUTION—Contains light liquid petrolatum N.F. Discard if broken or leak develops."

(33) Containers of mineral oil having a capacity of not more than 1 fluid ounce and intended for use in producing a smoke effect for toy trains are exempt from the labeling specified in § 1500.14(b) (3) (ii), if:

(i) The mineral oil meets the specifications in the N.F. for light liquid petrolatum;

(ii) The mineral oil has a viscosity of at least 130 Saybolt universal seconds at 100° F.;

(iii) The article contains no other ingredient that contributes to the hazard; and

(iv) The label declares the presence light liquid petrolatum and the name and place of business of the manufacturer, packer, distributor, or seller.

(34) Viscous products containing more than 4 percent by weight of methyl alcohol, such as adhesives, asphalt-base roof and tank coatings, and similar products, are exempt from bearing the special labeling required by § 1500.14(b) (3) (ii), if:

(i) The product contains not more than 15 percent by weight of methyl alcohol;

(ii) The methyl alcohol does not separate from the other ingredients upon standing or through any foreseeable use or manipulation;

(iii) The viscosity of the product is not less than 7,000 centipoises at 77° F., unless the product is packaged in a pressurized container and is dispensed as a liquid unsuitable for drinking; and

(iv) The labeling bears the statement "Contains methyl alcohol. Use only in well-ventilated area. Keep out of the reach of children."

(35) Individual blasting caps are exempt from bearing the statement "Keep out of the reach of children," or its practical equivalent, if:

(i) Each cap bears conspicuously in the largest type size practicable the statement "DANGEROUS—BLASTING CAPS—EXPLOSIVE"; and

(ii) The outer carton and any accompanying printed matter bear appropriate, complete cautionary labeling.

(36) Individual toy rocket propellant devices and separate delay train and/or recovery system activation devices intended for use with premanufactured model rocket engines are exempt from bearing the full labeling required by section 2(p) (1) of the act (repeated in § 1500.3(b) (14) (i)) insofar as such requirements would be necessary because the articles are flammable or generate pressure, provided that:

(i) The devices are designed and constructed in accordance with the specifications in § 1500.85(a) (3) or (9);

(ii) Each individual device or retail package of devices bears the following:

(A) The statement "WARNING—FLAMMABLE: Read instructions before use";

(B) The common or usual name of the article;

(C) A statement of the type of engine and use classification;

(D) Instructions for safe disposal; and

(E) Name and place of business of manufacturer or distributor; and

(iii) Each individual rocket engine or retail package of rocket engines distributed to users is accompanied by an instruction sheet bearing complete cautionary labeling and instructions for safe use and handling of the individual rocket engines.

§ 1500.84 Exemption for unlabeled containers.

(a) Except as provided by paragraphs (b) and (c) of this section, a shipment or other delivery of a hazardous substance that, in accordance with the practice of the trade, is to be labeled in substantial quantity at an establishment other than that where originally manufactured or packed shall be exempt during the time of introduction into and movement in interstate commerce and during the time of holding in that establishment from compliance with the labeling requirements of section 2(p) of the act (repeated in § 1500.3(b) (14)) if:

(1) The person who introduced the shipment or delivery into interstate commerce is the operator of the establishment or delivery into interstate commerce is to be received and labeled; or

(2) The person who introduced the shipment or delivery is not the operator, and the shipment or delivery is made to the establishment under a written agreement, signed by and containing the post office address of the person and the operator, and containing whatever specifications for the labeling of the hazardous substance that are necessary to insure, if such specifications are followed, that the hazardous substance will not be misbranded within the meaning of the act upon completion of the labeling. The person and the operator shall each keep a copy of the agreement until 2 years after the final shipment or delivery under the agreement has been completed and shall make copies of the agreement available for inspection upon request of any properly authorized officer or employee of the Commission.

(b) An exemption of a shipment or delivery of a hazardous substance under paragraph (a) (1) of this section shall, at the beginning of the act of removing the shipment or delivery or any part thereof from the establishment, become void ab initio if the hazardous substance comprising the shipment, delivery, or part is misbranded within the meaning of the act when so removed.

(c) An exemption of a shipment or delivery of a hazardous substance under paragraph (a) (2) of this section shall become void ab initio with respect to the person who introduced the shipment or delivery into interstate commerce upon refusal by that person to make available for inspection a copy of the agreement as required by paragraph (a) (2) of this section.

(d) An exemption of a shipment or other delivery of a hazardous substance under paragraph (a) (2) of this section shall expire:

(1) At the beginning of the act of removing the shipment or delivery, or any part thereof, from the establishment if the hazardous substance comprising the shipment, delivery, or part is misbranded within the meaning of the act when so removed; or

(2) Upon refusal by the operator of the establishment where the hazardous substance is to be labeled, to make available for inspection a copy of the agreement required by paragraph (a) (2) of this section.

§ 1500.85 Exemptions from classification as banned hazardous substances.

(a) The term "banned hazardous substances" as used in section 2(q) (1) (A) of the act shall not apply to the following articles provided that these articles bear labeling giving adequate directions and warnings for safe use:

(1) Chemistry sets and other science education sets intended primarily for juveniles, and replacement components for such sets, when labeled in accordance with § 1500.83(a) (23).

(2) Common fireworks devices suitable for use by the public (such as toy paper caps, cone fountains, cylinder fountains, whistles without report, and sparklers, but not including fireworks devices that may be confused with candy or other food, such as "dragon eggs" and

"crackerballs," also known as "ball-type caps"), if such devices are:

(i) Designed to produce only visible effects by combustion; or are

(ii) Designed to produce audible effects, if the audible effect is produced by a charge of not more than 2 grains of pyrotechnic composition.

(3) [Reserved]

(4) Educational materials such as art materials, preserved biological specimens, laboratory chemicals, and other articles intended and used for educational purposes.

(5) Liquid fuels containing more than 4 percent by weight of methyl alcohol that are intended and used for operation of miniature engines for model airplanes, boats, cars, etc.

(6) Novelties consisting of a mixture of polyvinyl acetate, U.S. Certified Colors, and not more than 25 percent by weight of acetone, and intended for blowing plastic balloons.

(7) Games containing, as the sole hazardous component, a self-pressurized container of soap solution or similar foam-generating mixture provided that the foam-generating component has no hazards other than being in a self-pressurized container.

(8) Model rocket propellant devices designed for use in light-weight, recoverable, and reifiable model rockets, provided such devices:

(i) Are designed to be ignited by electrical means.

(ii) Contain no more than 62.5 grams (2.2 ounces) of propellant material and produce less than 80 newton-seconds (17.92 pound seconds) of total impulse with thrust duration not less than 0.050 second.

(iii) Are constructed such that all the chemical ingredients are preloaded into a cylindrical paper or similarly constructed nonmetallic tube that will not fragment into sharp, hard pieces.

(iv) Are designed so that they will not burst under normal conditions of use, are incapable of spontaneous ignition, and do not contain any type of explosive or pyrotechnic warhead other than a small parachute or recovery-system activation charge.

(9) Separate delay train and/or recovery system activation devices intended for use with premanufactured model rocket engines wherein all of the chemical ingredients are preloaded so the user does not handle any chemical ingredient and are so designed that the main casing or container does not rupture during operation.

(10) Solid fuel pellets intended for use in miniature jet engines for propelling model jet airplanes, speed boats, racing cars, and similar models, provided such solid fuel pellets:

(i) Weigh not more than 11.5 grams each.

(ii) Are coated with a protective resinous film.

(iii) Contain not more than 35 percent potassium dichromate.

(iv) Produce a maximum thrust of not more than 7½ ounces when used as directed.

(v) Burn not longer than 12 seconds each when used as directed.

(11) Fuses intended for igniting fuel pellets exempt under subparagraph (10) of this paragraph.

(12) Kits intended for construction of model rockets and jet propelled model airplanes requiring the use of difluorodichloromethane as a propellant, provided the outer carton bears on the main panel in conspicuous type size the statement "WARNING—Carefully read instructions and cautions before use."

(13) Flammable wire materials intended for electro-mechanical actuation and release devices for model kits described in subparagraph (12) of this paragraph, provided each wire does not exceed 15 milligrams in weight.

§ 1500.86 Exemptions from classification as a banned toy or other banned article for use by children.

(a) The term "banned hazardous substance" as used in section 2(q)(1)(A) of the act (repeated in § 1500.3(b)(15)(1)(A)) of the act shall not apply to the following articles:

(i) Toy rattles described in § 1500.18 (a)(1) in which the rigid wires, sharp protrusions, or loose small objects are internal and provided that such rattles are constructed so that they will not break or deform to expose or release the contents either in normal use or when subjected to reasonably foreseeable damage or abuse.

(ii) Dolls and stuffed animals and other similar toys described in § 1500.18 (a)(3) in which the components that have the potential for causing laceration, puncture wound injury, or other similar injury are internal, provided such dolls, stuffed animals, and other similar toys are constructed so that they will not break or deform to expose such components either in normal use or when subjected to reasonably foreseeable damage or abuse.

(iii) Lawn darts and similar sharp-pointed articles not intended for toy use and marketed solely as a game of skill for adults, provided such articles:

(i) Bear the following statement on the front of the panel of the carton and on any accompanying literature:

WARNING: Not a toy for use by children. May cause serious or fatal injury. Read instructions carefully. Keep out of reach of children.

Such statement shall be printed in sharply contrasting color within a borderline and in letters at least one-quarter inch high on the main panel of the container and at least one-eighth inch high on all accompanying literature.

(ii) Include in the instructions and rules clear and adequate directions and warnings for safe use including a warning against use when any person or animal is in the vicinity of the intended plan or target area.

(iii) Are not sold by toy stores or store departments dealing predominantly in toys and other children's articles.

(4) Any article known as a "baby-bouncer," "walker-jumper," or "baby-walker" and any other similar article (referred to in this subparagraph as "article(s)") described in § 1500.18(a)(6) provided:

(i) The frames are designed and constructed in a manner to prevent injury from any scissoring, shearing, or pinching when the members of the frame or other components rotate about a common axis or fastening point or otherwise move relative to one another; and

(ii) Any coil springs which expand when the article is subjected to a force that will extend the spring to its maximum distance so that a space between successive coils is greater than one-eighth inch (0.125 inch) are covered or otherwise designed to prevent injuries; and

(iii) All holes larger than one-eighth inch (0.125 inch) in diameter and slots, cracks, or hinged components in any portion of the article through which a child could insert, in whole or in part, a finger, toe, or any other part of the anatomy are guarded or otherwise designed to prevent injuries; and

(iv) the articles are designed and constructed to prevent accidental collapse while in use; and

(v) The articles are designed and constructed in a manner that eliminates from any portion of the article the possibility of presenting a mechanical hazard through pinching, bruising, lacerating, crushing, breaking, amputating, or otherwise injuring portions of the human body when in normal use or when subjected to reasonably foreseeable damage or abuse; and

(vi) Any article which is introduced into interstate commerce after the effective date of this subparagraph is labeled:

(A) With a conspicuous statement of the name and address of the manufacturer, packer, distributor, or seller; and

(B) With a code mark on the article itself and on the package containing the article or on the shipping container, in addition to the invoice(s) or shipping document(s), which code mark will permit future identification by the manufacturer of any given model (the manufacturer shall change the model number whenever the article undergoes a significant structural or design modification); and

(vii) The manufacturer or importer of the article shall make, keep, and maintain for 3 years records of sale, distribution, and results of inspections and tests conducted in accordance with this subparagraph and shall make such records available at all reasonable hours upon request by any officer or employee of the Consumer Product Safety Commission and shall permit such officer or employee to inspect and copy such records, to make such stock inventories as he deems necessary, and to otherwise check the correctness of such records.

