

Reference

DEC 5 1941



FEDERAL REGISTER

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Washington, Thursday, December 4, 1941

The President

EXECUTIVE ORDER

EXTENDING THE CLASSIFICATION ACT OF 1923, AS AMENDED, TO CERTAIN POSITIONS IN THE WAR DEPARTMENT AND IN THE NAVY DEPARTMENT AND ESTABLISHING A SALARY DIFFERENTIAL THEREFOR

WHEREAS upon consideration of reports and recommendations of the Civil Service Commission, I find and declare (1) that an extension of the provisions of the Classification Act of 1923, as amended, to the hereinafter-described positions in the War and Navy Departments, outside the States of the United States and the District of Columbia, is necessary to the more efficient operation of the Government, and (2) that the rates of the compensation schedules of the Classification Act of 1923, as amended, are inadequate to permit effective and immediate recruiting of qualified citizens for such positions, which is necessary in the interests of the national-defense program:

NOW, THEREFORE, by virtue of the authority vested in me by sections 3 (a) and 3 (c), Title II of the act of November 26, 1940, 54 Stat. 1212, it is ordered as follows:

1. The provisions of the Classification Act of 1923, as amended, are hereby extended to positions in the War Department and in the Navy Department for which citizens of the United States are recruited, which are made necessary by national-defense projects, which fall into classes of employment to which the Classification Act of 1923, as amended, is applicable, and which are located in the following-named geographic areas:

- | | |
|----------------|--------------|
| Alaska | Jamaica |
| British Guiana | Bermuda |
| Trinidad | The Bahamas |
| Antigua | Newfoundland |
| St. Lucia | |

2. A salary differential is hereby established for the aforesaid positions as follows: To the rates of pay applicable to such positions as specified in the Classification Act of 1923, as amended, there shall be added twenty-five per centum of the minimum rate of the grade to which

each such position is allocated. The differential herein authorized shall not apply after June 30, 1943.

3. This order supersedes Executive Order No. 8657 of February 3, 1941, entitled "Extending the Classification Act of 1923, as amended, to Certain Positions in the Navy Department and Establishing a Salary Differential Therefor".

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 1, 1941.

[No. 8955]

[F. R. Doc. 41-9082; Filed, December 2, 1941; 2:28 p. m.]

Rules, Regulations, Orders

TITLE 30—MINERAL RESOURCES CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1101]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT No. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

¹ 6 F.R. 769.

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It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No relief is granted herein as to the coals of the Helmick Mine, Mine Index No. 927, and the Johnson No. 1 Mine, Mine Index No. 932, for all shipments except truck, and for the mixing of the coals of Beaver No. 1 Mine, Mine Index No. 666, Beaver No. 2 Mine, Mine Index No. 3170, Beaver No. 3 Mine, Mine Index No. 3171, and for the mixing of the coals of Milliron Mine, Mine Index No. 655, and Milliron No. 2 Mine, Mine Index No. 3176, for all shipments except truck, as these mines are affected by unique considerations set forth in an Order designating that portion of Docket No. A-1101 which relates to them as Docket No. A-1101 Part II and granting temporary relief.

No relief is granted herein as to the coals of the Watts Mine, Mine Index No.

1304, as it appears that minimum prices were established for the coals of this mine under the name of Susie No. 3 Mine, Mine Index No. 1304, in Price Schedule No. 1 for District No. 1. For Truck Shipments by an Order in Docket No. A-451, For All Shipments Except Truck, and by an Order in Docket No. A-516, For All Shipments Except Truck and For Truck Shipments.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: November 12, 1941.
[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Sub-district No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
1037	Baldacchino, Phillip (Phillip's Coal Mine)	24	D	Carrolltown, Pa.	NYC	44	(f)	(f)	E	(f)	(f)
3170	Beaver and Snyder (W. C. Snyder)	14	C	Oscola Mills, Pa.	PRR	45	(f)	(f)	F	(f)	(f)
3171	Beaver and Snyder (W. C. Snyder)	14	B	Oscola Mills, Pa.	PRR	45	(f)	(f)	G	(f)	(f)
3173	Humphreys, L. B. (The Humphreys Brick & Tile Company)	5	A	Allon's Mills, Pa.	P&S	119	(f)	(f)	F	(f)	(f)
3229	Michaels, Earl & Joseph (Earl Michaels)	43	Big Vein	Fekhart, Md.	C&P	66	(f)	(f)	H	(f)	(f)
3176	Milliron, Frank (Milliron Coal Company)	5	E	Tumbler, Pa.	P&S	119	G	G	G	G	G
1081	Myers, Gerald H.	4	E	Reedsburg, Pa.	NYC	30	(f)	(f)	G	(f)	(f)
1077	Penn Smokeless Fuel Company	36	E	Jerome, Pa.	R&O	100	(f)	(f)	H	(f)	(f)
3174	Potts Run Coal Company	13	A	Boardman, Pa.	NYC	44	H	H	H	H	H
1639	Producers Economy Coal, Inc., c/o C. E. Lovejoy	9	C	Karthus, Pa.	NYC	44	(f)	(f)	E	(f)	(f)
2428	Producers Economy Coal, Inc., c/o C. E. Lovejoy	8	C	Karthus, Pa.	NYC	44	(f)	(f)	F	(f)	(f)
880	Producers Economy Coal, Inc., c/o C. E. Lovejoy	8	C	Karthus, Pa.	NYC	44	(f)	(f)	F	(f)	(f)
975	Todd, H. W., Jr. (Horseshoe Coal Co.)	9	C	Karthus, Pa.	NYC	44	(f)	(f)	E	(f)	(f)
639	Wallwork, Samuel	4	B	Sligo, Pa.	PRR	90	(f)	(f)	E	(f)	(f)
2235	Whitefield, Thomas	6	D	Amite, Pa.	PRR	50	(f)	(f)	E	(f)	(f)