(5) Clacker balls described in § 1500.18 (a)(7) that have been designed, manufactured, assembled, labeled, and tested in accordance with the following requirements, and when tested at the point of

production or while in interstate commerce or while held for sale after shipment in interstate commerce do not exceed the failure rate requirements of the table in paragraph (a) (5) (vi) of this section:

(i) The toy shall be so designed and fabricated that:

(A) Each ball: Weighs less than 50 grams; will not shatter, crack, or chip; is free of cracks, flash (ridges due to imperfect molding), and crazing (tiny surface cracks); and is free of rough or sharp edges around any hole where the cord enters or over any surface with which the cord may make contact. Each ball is free of internal voids (holes, cavities, or air bubbles) if the balls are made of materials other than those materials (such as ABS (acrylonitrile butadiene styrene), nylon, and high-impact polystyrene) that are injection-molded and possess high-impact characteristics.

(B) The cord: Is of high tensile strength, synthetic fibers that are braided or woven, having a breaking strength in excess of 100 pounds; is free of fraying or any other defect that might tend to reduce its strength in use; is not molded in balls made of casting resins which tend to wick up or run up on the outside of the cord; and is affixed to a ball at the center of the horizontal plane of the ball when it is suspended by the cord.

(C) When the cord is attached to the ball by means of a knot, the end beneath the knot is chemically fused or otherwise treated to prevent the knot from slipping out or untying in use.

(ii) The toy shall be tested at the time of production:

(A) By using the sampling procedure described in the table in subdivision (vi) of this subparagraph to determine the number of units to be tested.

(B) By subjecting each ball tested to 10 drops of a 5-pound steel impact rod or weight (2 1/4-inch diameter with a flat head) dropped 48 inches in a vented steel or aluminum tube (2 3/4-inch inside diameter) when the ball is placed on a steel or cast iron mount. Any ball showing any chipping, cracking, or shattering shall be counted as a failure within the meaning of the third column of the table in paragraph (a) (5) (vi) of this section.

(C) By inspecting each ball tested for smoothness of finish on any surface of the ball which may come in contact with the cord during use. A cotton swab shall be rubbed vigorously over each such surface or area of the ball; if any cotton fibers are removed, the ball shall be counted as a failure within the meaning of the fourth column of the table in subdivision (vi) of this subparagraph. The toy shall also be checked to ascertain that there is no visibly perceptible "wicking up" or "running up" of the casting resins on the outside of the cord in the vicinity where the ball is attached.

(D) By fully assembling the toy and testing the cord in such a manner as to test both the strength of the cord and the adequacy with which the cord is attached to the ball and any holding device such as a tab or ring included in the assembly. The fully assembled article

shall be vertically suspended by one ball and a 100-pound test applied to the bottom ball. Any breaking, fraying, or unraveling of the cord or any sign of slipping, loosening, or unfastening shall be counted as a failure within the meaning of the fourth column of the table in paragraph (a) (5) (vi) of this section.

(E) By additionally subjecting any ring or other holding device to a 50-pound test load applied to both cords; the holding device is to be securely fixed horizontally in a suitable clamp in such a manner as to support 50 percent of the area of such holding device and the balls are suspended freely. Any breaking, cracking, or crazing of the ring or other holding device shall be counted as a failure within the meaning of the fourth column of the table in paragraph (a) (5) (vi) of this section.

(F) By cutting each ball tested in half and then cutting each half perpendicularly to the first cut into three or more pieces of approximately equal thickness. Each portion is to be inspected before and after cutting, and any ball showing any flash, crack, crazing, or internal voids on such inspection is to be counted as a failure within the meaning of the fourth column of the table in paragraph (a) (5) (vi) of this section. Balls that are injection-molded and possess high-impact characteristics (such as injection-molded balls made of ABS, nylon, or high-impact polystyrene) though exempt from the requirements that there be no internal voids, must be tested to determine the presence of any flash, crack or grazing. A transparent ball shall be subjected to the same requirements except that it may be visually inspected without cutting.

(iii) The toy shall be fully assembled for use at time of sale, including the proper attachments of balls, cords, knots, loops, or other holding devices.

(iv) The toy shall be labeled:

(A) With a conspicuous statement of

the name and address of the manufacturer, packer, distributor, or seller.

(B) To bear on the toy itself and/or the package containing the toy and/or the shipping container, in addition to the invoice(s) and shipping document(s), a code or mark in a form and manner that will permit future identification of any given batch, lot, or shipment by the manufacturer.

(C) To bear a conspicuous warning statement on the main panel of the retail container and display carton and on any accompanying literature: That if cracks develop in a ball or if the cord becomes frayed or loose or unfastened, use of the toy should be discontinued; and if a ring or loop or other holding device is present, the statement "In use, the ring or loop must be placed around the middle finger and the two cords positioned over the forefinger and held securely between the thumb and forefinger," or words to that effect which will provide adequate instructions and warnings to prevent the holding device from accidentally slipping out of the hand. Such statements shall be printed in sharply contrasting color within a borderline and in letters at least one-quarter inch high on the main panel of the container and at least one-eighth inch high on all accompanying literature.

(v) The manufacturer of the toy shall make, keep, and maintain for 3 years records of sale, distribution, and results of inspections and tests conducted in accordance with this subparagraph and shall make such records available upon request at all reasonable hours by any officer or employee of the Consumer Product Safety Commission, and shall permit such officer or employee to inspect and copy such records and to make such inventories of stock as he deems necessary and otherwise to check the correctness of such records.

(vi) The lot size, sample size, and failure rate for testing clacker balls are as follows:

Number of units in batch, shipment, delivery, lot, or rental stock	Number of units in random sample	Failure rate constituting rejection when testing per	
		§ 1500.86(a) (5) (i) (B)	§ 1500.86(a) (5) (i) (C), (D), (E), and (F)
50 or less	5	1	1
51 to 90	13	1	1
91 to 150	20	1	1
151 to 280	32	1	2
281 to 500	50	1	2
501 to 1,200	80	2	4
1,201 to 3,200	125	2	6
3,201 to 10,000	200	3	10
10,001 to 35,000	315	4	16
35,001 to 150,000	500	6	25
150,001 to 500,000	800	8	40
500,001 and over	1,250	11	62

(vii) Applicability of the exemption provided by this subparagraph shall be determined through use of the table in paragraph (a) (5) (vi) of this section. A random sample of the number of articles as specified in the second column of the table shall be selected according to the number of articles in a particular batch, shipment, delivery, lot, or retail stock per the first column. A failure rate as shown in either the third or fourth column shall indicate that the entire batch, shipment, delivery, lot, or re-

tail stock has failed and thus is not exempted under this subparagraph from classification as a banned hazardous substance.

(6) Caps (paper or plastic) described in § 1500.18(a) (5), provided:

(i) Such articles do not produce peak sound pressure levels greater than 158 decibels when tested in accordance with § 1500.47, and provided any such articles producing peak sound pressure levels greater than 138 decibels but not greater than 158 decibels when tested in accord-

ance with § 1500.47 shall bear the following statement on the carton and in the accompanying literature in accordance with § 1500.121: "WARNING—Do not fire closer than 1 foot to the ear. Do not use indoors."

(i) Any person who elects to distribute toy caps in accordance with paragraph (a) (6) (i) of this section shall promptly notify the Consumer Product Safety Commission, Bureau of Compliance, Washington, D.C. 20207, of their intention and shall conduct or participate in a program to develop caps that produce a sound pressure level of not more than 138 decibels when tested in accordance with § 1500.47.

(ii) Any person who elects to distribute caps in accordance with paragraph (a) (6) (i) of this section shall, after notification of his intentions to the Commission in accordance with paragraph (a) (6) (ii) of this section, submit to the Consumer Product Safety Commission, Bureau of Compliance, Washington, D.C. 20207, a progress report not less frequently than once every 3 months concerning the status of his program to develop caps that produce a sound level of not more than 138 decibels when tested in accordance with § 1500.47.

§ 1500.121 Labeling requirements: placement, conspicuousness, and contrast.

(a) The signal word, the statement of the principal hazard or hazards, and instructions to read carefully any cautionary information that may be placed elsewhere on the label shall appear together on the main panel of the label. Such information shall be placed together and distinctively apart from other wording or designs. The necessary prominence shall be achieved by placement within the borders of a square or rectangle with or without a borderline, and by use of suitable contrasts with the background achieved by distinctive typography or color, and by both color and typography when needed.

(b) If the product is "highly toxic" as defined in § 1500.3(c) (1), the labeling shall also include in conjunction with the word "poison" the skull and crossbones symbol. The word "poison" is not considered a signal word as that term is used in paragraph (a) of this section or when required by § 1500.14.

(c) The signal word and statement of hazard shall be in capital letters. The signal word (and the word "poison" if required) shall be of a size bearing a reasonable relationship to the other type on the main panel, but shall not be less than 18 point type, and the size of the statement of hazard shall not be less than 12 point type, unless the label space on the container is too small to accommodate such type size. When the size of the label space requires a reduction in type size, the reduction shall be made to a size no smaller than necessary and in no event to a size smaller than 6 point type.

(d) All the items of label information required by section 2(p) (1) of the act (repeated in § 1500.3(b) (14) (i)), or by regulations prescribing additional infor-

mation under section 3(b) of the act, may appear on the main panel; but if they do not, all such items not required by paragraph (a) of this section to appear on the main panel shall be placed together in a distinctive place elsewhere on the label with adequate contrast achieved by typography, color, or layout, except that the name and place of business of the manufacturer, packer, distributor, or seller may appear separately on the same or on a different panel. The type size used shall bear a reasonable relationship to the printing on the panel involved and shall be no smaller than 10 point unless the available label space requires reductions, in which event it shall be reduced no smaller than 6 point type unless because of small label space an exemption has been granted under section 3(c) of the act and § 1500.83.

(e) Collapsible metal tubes containing hazardous substances shall be labeled so that all items of label information required by section 2(p) (1) of the act (repeated in § 1500.3(b) (14) (i)), or by regulations prescribing additional information, shall appear as close to the dispensing end of the container as possible. The size, placement, and conspicuousness of these statements shall conform with paragraphs (a), (c), and (d) of this section.

(f) Unpackaged hazardous substances intended or in a form suitable for use in or around a household or by children shall be labeled so that all items of information required by the act or by regulations in this part shall appear upon the article itself. In instances where such labeling is impracticable because of the size or nature of the article, the required cautionary labeling must be displayed by means of a tag or other suitable material that is securely affixed to the article so that the labeling will remain attached throughout conditions of merchandising and distribution to the ultimate consumer. The size, placement, and conspicuousness of these statements shall conform with paragraphs (a), (c), and (d) of this section.

§ 1500.122 Deceptive use of disclaimers.

A hazardous substance shall not be deemed to have met the requirements of section 2(p) (1) and (2) of the act (repeated in § 1500.3(b) (14) (i) and (ii)) if there appears in or on the label (or in any accompanying literature; words, statements, designs, or other graphic material that in any manner negates or disclaims any of the label statements required by the act; for example, the statement "Harmless" or "Safe around pets" on a toxic or irritant substance.

§ 1500.123 Condensation of label information.

Whenever the statement of the principal hazard or hazards itself provides the precautionary measures to be followed or avoided, a clear statement of the principal hazard will satisfy the requirements of section 2(p) (1) (E) and (F) of the act (repeated in § 1500.3(b) (14) (i) (E) and (F)). When the statement of precautionary measures in effect provides instruction for first-aid treat-

ment, the statement of the precautionary measures will satisfy the requirements of section 2(p) (1) (F) and (G) of the act (repeated in § 1500.3(b) (14) (i) (F) and (G)).

§ 1500.125 Labeling requirements for accompanying literature.

When any accompanying literature includes or bears any directions for use (by printed word, picture, design, or combination thereof), such placard, pamphlet, booklet, book, sign, or other graphic or visual device shall bear all the information required by section 2(p) of the act (repeated in § 1500.3(b) (14)).

§ 1500.126 Substances determined to be "special hazards."

Whenever the Commission determines that for a particular hazardous substance intended or packaged in a form suitable for use in the household or by children, the requirements of section 2(p) of the act (repeated in § 1500.3(b) (14)) are not adequate for the protection of the public health and safety because of some special hazard, the Commission, by an appropriate order in the FEDERAL REGISTER, shall specify such reasonable variations or additional label requirements that it finds are necessary for the protection of the public health and safety. Such order shall specify a date that is not less than 90 days after the order is published (unless emergency conditions stated in the order specify an earlier date) after which any such hazardous substance intended, or packaged in a form suitable, for use in the household or by children that fails to bear a label in accordance with such order shall be deemed to be a misbranded hazardous substance.

§ 1500.127 Substances with multiple hazards.

(a) Any article that presents more than one type of hazard (for example, if the article is both toxic and flammable) must be labeled with: An affirmative statement of each such hazard; the precautionary measures describing the action to be followed or avoided for each such hazard; instructions, when necessary or appropriate, for first-aid treatment of persons suffering from the ill effects that may result from each such hazard; instructions for handling and storage of articles that require special care in handling and storage because of more than one type of hazard presented by the article; and the common or usual name (or the chemical name if there is no common or usual name for each hazardous component present in the article).

(b) Label information referring to the possibility of one hazard may be combined with parallel information concerning any additional hazards presented by the article if the resulting condensed statement contains all of the information needed for dealing with each type of hazard presented by the article.

§ 1500.128 Label comment.

The Commission will offer informal comment on any proposed label and accompanying literature involving a hazardous substance if furnished with:

- (a) Complete labeling or proposed labeling, which may be in draft form.
- (b) Complete quantitative formula.
- (c) Adequate clinical pharmacological, toxicological, physical, and chemical data applicable to the possible hazard of the substance.

(d) Any other information available that would facilitate preparation of a suitable label, such as complaints of injuries resulting from the product's use or other evidence that would furnish human-experience data.

§ 1500.129 Substances named in the Federal Caustic Poison Act.

The Commission finds that for those substances covered by the Federal Caustic Poison Act (44 Stat. 1406), the requirements of section 2(p)(1) of the Federal Hazardous Substances Act (repeated in § 1500.3(b)(14)(i)) are not adequate for the protection of the public health. Labeling for those substances, in the concentrations listed in the Federal Caustic Poison Act, were required to bear the signal word "poison." The Commission concludes that the lack of the designation "poison" would indicate to the consumer a lesser hazard and that such would not be in the interest of the public health. Under the authority granted in section 3(b) of the act, the Commission therefore finds that for the following substances, and at the following concentrations, the word "poison" is necessary instead of any signal word:

(a) Hydrochloric acid and any preparation containing free or chemically unneutralized hydrochloric acid (HCl) in a concentration of 10 percent or more.

(b) Sulfuric acid and any preparation containing free or chemically unneutralized sulfuric acid (H₂SO₄) in a concentration of 10 percent or more.

(c) Nitric acid or any preparation containing free or chemically unneutralized nitric acid (HNO₃) in a concentration of 5 percent or more.

(d) Carboic acid (C₆H₅OH), also known as phenol, and any preparation containing carboic acid in a concentration of 5 percent or more.

(e) Oxalic acid and any preparation containing free or chemically unneutralized oxalic acid (H₂C₂O₄) in a concentration of 10 percent or more.

(f) Any salt of oxalic acid and any preparation containing any such salt in a concentration of 10 percent or more.

(g) Acetic acid or any preparation containing free or chemically unneutralized acetic acid (HC₂H₃O₂) in a concentration of 20 percent or more.

(h) Hypochlorous acid, either free or combined, and any preparation containing the same in a concentration that will yield 10 percent or more by weight of available chlorine.

(i) Potassium hydroxide and any preparation containing free or chemically unneutralized potassium hydroxide (KOH), including caustic potash and Vienna paste (Vienna caustic), in a concentration of 10 percent or more.

(j) Sodium hydroxide and any preparation containing free or chemically un-

neutralized sodium hydroxide (NaOH), including caustic soda and lye in a concentration of 10 percent or more.

(k) Silver nitrate, sometimes known as lunar caustic, and any preparation containing silver nitrate (AgNO₃) in a concentration of 5 percent or more.

(l) Ammonia water and any preparation containing free or chemically uncombined ammonia (NH₃), including ammonium hydroxide and "hartshorn," in a concentration of 5 percent or more.

§ 1500.130 Self-pressurized containers; labeling.

(a) Self-pressurized containers that fail to bear a warning statement adequate for the protection of the public health and safety may be misbranded under the act, except as otherwise provided pursuant to section 3 of the act.

(b) The following warning statement will be considered as meeting the requirements of section 2(p)(1) of the act (repeated in § 1500.3(b)(14)(i)) if the only hazard associated with an article is that the contents are under pressure:

WARNING—CONTENTS UNDER PRESSURE

Do not puncture or incinerate container. Do not expose to heat or store at temperatures above 120° F. Keep out of the reach of children.

The word "CAUTION" may be substituted for the word "WARNING". A practical equivalent may be substituted for the statement "Keep out of the reach of children."

(c) That portion of the warning statement set forth in paragraph (b) of this section in capital letters should be printed on the main (front) panel of the container in capital letters of the type size specified in § 1500.121(c). The balance of the cautionary statements may appear together on another panel if the front panel also bears a statement such as "Read carefully other cautions on _____ panel."

(d) If an article has additional hazards, such as skin or eye irritancy, toxicity, or flammability, appropriate additional front and rear panel precautionary labeling is required.

§ 1500.131 Methyl alcohol-base radiator antifreeze; labeling.

(a) Methyl alcohol-base (methanol-base) radiator antifreeze distributed in containers intended or suitable for household use may be misbranded under the act if the containers fail to bear a warning statement adequate for the protection of the public health and safety, except as otherwise provided pursuant to section 3 of the act.

(b) The following warning statement will be considered as meeting the requirements of section 2(p)(1) of the act (repeated in § 1500.3(b)(14)(i)) and § 1500.14(b)(4) with respect to methyl alcohol-base radiator antifreeze when the only hazard foreseeable is that caused by the methyl alcohol content and when the article has a flashpoint in the "flammable" range as that term is defined in section 2(i) of the act (repeated in § 1500.3(b)(10)):

DANGER—POISON

(SKULL AND CROSSBONES SYMBOL)

MAY BE FATAL OR CAUSE BLINDNESS IF SWALLOWED
FLAMMABLE—VAPOR HARMFUL

Contains methyl alcohol (methanol). Cannot be made nonpoisonous. Avoid contact with eyes. Use only in a well-ventilated area. Keep away from heat and open flame. Do not store in open or unlabeled containers.

First aid: In case of contact with eyes flush thoroughly with water. If swallowed, induce vomiting (give a tablespoonful of salt in a glass of warm water). Repeat until vomit fluid is clear. Call a physician immediately.

Keep out of the reach of children.

(c) The words that are in capital letters in the warning statement set forth in paragraph (b) of this section should be printed on the main (front) panel or panels of the container in capital letters of the type size specified in § 1500.121(c), except that the word "Poison" and the skull and crossbones symbol may appear on another panel with the balance of the cautionary information. The balance of the cautionary statements may appear together on another panel provided the front panel bears a statement such as "Read carefully other cautions on _____ panel."

§ 1500.132 Ethylene glycol-base radiator antifreeze; labeling.

(a) Ethylene glycol-base radiator antifreeze distributed in containers intended or suitable for household use may be misbranded under the act if the containers fail to bear a warning statement adequate for the protection of the public health and safety, except as otherwise provided pursuant to section 3 of the act.

(b) The following warning statements will be considered as meeting the requirements of section 2(p)(1) of the act (repeated in § 1500.3(b)(14)(i)) and § 1500.14(b)(1) with respect to ethylene glycol-base radiator antifreeze, with and without added sodium arsenite of over 0.01 percent by weight, when the only hazard foreseeable is that caused by the ethylene glycol and (if present) the added sodium arsenite:

(1) Ethylene glycol antifreeze containing less than 0.01 percent by weight of sodium arsenite.

WARNING—HARMFUL OR FATAL IF SWALLOWED

Do not drink antifreeze or solution. If swallowed, induce vomiting immediately. Call a physician. Ethylene glycol base. Do not store in open or unlabeled containers. Keep out of the reach of children.

(2) Ethylene glycol antifreeze containing 0.01 percent but no more than 1 percent by weight of sodium arsenite.

WARNING—HARMFUL OR FATAL IF SWALLOWED

Do not drink antifreeze or solution. If swallowed, induce vomiting immediately. Call a physician. Ethylene glycol base containing sodium arsenite (less than 1%).

Antidote for sodium arsenite: Dimercaprol (BAL) to be administered only by a physician.

Do not store in open or unlabeled containers. Keep out of the reach of children.

(c) The words that are in capital letters in the warning statements set forth

in paragraph (b) of this section should be printed on the main (front) panel or panels of the container or capital letters of the type size specified in § 1500.121(c). The balance of the cautionary statements may appear together on another panel provided the front panel bears a statement such as "Read carefully other cautions on ----- panel."

§ 1500.133 Extremely flammable contact adhesives; labeling.

(a) Extremely flammable contact adhesives, also known as contact bonding cements, when distributed in containers intended or suitable for household use may be misbranded under the act if the containers fail to bear a warning statement adequate for the protection of the public health and safety.

(b) The following warning statement is considered as the minimum cautionary labeling adequate to meet the requirements of section 2(p) (1) of the act (repeated in § 1500.3(b) (14) (i) with respect to containers of more than one-half pint of contact adhesive and similar liquid or semiliquid articles having a flash-point at or below 20° F. as determined by the method in § 1500.43, when the only hazard foreseeable is that caused by the extreme flammability of the mixture:

DANGER

EXTREMELY FLAMMABLE

VAPORS MAY CAUSE FLASH FIRE

Vapors may ignite explosively.

Prevent buildup of vapors—open all windows and doors—use only with cross-ventilation.

Keep away from heat, sparks, and open flame.

Do not smoke, extinguish all flames and pilot lights, and turn off stoves, heaters, electric motors, and other sources of ignition during use and until all vapors are gone.

Close container after use.

Keep out of the reach of children.

(c) The words that are in capital letters in the warning statement set forth in paragraph (b) of this section should be printed on the main (front) panel or panels of the container in capital letters of the type size specified in § 1500.121(c). The balance of the cautionary information may appear together on another panel provided the front panel bears a statement such as "Read carefully other cautions on ----- panel," the blank being filled in with the identification of the specific label panel bearing the balance of the cautionary labeling. It is recommended that a borderline be used in conjunction with the cautionary labeling.

(d) If an article has additional hazards, or contains ingredients listed in § 1500.14 as requiring special labeling, appropriate additional front and rear panel precautionary labeling is required.

§ 1500.201 Procedure for the issuance, amendment, or repeal of regulations declaring particular substances to be hazardous substances or banned hazardous substances.

(a) The Commission may, upon its own initiative or upon the petition of any

interested person, showing reasonable grounds therefor, propose the issuance, amendment, or repeal of any regulation provided for in section 3(a) or 2(q) of the act, declaring particular substances to be hazardous substances or banned hazardous substances. The proposal shall be published in the *FEDERAL REGISTER*, with an invitation for written comments. As soon as practicable after the comments have been received, the Commission shall by order act upon such proposal to declare the substance to be a hazardous substance or banned hazardous substance for purposes of the act, or to amend or repeal any regulation previously issued.

(b) Within 30 days after publication of such order, any person who will be adversely affected thereby, if placed in effect, may file objections and a request for a public hearing. The objections shall not be accepted for filing if they fail to establish that the objector will be adversely affected by the regulation, if the objections do not specify with particularity the provisions of the regulation to which objection is taken, or if the objections do not state reasonable grounds. Reasonable grounds are grounds from which it is reasonable to conclude that facts can be established by reliable evidence at the hearing which will call for changing the provisions specified in the objections. Whenever legally valid objections have been filed, a public hearing on the objections will be held.

(c) As soon as practicable after the time for filing objections has expired, the Commission shall publish a notice in the *FEDERAL REGISTER* specifying the parts of the order that have been stayed by proper objections, or, if no objections have been filed, stating that fact.

(d) [Reserved]

(e) If the Commission finds that the distribution of a hazardous substance presents an imminent hazard to the public health, the Commission, by order in the *FEDERAL REGISTER*, will give notice of such finding and, pursuant to section 2(q) (2) of the act, declare such substance, when intended or offered for household use or when so packaged as to be suitable for such use, to be a "banned hazardous substance" pending completion of statutory proceedings relating to the issuance of such regulations.

(f) The General Counsel of the Commission is the designated officer upon whom a copy of any petition for judicial review shall be served. Said officer is responsible for filing in court the record on which the order of the Commission is based in accordance with 28 U.S.C. 2112.

§ 1500.210 Responsibility.

The provisions of these regulations (16 CFR, Subchapter C of Chapter II) with respect to the doing of any act shall be applicable also to the causing of such act to be done.

§ 1500.211 Guaranty.

In the case of the giving of a guaranty or undertaking referred to in section 5 (b) (2) of the act, each person signing such guaranty or undertaking, or caus-

ing it to be signed, shall be considered to have given it. Each person causing a guaranty or undertaking to be false is chargeable with violations of section 4 (d) of the act.

§ 1500.212 Definition of guaranty; suggested forms.

(a) A guaranty or undertaking referred to in section 5(b) (2) of the act may be:

(1) Limited to a specific shipment or other delivery of an article, in which case it may be a part of or attached to the invoice or bill of sale covering such shipment or delivery; or

(2) General and continuing, in which case, in its application to any shipment or other delivery of an article, it shall be considered to have been given at the date such article was shipped or delivered, or caused to be shipped or delivered, by the person who gives the guaranty or undertaking.

(b) The following are suggested forms of guaranty or undertaking referred to in section 5(b) (2) of the act.

(1) *Limited form for use on invoice or bill of sale.*

(Name of person giving the guaranty or undertaking)

hereby guarantees that no article listed herein is misbranded within the meaning of the Federal Hazardous Substances Act.

(Signature and post-office address of person giving the guaranty or undertaking)

(2) *General and continuing forms.*

The article comprising each shipment or other delivery hereafter made by -----

(Name of person giving the guaranty or undertaking)

to, or on the order of -----

(Name and post-office address of person to whom the guaranty or undertaking is given) is hereby guaranteed, as of the date of such shipment or delivery, to be, on such date, not misbranded within the meaning of the Federal Hazardous Substances Act.

(Signature and post-office address of person giving the guaranty or undertaking)

(c) The application of a guaranty or undertaking referred to in section 5(b) (2) of the act to any shipment or other delivery of an article shall expire when such article, after shipment or delivery by the person who gave such guaranty or undertaking, becomes misbranded within the meaning of the act.

§ 1500.213 Presentation of views under section 7 of the act.

(a) Presentation of views under section 7 of the act shall be private and informal. The views presented shall be confined to matters relevant to the contemplated proceeding. Such views may be presented by letter or in person by the person to whom the notice was given, or by his representative. In case

such person holds a guaranty or undertaking referred to in section 5(b) (2) of the act applicable to the article on which such notice was based, such guaranty or undertaking, or a verified copy thereof, shall be made a part of such presentation of views.

(b) Upon request, reasonably made, by the person to whom a notice appointing a time and place for the presentation of views under section 7 of the act has been given, or by his representative, such time or place, or both such time and place, may be changed if the request states reasonable grounds therefor. Such request shall be addressed to the office of the Consumer Product Safety Commission that issued the notice.

§ 1500.214 Examinations and investigations; samples.

When any officer or employee of the Commission collects a sample of a hazardous substance for analysis under the act, the sample shall be designated as an official sample if records or other evidence is obtained by him or any other officer or employee of the Commission indicating that the shipment or other lot of the article from which such sample was collected was introduced or delivered for introduction into interstate commerce, or was in or was received in interstate commerce, or was manufactured within a Territory not organized with a legislative body. Only samples so designated by an officer or employee of the Commission shall be considered to be official samples.

(a) For the purpose of determining whether or not a sample is collected for analysis, the term "analysis" includes examinations and tests.

(b) The owner of a hazardous substance of which an official sample is collected is the person who owns the shipment or other lot of the article from which the sample is collected.

IMPORTS

§ 1500.265 Imports; definitions.

For the purposes of the regulations prescribed under section 14 of the act:

(a) The term "owner or consignee" means the person who has the rights of a consignee under the provisions of the Tariff Act of 1930 (secs. 483, 484, 485, 46 Stat. 721 as amended; 19 U.S.C. 1483, 1484, 1485).

(b) The term "area office director" means the director of the area office of the Consumer Product Safety Commission having jurisdiction over the port of entry through which a hazardous substance is imported or offered for import, or such officer of the area office as he may designate to act in his behalf in administering and enforcing the provisions of section 14 of the act.

§ 1500.266 Notice of sampling.

When a sample of a hazardous substance offered for import has been requested by the director of the area office, the collector of customs having jurisdiction over the hazardous substance shall give to the owner or consignee prompt notice of delivery of, or intention to de-

liver, such sample. Upon receipt of the notice, the owner or consignee shall hold such hazardous substance and not distribute it until further notice from the area office director or the collector of customs of the results of examination of the sample.

§ 1500.267 Payment for samples.

The Consumer Product Safety Commission will pay for all import samples that are found to be in compliance with the requirements of the act. Billing for reimbursement should be made by the owner or consignee to the Commission area office headquarters in the territory of which the shipment was offered for import. Payment for samples will not be made if the hazardous substance is found to be in violation of the act, even though subsequently brought into compliance under the terms of an authorization to bring the article into compliance.

§ 1500.268 Hearing.

(a) If it appears that the hazardous substance may be subject to refusal of admission, the area office director shall give the owner or consignee a written notice to that effect, stating the reasons therefor. The notice shall specify a place and a period of time during which the owner or consignee shall have an opportunity to introduce testimony. Upon timely request, giving reasonable grounds therefor, such time and place may be changed. Such testimony shall be confined to matters relevant to the admissibility of the hazardous substance, and may be introduced orally or in writing.

(b) If such owner or consignee submits or indicates his intention to submit an application for authorization to relabel or perform other action to bring the hazardous substance into compliance with the act, such testimony shall include evidence in support of such application. If such application is not submitted at or prior to the hearing, the area office director shall specify a time limit, reasonable in the light of the circumstances, for filing such application.

§ 1500.269 Application for authorization.

Application for authorization to relabel or perform other action to bring the hazardous substance into compliance with the act may be filed only by the owner or consignee and shall:

(a) Contain detailed proposals for bringing the article into compliance with the act.

(b) Specify the time and place where such operations will be carried out and the approximate time for their completion.

§ 1500.270 Granting of authorization.

(a) When authorization contemplated by § 1500.269 is granted, the area office director shall notify the applicant in writing, specifying:

(1) The procedure to be followed;

(2) That the operations are to be carried out under the supervision of an officer of the Consumer Product Safety Commission or the Bureau of Customs, as the case may be;

(3) A time limit, reasonable in the light of the circumstances, for completion of the operations; and

(4) Such other conditions as are necessary to maintain adequate supervision and control over the article.

(b) Upon receipt of a written request for extension of time to complete such operations, containing reasonable grounds therefor, the area office director may grant such additional time as he deems necessary.

(c) An authorization may be amended upon a showing of reasonable grounds therefor and the filing of an amended application for authorization with the area office director.

(d) If ownership of a hazardous substance covered by an authorization changes before the operations specified in the authorization have been completed, the original owner will be held responsible, unless the new owner has executed a bond and obtained a new authorization. Any authorization granted under this section shall supersede and nullify any previously granted authorization with respect to the article.

§ 1500.271 Bonds.

(a) The bonds required under section 14(b) of the act may be executed by the owner or consignee on the appropriate form of a customs single-entry or term bond, containing a condition for the redelivery of the merchandise or any part thereof upon demand of the collector of customs and containing a provision for the performance of conditions as may legally be imposed for the relabeling or other action necessary to bring the hazardous substance into compliance with the act in such manner as is prescribed for such bond in the customs regulations in force on the date of request for authorization. The bond shall be filed with the collector of customs.

(b) The collector of customs may cancel the liability for liquidated damages incurred under the above-mentioned provisions of such a bond, if he receives an application for relief therefrom, upon the payment of a lesser amount or upon such other terms and conditions as shall be deemed appropriate under the law and in view of the circumstances, but the collector shall not act under this regulation in any case unless the area office director is in full agreement with the action.

§ 1500.272 Costs chargeable in connection with relabeling and reconditioning inadmissible imports.

The cost of supervising the relabeling or other action necessary in connection with an import of a hazardous substance that fails to comply with the act shall be paid by the owner or consignee who files an application requesting such action and executes a bond, pursuant to section 14(b) of the act. The cost of such supervision shall include, but not be restricted to, the following:

(a) Travel expenses of the supervising officer.

(b) Per diem in lieu of subsistence of the supervising officer when away from his home station as provided by law.

(c) Services of the supervising officer, to be calculated at a flat rate of \$8 per hour (which shall include administrative expense), except that such services performed by a customs officer and subject to the provisions of the Act of February 13, 1911, as amended (sec. 5, 36 Stat. 901 as amended; 19 U.S.C. 267), shall be calculated as provided in that act.

(d) Services of analyst, to be calculated at a flat rate of \$10 per hour (which shall include the use of the chemical laboratories and equipment of the Consumer Product Safety Commission).

(e) The minimum charge for services of supervising officers and of analysts shall be not less than the charge for 1 hour, and time after the first hour shall be computed in multiples of 1 hour, disregarding fractional parts less than one-half hour.

PART 1505—REQUIREMENTS FOR ELECTRICALLY OPERATED TOYS OR OTHER ELECTRICALLY OPERATED ARTICLES INTENDED FOR USE BY CHILDREN

Sec.	Definitions.
1505.1	Scope of part.
1505.2	Labeling.
1505.3	Manufacturing requirements.
1505.4	Electrical design and construction.
1505.5	Performance.
1505.6	Maximum acceptable surface temperatures.
1505.7	Maximum acceptable material temperatures.

AUTHORITY.—Secs. 2(f)(1)(D), (r), (s), (t), 3(e)(1), 74 Stat. 372, 374, 375, as amended 83 Stat. 187-89 (15 U.S.C. 1261, 1262).

NOTE.—This Part 1505 was originally promulgated as 21 CFR Part 191b in the *FEDERAL REGISTER* of March 7, 1973 (38 FR 6138), with an effective date of September 3, 1973.

§ 1505.1 Definitions.

(a) The following definitions apply to this Part 1505:

(1) The term "electrically operated toy or other electrically operated article intended for use by children" means any toy, game, or other article designed, labeled, advertised, or otherwise intended for use by children which is intended to be powered by electrical current from nominal 120 volt (110-125 v.) branch circuits. Such articles are referred to in this part in various contexts as "toy" or "electrically operated toy." If the package (including packing materials) of the toy or other article is intended to be used with the product, it is considered to be part of the toy or other article. This definition does not include components which are powered by circuits of 30 volts r.m.s. (42.4 volts peak) or less, or articles designed primarily for use by adults which may be used incidentally by children.

§ 1505.2 Scope of part.

This part sets forth the requirements whereby electrically operated toys and other electrically operated articles intended for use by children (as defined in § 1505.1(a)(1)) are not banned toys or banned articles under § 1500.18(b)(1) of this chapter.

§ 1505.3 Labeling.

(a) **General.** Electrically operated toys, and the instruction sheets and outer packaging thereof, shall be labeled in accordance with the requirements of this section and any other applicable requirements of the Federal Hazardous Substances Act and regulations promulgated thereunder. All labeling shall be prominently and conspicuously displayed under customary conditions of purchase, storage, and use. All required information shall be readily visible, noticeable, clear, and, except where coding is permitted, shall be in legible English (other languages may also be included as appropriate). Such factors governing labeling as location, type size, and contrast against background may be based on necessary condensations to provide a reasonable display.

(b) **Specific items.** (1) The toy shall be marked in accordance with the provisions of paragraph (d) of this section to indicate:

(i) The electrical ratings required by paragraph (c) of this section.

(ii) Any precautionary statements required by paragraph (e) of this section.

(2) The shelf pack or package of the toy shall be labeled in accordance with the provisions of paragraph (d) of this section to indicate:

(i) The date (month and year) of manufacture (or appropriate codes).

(ii) The electrical ratings required by paragraph (c) of this section.

(iii) Any precautionary statements required by paragraph (e) of this section.

(3) Each toy shall be provided with adequate instructions that are easily understood by children of those ages for which the toy is intended. The instructions shall describe the applicable installation, assembly, use, cleaning, maintenance (including lubrication), and other functions as appropriate. Applicable precautions shall be included as well as the information required by paragraphs (b) (1) and (2) of this section. The instructions shall also contain a statement addressed to parents recommending that the toy be periodically examined for potential hazards and that any potentially hazardous parts be repaired or replaced.

(4) If a toy is produced or assembled at more than one establishment, the toy and its shelf pack or package shall have a distinctive mark (which may be in code) identifying the toy as the product of a particular establishment.

(c) **Rating.** (1) A toy shall be marked to indicate its rating in volts and also in amperes and/or watts.

(2) If a toy utilizes a single motor as its only electric energy consuming component, the electrical rating may be marked on a motor nameplate and need not be marked elsewhere on the toy if the nameplate is readily visible after the motor has been installed in the toy.

(3) A toy shall be rated for alternating current only, direct current only, or both alternating and direct current.

(4) The alternating current rating shall include the frequency or frequency range requirement, if necessary because of a special component.

(d) **Markings.** (1) The markings required on the toy by paragraph (b) of this section shall be of a permanent nature, such as paint-stenciled, die-stamped, molded, or indelibly stamped. The markings shall not be permanently obliterated by spillage of any material intended for use with the toy and shall not be readily removable by cleaning with ordinary household cleaning substances. All markings on the toy and labeling of the shelf pack or package required by paragraph (b) of this section shall contrast sharply with the background (whether by color, projection, or indentation) and shall be readily visible and legible. Such markings and labeling shall appear in lettering of a height not less than that specified in paragraph (d) (2) of this section, except that those words shown in capital letters in paragraph (e) of this section shall appear in capital lettering of a height not less than twice that specified in paragraph (d) (2) of this section.

(2) Minimum lettering heights shall be as follows:

SURFACE AREA DISPLAYING MARKING, MINIMUM HEIGHT OF LETTERING	
Square inches	Inches
Under 5	1/16
5 or more and under 25	1/8
25 or more and under 100	3/16
100 or more and under 400	1/4
400 or more	1/2

(e) Precautionary statements—(1)

General. Electrically operated toys shall bear the statement: "CAUTION—ELECTRIC TOY." The shelf pack or package and the instructions of such toys shall bear the statement in the upper right-hand quarter of the principal display panel: "CAUTION—ELECTRIC TOY: Not recommended for children under ____ years of age. As with all electric products, precautions should be observed during handling and use to prevent electric shock." The blank in the preceding statement shall be filled in by the manufacturer, but in no instance shall the manufacturer indicate that the article is recommended for children under 8 years of age if it contains a heating element. In the case of other electrically operated products which may not be considered to be "toys" but are intended for use by children, the term "ELECTRICALLY OPERATED PRODUCT" may be substituted for the term "ELECTRIC TOY."

(2) **Thermal hazards.** (i) Toys having Type C or Type D surfaces (described in § 1505.6(g)(2)) which reach temperatures greater than those shown in paragraph (e) (2) (ii) of this section shall be defined as hot and shall be marked where readily noticeable when the hot surface is in view with the statement: "HOT—Do Not Touch." When the marking is on other than the hot surface, the word "HOT" shall be followed by appropriate descriptive words such as "Molten Material," "Sole Plate," or "Heating Element," and the statement "Do Not Touch." An alternative statement for a surface intended to be handheld as a functional part of the toy shall be "HOT—Handle Carefully," the blank being filled in by the manufacturer with a descrip-

tion of the potential hazard such as "Curler" or "Cooking Surface."

(ii) Surfaces requiring precautionary statements of thermal hazards are those exceeding the following temperatures when measured by the test described in § 1505.6(g) (4):

Surface type (see § 1505.6 (g) (2))	Thermal inertia type ¹	Temperature	
		Degrees C.	Degrees F.
C.....	1	65	149
C.....	2	75	167
C.....	3	85	185
C.....	4	95	203
D.....	1	55	131
D.....	2	70	158
D.....	3	80	176
D.....	4	90	194

¹ Thermal inertia types are defined in terms of lambda as follows:

- Type 1: Greater than 0.0045 (e.g., most metals).
 - Type 2: More than 0.0005 but not more than 0.0045 (e.g., glass).
 - Type 3: More than 0.0001 but not more than 0.0005 (e.g., most plastics).
 - Type 4: 0.0001 or less (e.g., future polymeric materials).
- The thermal inertia of a material can be obtained by multiplying the thermal conductivity (cal./cm./sec./degree C.) by the density (gm./cm.³) by the specific heat (cal./gm./degree C.).

(3) **Lamp hazards**—(i) **Replaceable incandescent lamps.** A toy with one or more replaceable incandescent lamps, having a potential difference of more than 30 volts r.m.s. (42.4 volts peak) between any of its electrodes or lampholder contacts and any other part or ground, shall be marked inside the lamp compartment where readily noticeable during lamp replacement with the statement: "WARNING—Do not use light bulbs larger than — watts", the blank being filled in by the manufacturer with a number specifying the wattage rating of the lamp. Such toys shall bear the statement: "WARNING—Shock Hazard. Pull plug before changing light bulb" on the outside of the lamp compartment where it will be readily noticed before gaining access to the lamp compartment.

(ii) **Nonreplacement incandescent lamps.** A toy which utilizes one or more nonreplaceable incandescent lamps (other than pilot or indicator lamps) shall be marked where clearly visible with the statement: "SEALED UNIT—Do not attempt to change light bulb" or equivalent.

(4) **Water.** If not suitable for immersion in water, a toy cooking appliance (such as a corn popper, skillet, or candy-maker) or other article which may conceivably be immersed in water shall be marked with the statement: "DANGER—To prevent electric shock, do not immerse in water; wipe clean with damp cloth" or equivalent.

§ 1505.4 Manufacturing requirements.

(a) **General.** (1) Only materials safe and suitable for the particular use for which the electrically operated toy is intended shall be employed.

(2) Toys shall be produced in accordance with detailed material specifications, production specifications, and quality assurance programs. Quality assurance programs shall be established and maintained by each manufacturer to assure compliance with all requirements of this part.

(3) The manufacturer or importer shall keep and maintain for 3 years after production or importation of each lot of toys (i) the material and production specifications and the description of the quality assurance program required by paragraph (a) (2) of this section, (ii) the results of all inspections and tests conducted, and (iii) records of sale and distribution. These records shall be made available upon request at reasonable times to any officer or employee of the Consumer Product Safety Commission. The manufacturer or importer shall permit such officer or employee to inspect and copy such records, to make such inventories of stock as he deems necessary, and to otherwise verify the accuracy of such records.

(4) Toys shall be constructed and finished with a high degree of uniformity and as fine a grade of workmanship as is practicable in a well-equipped manufacturing establishment. Each component of a toy shall comply with the requirements set forth in this part.

(b) [Reserved]

(c) **Protective coatings.** Iron and steel parts shall be suitably protected against corrosion if the lack of a protective coating would likely produce a hazardous condition in normal use or when the toy is subjected to reasonably foreseeable damage or abuse.

(d) **Mechanical assembly**—(1) **General.** A toy shall be designed and constructed to have the strength and rigidity necessary to withstand reasonably foreseeable damage and abuse without producing or increasing a shock, fire, or other accident hazard. An increase in hazards may be due to total or partial structural collapse of the toy resulting in a reduction of critical spacings, loosening or displacement of one or more components, or other serious defects.

(2) **Mounting.** Each switch, lampholder, motor, automatic control, transformer, and similar component shall be securely mounted and shall be prevented from turning, unless the turning of such component is part of the design of the toy and produces no additional hazard such as reduced spacings below acceptable levels or stress on the connection. Friction between tight-fitting surfaces shall not be considered sufficient for preventing the turning of components. The proper use of a suitable lockwasher or a keyed and notched insert plus a suitable lockwasher for single-hole mountings shall be acceptable. Each toy shall be designed and constructed so that vibrations occurring during normal operation and after reasonably foreseeable damage or abuse will not affect it adversely. Brush caps shall be tightly threaded or otherwise designed to prevent loosening.

(3) **Structural integrity.** Heating elements shall be supported in a substantial and reliable manner and shall be structurally prevented from making contacts inside or outside of the toy which may produce shock hazards. The current-carrying component(s) of the heating element shall be enclosed, and the enclosure shall be designed or insulated to prevent the development of a shock or fire hazard that may result from ele-

ment failure. A toy operating with a gas or liquid under pressure, such as an electrically operated steam engine, shall be tested with respect to its explosion hazard and shall be provided with a pressure relief device that will discharge in the safest possible direction; that is, avoiding direct human contact and avoiding the wetting of electrical contacts.

(e) **Insulating material.** (1) Material to be used for mounting uninsulated live electrical elements shall be generally accepted as suitable for the specific application, particularly with regard to electrical insulation (voltage breakdown) and good aging characteristics (no significant change in insulating characteristics over the expected lifetime of the toy).

(2) Material used to insulate a heating element from neighboring parts shall be suitable for the purpose. If plain asbestos in a glass braid is used to so insulate the heating element, it shall be tightly packed and totally enclosed by the braid, and the overall thickness, including the braid, shall not be less than one-sixteenth inch. Hard fiber may be used for electrically insulating bushings, washers, separators, and barriers, but is not sufficient as the sole support of uninsulated live metal parts.

(f) **Enclosures**—(1) **General.** Each toy shall have an enclosure constructed of protective material suitable for the particular application, for the express purpose of housing all electrical parts that may present a fire, shock, or other accident hazard under any conditions of normal use or reasonably foreseeable damage or abuse. Enclosures shall meet the performance requirements prescribed by § 1505.6(b).

(2) **Accessibility.** An enclosure containing a wire, splice, brush cap, connection, electrical component, or uninsulated live part or parts at a potential of more than 30 volts r.m.s. (42.4 volts peak) to any other part or to ground:

(i) Shall be sealed by welding, riveting, adhesive bonding, and/or by special screws or other fasteners not removable with a common household tool (screwdriver, pliers, or other similar household tool) used as intended; and

(ii) Shall have no opening permitting entry of a 0.010-inch-diameter music wire that could contact a live part. Cross-notch-head screws, spring clips, bent tabs, and similar fasteners shall not be considered suitable sealing devices for enclosures since they are easy to remove with common household tools. Bent tabs shall be acceptable if, due to metal thickness or other factors, they successfully resist forceful attempts to dislodge them with ordinary tools.

(3) **Nonapplication.** The requirements of this paragraph are not applicable to an insulating husk enclosure or equivalent that covers the electrodes of a replaceable incandescent lamp and its lampholder contacts. The primary function of an enclosure containing a lamp shall be to protect it from breakage during normal use or reasonably foreseeable damage or abuse.

(g) *Spacings.* The distance, through air or across the surface of an insulator, between uninsulated live metal parts and a metallic enclosure and between uninsulated live metal parts and all other metal parts shall be suitable for the specific application as determined by the dielectric strength requirements prescribed by § 1505.6(e)(2). Electrical insulating linings on barriers shall be held securely in place.

(h) *Special safety features.*—(1) *Moving parts.* If the normal use of a toy involves accident hazards, suitable protection shall be provided for the reduction of such hazards to an acceptable minimum. For example, rotors, pulleys, belt- ing, gearing, and other moving parts shall be enclosed or guarded to prevent accidental contact during normal use or when subjected to reasonably foreseeable damage or abuse. Such enclosure or guard shall not contain openings that permit entrance of a 1/4-inch-diameter rod and present a hazardous condition.

(2) *Switch marking.* Any toy having one or more moving parts which perform an inherent function of the toy and which may cause personal injury shall have a switch that can deenergize the toy by a simple movement to a plainly marked "OFF" position. Momentary contact switches which are normally in the "OFF" position need not be so marked.

(3) *Electrically operated sewing machines.* Electrically operated toy sewing machines shall be designed and constructed to eliminate the possibility of a child's finger(s) being pierced by a needle. For the purpose of this subparagraph, a clearance of not more than five thirty-seconds of an inch below the point of the needle when in its uppermost position or below the presser foot, if provided, shall be considered satisfactory.

(4) *Pressure relief valves.* A pressurized enclosure shall have an automatic pressure relief device and shall be capable of withstanding hydrostatic pressure equal to at least five times the relief pressure.

(5) *Containers for heated materials.* Containers intended for holding molten compounds and hot liquids shall be designed and constructed to minimize accidental spillage. A pot or pan having a lip and one or more properly located pouring spouts and an adequately thermally insulated handle may provide satisfactory protection. Containers intended solely for baking need not be designed and constructed to minimize accidental spillage. Containers shall be of such material and construction that they will not deform or melt when subjected to the maximum operating temperature occurring during normal use or after reasonably foreseeable damage or abuse.

(6) *Water.* Electrically operated toys (such as toy irons) shall not be designed or manufactured to be used with water except for toy steam engines or other devices in which the electrical components are separate from the water reservoir and are completely contained in a sealed chamber. Toys requiring occasional or repeated cleaning with a wet

cloth shall be constructed to prevent seepage of water into any electrically active area that may produce a hazardous condition.

§ 1505.5 Electrical design and construction.

(a) *Switches.* (1) Switches and other control devices of electrically operated toys shall be suitable for the application and shall have a rating not less than that of the load they control (see § 1505.6(e)(5)(ii) regarding electrical switch overload). A switch that controls a replaceable incandescent lamp, electrode, or lampholder contact which is at a potential of more than 30 volts r.m.s. (42.4 volts peak) to any other part or to ground shall open both sides of the circuit and shall have a marked "OFF" position. A switch that may reasonably be expected to be subjected to temperatures higher than 50° C. (122° F.) shall be constructed of materials which are suitable for use at such temperatures.

(2) Switches shall be located and protected so that they are not subject to mechanical damage that would produce a hazard in normal use or from reasonably foreseeable damage or abuse (see § 1505.6(b)).

(b) *Lamps.* (1) A replaceable incandescent lamp having a voltage of more than 30 volts r.m.s. (42.4 volts peak) between any of its electrodes or lampholder contacts and any other part or ground shall be in an enclosure that has at least one door or cover permitting access to the lamp. Such door(s) or cover(s) of the enclosure shall be so designed and constructed that they cannot be opened manually or with a flat bladed screwdriver or pliers.

(2) With all access doors and covers closed, the lamp enclosure shall have no opening that will permit entry of a straight rod 6 inches long and one-fourth inch in diameter if such entry would present an electrical hazard. The lamp shall be located no less than one-half inch from any 1/4-inch-diameter opening in the enclosure.

(3) A toy having one or more lamp-holders shall be designed and constructed so that no live parts other than the contacts of the lampholders are exposed to contact by persons removing or replacing lamps. The shells of all lampholders for incandescent lamps shall be at the same potential.

(4) If the potential between the contacts of a lampholder for a replaceable incandescent lamp and any other part or ground is greater than 30 volts r.m.s. (42.4 volts peak), the contacts shall be located in an insulating husk or equivalent.

(c) *Transformers.* Transformers that are integral parts of toys shall be of the 2-coil insulated type.

(d) *Automatic controls.* Automatic controls for temperature regulation shall have the necessary capacity and reliability for their particular application.

(e) *Power supply connections (cords and plugs).* (1) A toy shall be provided with a suitable means for attachment to the power supply circuit.

(2) A toy requiring a power cord shall have a flexible cord that is permanently attached to the toy.

(3) The perimeter of the face of the attachment-plug cap shall be not less than five-sixteenths of an inch from any point on either blade of the plug.

(4) The body of the attachment-plug cap shall decrease in cross section from the face but shall have an expansion of the body, after a suitable distance from the face, sufficient to provide an effective finger grip.

(5) A flexible electrical power cord provided on a toy shall be type SP-2 (as defined in the "National Electrical Code," Chapter 4, article 400, pages 184-194 (1971), published by the National Fire Protection Association), or its equivalent, or a heavier general-use type, and shall be not less than 5 feet nor more than 10 feet in length when measured as the overall length of the attached cord outside the enclosure of the toy, including fittings, up to the face of the attachment-plug cap.

(6) A flexible cord and plug shall have a current-carrying capacity of not less than the ampere rating of the toy.

(7) Cords on toys which are intended to come in direct contact with water or other liquids during use shall be of a jacketed type. Cords on toys with which water or other liquids are to be indirectly used (such as for cooling a mold) shall be plastic covered.

(8) Transformers in which the primary coil connects directly to the branch circuit outlet shall not be subject to the requirements of paragraphs (e) (2), (4), and (5) of this section.

(f) *Bushings.* (1) At the point where a power supply cord passes through an opening in a wall, barrier, or the overall enclosure of a toy, a suitable and substantial bushing, insulating bushing, or equivalent shall be reliably secured in place and shall have smooth surfaces and well-rounded edges against which the cord may bear.

(2) If a cord hole is in wood, porcelain, phenolic composition, or other suitable insulating material, the surface of the hole is acceptable without a bushing if the edges of the hole are smooth and well-rounded. Where a separate insulating bushing is required, a bushing made of ceramic material or a suitable molded composition is acceptable if its edges are smooth and well-rounded.

(3) In no instance shall a separate bushing of wood, rubber, or any of the hot-molded shellac-and-tar compositions be considered acceptable.

(g) *Wiring.* (1) The internal wiring of a toy shall consist of suitable insulated conductors having adequate mechanical strength, dielectric properties, and electrical capacity for the particular application.

(2) Wireways shall be smooth and entirely free of sharp edges, burrs, fins, and moving parts that may abrade conductor insulation. Each splice and connection

*Copies may be obtained from: National Fire Protection Association, 60 Batterymarch Street, Boston, MA 02110.

shall be mechanically secure, shall provide adequate and reliable electrical contact, and shall be provided with insulation at least equivalent to that of the wire involved unless adequate spacing between the splice and all other metal parts is permanently assured.

(3) A wire connector for making a splice in a toy shall be a type that is applied by a tool and for which the application force of the tool is independent of the force applied by the operator.

(4) Soldered connections shall be made mechanically secure before soldering.

(5) Current-carrying parts shall be made of silver, copper, a copper alloy, or other electrically conductive material suitable for the particular application.

(h) *Strain relief.* (1) A means of strain relief shall be provided to prevent mechanical stress on a flexible cord from being transmitted to terminals, splices, or interior wiring.

(2) If suitable auxiliary insulation is provided under a clamp for mechanical protection, clamps of any material are acceptable for use on Type SP-2 (as defined in the "National Electrical Code," chapter 4, article 400, pages 184-194 (1971),² published by the National Fire Protection Association), or equivalent rubber-insulated cord. For heavier types of thermoplastic-insulated cord, clamps may be without auxiliary insulation unless the clamp may damage the cord insulation.

(3) A flexible cord shall be prevented from being pushed into the toy through the cord-entry hole if such displacement would result in a hazardous condition.

(4) A knot in the cord shall not be considered an acceptable means of strain relief, but a knot associated with a loop around a smooth, fixed structural component shall be considered acceptable.

(i) *Additional requirements.* Except for the electrodes of a replaceable incandescent lamp and its lampholder contacts, a potential of more than 30 volts r.m.s. (42.4 volts peak) shall not exist between any exposed live part in a toy and any other part or ground.

§ 1505.6 Performance.

(a) *General.* Electrically operated toys and components thereof shall be tested by the appropriate methods described in this section and shall pass the tests in such a manner as to provide the necessary assurance that normal use and reasonably foreseeable damage or abuse will not produce a hazard or a potentially hazardous condition. The toy shall be capable of passing all applicable tests with any door, cover, handle, operable part, or accessory placed in any normal position. A toy shall not present a fire, casualty, or shock hazard when operated continuously for 6 hours under conditions of normal use and reasonably foreseeable damage or abuse, including the most hazardous position in which the toy can be left.

(b) *Enclosures.* For purposes of this section, the term "enclosure" means any

surface or surrounding structure which prevents access to a real or potential hazard. An enclosure shall withstand impact, compression, and pressure tests (see paragraphs (b) (1), (2), and (3) of this section) without developing any openings above those specified, reduction of electrical spacings below those specified, or other fire, casualty, or shock hazards, including the loosening or displacement of components but excluding breakage of a lamp. After completion of each test, the toy shall comply with the requirements of the dielectric strength test described in paragraph (e) (2) of this section and, upon visual examination, shall not evidence the development of any hazards. Rupture of a fuse shall be considered a test failure.

(1) *Impact test.* A toy weighing 10 pounds or less shall be dropped four times from a height of 3 feet onto a 2½ inch thick concrete slab covered with 0.125 inch nominal thickness vinyl tile. The impact area shall be at least 3 square feet. The test shall be conducted while the toy is energized and operating and with all dead metal of the toy that may be energized connected together electrically and grounded through a 3-ampere plug fuse. The toy shall be dropped in random orientation. After each drop the test sample shall be allowed to come to rest and examined and evaluated before continuing.

(2) *Compression test.* Any area on the surface of the enclosure that is accessible to a child and inaccessible to flat-surface contact during the impact test shall be subjected to a direct force of 20 pounds for 1 minute. The force shall be applied over a period of 5 seconds through the axis of a ½-inch-diameter metal rod having a flat end with the edge rounded to a radius of one thirty-second of an inch to eliminate sharp edges. The axis of the rod shall be perpendicular to the surface being tested. During the test the toy shall rest on a flat, hard surface in any test-convenient position.

(3) *Pressure test.* If any portion of the top of a toy has a flat surface measuring 24 square inches or more and a minor dimension of at least 3 inches, that surface shall be subjected to a direct vertical pressure increasing to 50 pounds over a period of 5 seconds and maintained for 1 minute. The force shall be applied through a steel ball 2 inches in diameter. During the test the toy shall be in an upright position on a flat, horizontal solid surface.

(c) *Handles and knobs.* (1) *General.* For the purposes of tests in this paragraph, the parts of a lifting handle on a toy that are within seven-sixteenths of an inch of the surface to which the handle is attached, or the parts of a lifting knob that are within one-fourth inch of the surface to which the knob is attached, are considered to be for support purposes, and the remainder of the handle or knob is considered to be generally functional in nature. A handle or knob shall withstand crushing and lifting tests (see paragraphs (c) (2) and (3) of this section) without fracture of the handle or knob, development of an

opening that may pinch the hand, or breakage of the means used to fasten the handle or knob in place.

(2) *Crushing test.* The functional portion of a handle or knob shall be subjected to a crushing force increasing to 20 pounds over a period of 5 seconds and maintained for 1 minute. The force shall be applied through two flat and parallel hardwood blocks, each at least 2½ inches thick and each having dimensions slightly exceeding those of the handle or knob being tested. The crushing force between the blocks shall be exerted in any direction perpendicular to the major axis of the handle or knob.

(3) *Lifting test.* The support portion of a handle or knob shall be subjected to a force equal to four times the weight of the object it is intended to support. The direction of the lifting force shall be as intended by the design of the toy and shall be applied through a ½-inch-wide strap through or around a handle or by fingers or the equivalent on a knob. The force shall be applied over a period of 5 seconds through the center of gravity of the toy and maintained for 1 minute.

(d) *Stability.* A toy shall not overturn while resting in an upright position on a flat surface inclined 15° from horizontal. No spillage of molten material or hot liquids from containers shall occur while the toy is operating in this position under normal conditions of use. During this test, casters, if any, shall be in the position most likely to result in tipping, but shall not be artificially held in one position to prevent a natural rotation to another position.

(e) *Electrical.* (1) *Power input.* The actual current flow in a toy without a heating element shall not exceed 110 percent of the rated value, and shall not exceed 5.5 amperes, at rated voltage. The power input to a toy with a heating element shall not exceed 105 percent of the rated value at rated voltage. The power input rating of a toy employing one or more incandescent lamps as the only power-consuming components shall be considered to be the total rated wattage of such lamps. The rated voltage shall be considered to be the mean value of a marked voltage range.

(2) *Dielectric strength.* (i) A toy shall be capable of withstanding without breakdown for 1 minute a 60-cycle-per-second (60 Hertz) essentially sinusoidal potential of 1,000 volts applied between live parts and any dead metal parts.

(ii) If a toy employs a low-voltage secondary winding (either in the form of a conventional transformer or as an insulated coil of a motor), the toy shall also be capable of withstanding without breakdown for 1 minute a sinusoidal test potential applied between the high-voltage and low-voltage windings. The test potential shall be applied at the rated frequency of the toy and shall have a value of 1,000 volts plus twice the rated voltage of the high-voltage winding. The test potential shall be supplied from a suitable capacity-testing transformer, the output voltage of which can be regulated. The waveform of the test voltage shall approximate a sine wave as closely as possible.

² Copies may be obtained from: National Fire Protection Association, 60 Batterymarch Street, Boston, MA 02110.

(iii) The applied test potential shall be increased rapidly and uniformly from zero until the required test value is reached and shall be held at that value for 1 minute. Unless otherwise specified, the toy shall be at the maximum operating temperature reached in normal use prior to conducting the tests.

(iv) The dielectric strength requirements of this subparagraph may also be determined by subjecting the toy to a 60-cycle-per-second (60 Hertz) essentially sinusoidal potential of 1,200 volts for 1 second. If the dielectric strength is determined by this method, the toy need not be in a heated condition.

(3) *Leakage current and repeated dielectric withstand tests.* (i) Both before and after being conditioned, a toy intended to operate from a source exceeding 42.4 volts peak shall:

(a) Not have a leakage current exceeding 0.5 milliamperes, except that during the interval beginning 5 seconds and terminating 10 minutes after the toy is first energized, the leakage current of toys with heating elements other than lamps shall not exceed 2.5 milliamperes; and

(b) Comply with the requirements of a repeated dielectric withstand test both with and without preheating.

(ii) All accessible parts of a toy shall be tested for leakage current. If an insulating material is used for the enclosure or part of the enclosure, the leakage current shall be measured using a metal foil with an area not exceeding 10 by 20 centimeters in contact with accessible surfaces of such insulating material. Where the accessible surface of insulating material is less than 10 by 20 centimeters, the metal foil shall be the same size as the surface. The metal foil shall be so applied that it will not affect the temperature of the toy. The accessible parts shall be tested individually, collectively, and from one part to another.

(iii) Following the initial leakage current test, the toy shall be cooled down or heated up to 32° C. (90° F.). The toy shall then be conditioned for 48 hours in air at a temperature of 32±2° C. (89.6±3.6° F.) and with a relative humidity of 90-95 percent. The specified relative humidity shall be maintained inside a closed compartment in which a saturated solution of potassium sulphate is kept in a suitable container. Leakage current measurements shall be made, as specified in paragraph (e) (3) (ii) of this section and before the toy is energized, while the toy is in the humidity compartment.

(iv) With the connections intended for the source of supply connected thereto and then connected to the ungrounded side of a power supply circuit having a voltage equal to 110 percent of the rated voltage of the toy, the leakage current through a noninductive 1,500-ohm resistor connected between the grounded side of the supply circuit and each dead metal part (accessible and inaccessible) shall, when stable, be measured in accordance with the test provisions established in ANSI Standard C 101.1-1971,

"American National Standard for Leakage Current for Appliances," approved November 17, 1970, published by American National Standards Institute.

The toy shall then be removed from the humidity chamber, energized, and tested again after attaining its normal operating temperature. From these measurements, a leakage current with no resistance shall be calculated and used to determine compliance.

(v) For a toy whose outer enclosure consists wholly or partly of insulating material, the term "dead metal part" means metal foil tightly wrapped around the exterior of the enclosure in a manner that covers, but does not enter into, any enclosure openings.

(4) *Motor operation.* (i) A motor provided as part of a toy shall be capable of driving its maximum normal load in the toy without introducing any potentially hazardous condition. The performance of the toy shall be considered unacceptable if, during the test, temperatures in excess of those specified in § 1505.7 for Type D surfaces are attained on any accessible surface. The performance of the toy shall also be considered unacceptable if the rise in temperature during the test causes melting, scorching, embrittlement, or other evidence of thermal damage to the insulating material used to prevent exposure of live metal parts.

(ii) A motor-operated toy shall be tested with the motor stalled if the construction of the toy is such that any person can touch moving parts associated with the motor from outside the toy. The performance of the toy shall be considered unacceptable if, during the test, temperatures higher than those specified in § 1505.8 are attained or if temperatures higher than those specified for Type C surfaces in § 1505.7 are attained on any accessible surface of the motor.

(5) *Overload.* (i) *Motor.* A motor-control switch that is a part of a toy shall be horsepower-rated to cover the load or shall be capable of performing acceptably when subjected to an overload test consisting of 50 cycles of operation by making and breaking the stalled-rotor current of the toy at maximum rated voltage. There shall be no electrical or mechanical failure nor any visible burning or pitting of the switch contacts as a result of this test.

(ii) *Switch.* To determine if a motor-control switch is capable of performing acceptably when subjected to overload conditions, the toy shall be connected to a grounded supply circuit of rated frequency and maximum rated voltage with the rotor of the motor locked into position. During the test, exposed dead metal parts of the toy shall be connected to ground through a 3-ampere plug fuse such that any single pole, current-rupturing device will be located in the ungrounded conductor of the supply circuit. If the toy is intended for use on direct current, or on direct current as well as alternating current, the exposed dead

metal parts of the toy shall be so connected as to be positive with respect to a single pole, current-rupturing device. The switch shall be operated at a rate of not more than 10 cycles per minute. The performance of the toy shall be considered unacceptable if the fuse in the grounding connection is blown during the test.

(f) *Hydrokinetic.* (1) *General.* Electrically operated toy steam engines shall be capable of performing acceptably when subjected to the tests described in this paragraph.

(2) *Preliminary test.* The ultimate strength of the boiler assembly shall first be determined by applying a hydrostatic pressure to the boiler with all openings blocked (the pressure-relief valve, steam exhausts, and any whistle or other accessory shall be removed and the resulting openings sealed); however, a water or other type of gage shall be left in place. The hydrostatic pressure shall be applied slowly and the ultimate value which is attained shall be recorded.

(3) *Pressure-relief test.* A pressure gage shall be connected to the boiler assembly which shall then be operated normally. The pressure at which the pressure-relief valve functions shall be noted while the engine is shut off (if a shutoff valve is provided) and with the whistle, if any, turned off. The test shall be discontinued and shall be considered a failure if the observed pressure exceeds one-fifth the value attained in the preliminary test described in paragraph (f) (2) of this section.

(4) *Operating pressure test.* If the boiler is still intact and no failure has occurred, the pressure-relief valve shall then be rendered inoperable and all other valves (such as a whistle and exhaust from the assembly) shall be tightly closed. Operations shall be continued until the pressure becomes constant. This test shall be discontinued and shall be considered a failure if the observed pressure exceeds one-third the value attained in the preliminary test described in paragraph (f) (2) of this section. During this test, all valves, gaskets, joints, and similar components shall be sufficiently tightened to prevent leakage. Rupture of the boiler or of any other fittings supplied with the engine shall be considered a failure.

(5) *Hydrostatic test.* If there has been no failure, two previous untested toys shall withstand for 1 minute a hydrostatic pressure of 5 times the pressure at which the safety valve operated or 3 times the constant pressure observed with the pressure-relief valve inoperable, whichever is greater. During this test, all openings shall be blocked (the pressure-relief valve, steam exhaust from the assembly, and any whistle or other outlet); however, a water or other type of gage shall remain in place. Rupture of the boiler or of a gage shall be considered a failure.

(g) *Thermal.* (1) *General.* The normal operation of a toy includes performance in normal use and after being subjected to reasonably foreseeable damage or abuse likely to produce the

* Copies may be obtained from: American National Standards Institute, 1430 Broadway, New York, NY 10018.

highest temperatures or, in the case of motor-operated toys, the load that most closely approximates the severest conditions of normal use or reasonably foreseeable damage or abuse.

(2) *Classification.* Parts or surfaces of a toy are classified according to their use or function as follows (for the purposes of paragraph (g) (2) (v), (vi), and (vii) of this section, accessibility shall be defined as the ability to reach a heated surface with a 1/4-inch-diameter rod 3 inches long):

(i) *Type A.* A part or surface of a toy (such as a handle) likely to be grasped by the hand or fingers for the purpose of carrying the toy or lifting a separable lid.

(ii) *Type B.* A part or surface of a toy that is (a) part of a handle, knob, or similar component, as in Type A (described in paragraph (g) (2) (i) of this section), but which is not normally grasped or contacted by the hand or fingers for carrying (including parts of a handle within seven-sixteenths of an inch of the surface to which the handle is attached and parts of a finger knob within 1/4 inch of the surface to which the knob is attached, if the remainder of the knob is large enough to be grasped), or (b) a handle, knob, or part that may be touched but which need not be grasped for carrying the toy or lifting a lid, door, or cover (e.g., support part of a handle or knob).

(iii) *Type C.* A part or surface of a toy that can be touched by casual contact or that can be touched without employing the aid of a common household tool (screwdriver, pliers, or other similar household tool) and that is either (a) a surface that performs an intended heating function (e.g., the soleplate of a flat-iron, a cooking surface, or a heating element surface), or (b) a material heated by the element and intended to be used as the product of the toy, excluding pans, dishes, or other containers used to hold the material to be cooked or baked if a common utensil or other device is supplied with the toy and specific instructions are established for using such a device to remove the container from the heated area.

(iv) *Type C marked.* A Type C surface which has been marked with a precautionary statement of thermal hazards in accordance with § 1505.3(e) (2).

(v) *Type D.* An accessible part or surface of a toy other than Types A, B, C, or E (see paragraphs (g) (i), (ii), (iii), and (vii) of this paragraph).

(vi) *Type D marked.* A Type D surface which has been marked with a precautionary statement of thermal hazards in accordance with § 1505.3(e) (2).

(vii) *Type E.* A heated surface in an oven or other article that is inaccessible or protected by an electrical-thermal safety interlock. Such interlocks shall prohibit the operation of a heating device whenever such surfaces are accessible and shall not allow accessibility to such surfaces until the temperatures of those surfaces have been reduced to levels below those established for Type D surfaces (paragraph (g) (2) (v) of this section).

(3) *Requirements.* When tested under the conditions described in paragraph (g) (4) of this section, a toy shall not attain a temperature at any point sufficiently high to constitute a fire hazard or to adversely affect any materials employed and shall not show a maximum temperature higher than those established by §§ 1505.7 and 1505.8. These maximum surface temperature requirements are not applicable to educational- or hobby-type products such as lead-casting sets and wood-burning tools which are appropriately labeled on the shelf pack or package as being intended only for children over 12 years of age provided that the maximum surface temperature of any such toy does not exceed that reasonably required to accomplish the intended technical effect. Such toys shall be provided with specific instructions and the warning statements required by and in accordance with § 1505.3 (d) and (e), and shall be appropriately identified as educational or hobby-type products.

(4) *Test conditions.*—(i) *General.* Tests shall be conducted while the toy is connected to a circuit of 60-cycle-per-second (60 Hertz) current using the materials supplied with the toy or using materials otherwise intended to be used with the toy. Following such tests, the toy shall be energized for a 6-hour period to determine that no hazardous conditions would result from unattended use of the toy.

(ii) *Temperature.* Normally, tests shall be performed at an ambient (room) temperature of 25° C. (77° F.); however, a test may be conducted at any ambient temperature within the range of 21° to 30° C. (69.8° to 86° F.).

(iii) *Voltage.* The toy shall be tested at the voltage indicated in the manufacturer's rating or at 120 volts, whichever is greater.

(5) *Temperature measurements.*—(i) *General.* Temperatures shall be measured by means of instruments utilizing thermocouples of No. 30 AWG (American Wire Gauge) wire (either copper and constantan or iron and constantan) and potentiometer-type instruments that are accurate and are calibrated in accordance with current good laboratory practices. The thermocouple wire shall conform with the requirements for "special" thermocouples as listed in the table of limits of error of thermocouples (Table VIII) in "American Standard for Temperature Measurement Thermocouples, C96.1-1964," approved June 9, 1964, by American National Standards Institute, Inc. The Standard was sponsored and published by the Instrument Society of America.

(ii) *Test procedures.* The thermocouple junction and adjacent thermocouple lead wire shall be securely held in good thermal contact with the surface of the material whose temperature

thermal contact will result from securely taping or cementing the thermocouple in place. If a metal surface is involved, brazing or soldering the thermocouple to the metal may be necessary. The surface temperatures of a toy shall be measured with the toy operating in any unattended condition (e.g., with and without opening and closing doors or covers) for a sufficient period of time to allow temperatures to become constant, or, in the case of a toy with a thermostatically controlled heating element, for a sufficient period of time to determine the maximum surface temperature attained. A temperature shall be considered to be constant when three successive readings taken at 15-minute intervals indicate no change.

(iii) *Heating devices.* Toy ovens, casting toys, popcorn and candymakers, and other toys requiring the insertion of any materials or substances shall be additionally tested by feeding crumpled strips of newspaper and tissue paper into or onto the toy in place of the intended materials or substances. The test strips shall be conditioned for at least 48 hours in air at a temperature of 25±4° C. (77±7° F.) and a relative humidity of 50 percent ±5 percent. The test strips shall be 2 inches wide by 8 inches long before crumpling. The crumpled paper shall occupy not more than 25 percent of the accessible volume. The performance of the toy shall be considered unacceptable if flaming occurs within a 60-minute period following the attainment of normal operating temperatures. If a light bulb is used for heating purposes, the test shall be conducted using the largest wattage bulb that can be easily inserted into the socket.

(h) *Strain-relief test.* (1) The strain-relief means provided on the flexible power cord of a toy shall be capable of withstanding a direct pull of 35 pounds applied to the cord for 2 minutes without displacement of the strain-relief unit or a deformation of the anchoring surface that would produce a stress which would result in a potentially hazardous condition. A 35-pound weight shall be attached to the cord and supported by the toy in such a manner that the strain-relief means is stressed from any angle that the construction of the toy permits. The test shall be conducted with the electrical connection within the toy disconnected.

(2) The initial 2-minute test shall be conducted with the force vector parallel to the longitudinal axis of the cord and perpendicular to the anchoring surface of the strain-relief unit. Each test at other angles of stress shall be conducted for periods of 1 minute. The strain-relief means is not acceptable if, at the point of disconnection of the cord, there is any movement of the cord to indicate that stress would have resulted on the connections.

(3) Except for toys weighing more than 10 pounds, the strain-relief unit and its support base shall be designed and constructed in such a manner that

* Copies may be obtained from: Instrument Society of America, 530 William Penn Place, Pittsburgh, PA 15219.

is being measured. In most cases, good

no indication of stress would result which would produce a hazard when the cord is held firmly in place 3 feet from the strain-relief unit and the toy is dropped the 3 feet at any angle.

§ 1505.7 Maximum acceptable surface temperatures.

The maximum acceptable surface temperatures for electrically operated toys shall be as follows:

Surface type (as described in § 1505.6 (c)(2))	Thermal inertia type ¹	Temperatures	
		° C.	° F.
A.....	1	50	122
A.....	2	55	131
A.....	3	60	140
B.....	1	55	131
B.....	2	65	149
B.....	3	75	167
C (unmarked).....	1	65	149
C (unmarked).....	2	75	167
C (unmarked).....	3	85	185
C (unmarked).....	4	95	203
C marked.....	1	70	158
C marked.....	2	90	194
C marked.....	3	110	230
C marked.....	4	130	266
D (unmarked).....	1	55	131
D (unmarked).....	2	70	158
D (unmarked).....	3	80	176
D (unmarked).....	4	90	194
D marked.....	1	60	140
D marked.....	2	75	167
D marked.....	3	100	212
D marked.....	4	125	257
E.....	(7)	(8)	(9)

¹ Thermal inertia types are defined in terms of lambda as follows:

Type 1: Greater than 0.0045 (e.g., most metals).
Type 2: More than 0.0005 but not more than 0.0045 (e.g., glass).

Type 3: More than 0.0001 but not more than 0.0005 (e.g., most plastics).

Type 4: 0.0001 or less (e.g., future polymeric materials).

The thermal inertia of a material can be obtained by multiplying the thermal conductivity (cal./cm./sec./degrees C.) by the density (gm./cm.³) by the specific heat (cal./gm./degrees C.).

² All types.

³ No limit.

§ 1505.8 Maximum acceptable material temperatures.

The maximum acceptable material temperatures for electrically operated toys shall be as follows (Classes 105, 130, A, and B are from "Motors and Generators," Standard MG-1-1967^{*} published by the National Electrical Manufacturers Association):

Material	Degrees C.		Degrees F.	
	(1)	(2)	(3)	(4)
Capacitors.....				
Class 105 insulation on windings or relays, solenoids, etc.:				
Thermocouple method ¹	90		194	
Resistance method.....	110		230	
Class 130 insulation system.....	110		230	
Insulation:				
Varnished-cloth insulation.....	85		185	
Fiber used as electrical insulation.....	90		194	
	Class A	Class B	Class A	Class B
Insulation on coil windings of a.c. motors (not including universal motors) and on vibrator coils:				
In open motors and on vibrator coils—thermocouple or resistance method ²	100	120	212	248
In totally enclosed motors—thermocouple or resistance method ³	105	125	221	257
Insulation on coil windings of d.c. motors and of universal motors:				
In open motors:				
Thermocouple method ²	90	110	194	230
Resistance method.....	100	120	212	248
In totally enclosed motors:				
Thermocouple method ²	95	115	203	239
Resistance method.....	105	125	221	257
Phenolic composition ⁴				
Rubber- or thermoplastic-insulated wires and cords ⁵				
Sealing compound.....		(6)	(7)	
Supporting surface while the toy is operating normally.....		90	194	
Wood and other similar combustible material.....		90	194	

¹ If the capacitor has no marked temperature limit, the maximum acceptable temperature will be assumed to be 65° C. (149° F.) for an electrolytic type and 95° C. (194° F.) for other than an electrolytic type.

² The temperature indicated refers to the hottest spot on the outside surface of the coil measured by the thermocouple method.

³ The limitations on rubber- and thermoplastic-insulated wires and cords and on phenolic composition do not apply if the insulation or the phenolic has been investigated and found to have special heat-resistant properties, or if the insulation meets the thermal requirements.

⁴ 40 less than melting point.

⁵ 104 less than melting point.

Dated September 20, 1973.

SADYE E. DUNN,
Secretary, Consumer Product
Safety Commission.

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* Copies may be obtained from: National Electrical Manufacturers Association, 155 East 44th Street, New York, NY 10017.