* Indicates coal in this size group previously classified and priced.
† Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 321.24 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened top size 2" and over				
						1	2	3	4	5
Abram Creek Coal Company c/o A. L. Helmick.	927	Helmick.....	44	Grant.....	E.....			230		
Aiken, H. W.	966	Aiken.....	1	Clarion...	B.....	245	220	220	210	200
Beaver and Snyder (W. C. Snyder).	3170	Beaver #2.....	14	Centre.....	C.....			220		
Beaver and Snyder (W. C. Snyder).	3171	Beaver #3.....	14	Centre.....	B.....			215		
Burgess & Liller (Albert Burgess).	980	Burgess.....	44	Grant.....	Bakerstown..			210		
Fleegle, Irvin	1373	Hall.....	38	Somerset..	C'.....	255	230	(*)	220	210
Garvey, C. L.	3172	Garvey C. Mine..	14	Clearfield.	B.....			225		
Hanlin, Eldred	943	Hanlin.....	44	Mineral...	Tyson.....			225		
Harris, O. D.	931	Harris.....	44	Mineral...	Big Vein....			230		
Humphrey, Lee B. (The Humphrey Brick & Tile Company).	3173	Sulger #2.....	6	Jefferson..	A.....			210		
Jewart J. A.	937	D. D. Marshall..	11	Armstrong.	E.....			215		
Johnson Von B.	932	Johnson #1.....	9	Centre.....	D.....			230		N
Langham Herbert W. (Langham Coal Co.).	888	Langham.....	43	Alleghany..	Bakerstown..			210		
McMillen Frank (Mack Coal Co.).	3175	Mack.....	44	Garrett...	D.....	235	210	210	190	180
Michaels Earl & Joseph (Earl Michaels).	929	Michaels.....	43	Alleghany..	Big Vein....			220		
Miller & Rankin (Lee Rankin).	958	Dimond.....	4	Clarion...	B.....	240	215	215	200	190
Miller John E. (Speicher Coal Mine).	1771	Speicher.....	29	Cambria...	C'.....			(*)	215	205
Milliron Frank (Milliron Coal Company).	3176	Milliron #2.....	5	Jefferson..	E.....	240	215	215	205	195
Murphy G. V.	933	Murphy.....	44	Mineral...	Tyson.....			225		
Penn Smokeless Fuel Company.	1077	Spory #1.....	36	Somerset..	E.....	250		(*)	215	205
Potts Run Coal Company.	3174	Potts Run #1.....	13	Clearfield.	A.....	235	210	210	200	190
Producers Economy Coal, Inc., c/o C. E. Lovejoy.	1639	Fred Krause...	9	Clearfield.	C'.....			(*)	215	205
Producers Economy Coal, Inc., c/o C. E. Lovejoy.	2425	Jas. F. Rolley....	8	Clearfield.	C.....			(*)	210	200
Producers Economy Coal, Inc., c/o C. E. Lovejoy.	880	Jas. F. Rolley #2..	8	Clearfield.	C'.....			(*)	215	205
Rearick's Mine (K. H. Lookbaugh).	965	Rearick's.....	22	Armstrong.	Pgh.....			220		
Rupert, Emmett J.	3177	Rupert Mine.....	6	Clearfield.	B.....			220		
Rush, Russell	3178	Stutzman.....	41	Somerset..	C.....			220		
Todd, H. W., Jr. (Horseshoe Coal Co.).	975	Horseshoe.....	9	Clearfield.	C'.....			225		
Tri-Angle Coal Co. (Claude R. Luce).	2165	Tri-Angle.....	2	Elk.....	B.....			(*)	195	185
Wallwork, Samuel	939	Wallwork.....	4	Clarion...	B.....	240	215	215	200	190
Whitefield, Thomas	2235	Whitefield.....	6	Jefferson..	D.....			(*)	215	205

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41-9068; Filed, December 2, 1941; 11:54 a. m.]

[Docket No. A-377]

PART 339—MINIMUM PRICE SCHEDULE, DISTRICT NO. 19

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING RELIEF IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 19 FOR A CHANGE IN THE EFFECTIVE MINIMUM PRICES FOR RAIL SHIPMENTS TO MARKET AREAS 234, 237-241, AND 247-254 IN SIZE GROUP 16

This proceeding was instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of

the Bituminous Coal Act of 1937, by District Board 19. The petition requests a change in the Schedule of Effective Minimum Prices for District No. 19, so that the minimum price applicable to the coals produced in Subdistricts 2, 3, and 5 of District 19 for shipment by rail into Market Areas 234, 237-241, and 247-254 in Size Group 16 will not exceed the effective minimum price for Size Group 15 coals for shipment to said market areas. A petition to intervene was filed by District Board 20. The Consumers' Counsel Division filed an answer requesting that the relief sought by District Board 19 be granted.

Pursuant to an Order of the Director, and after due notice to all interested

persons, a hearing in this matter was held before a duly designated Examiner of the Division, at a hearing room thereof in Salt Lake City, Utah. The Examiner,¹ on October 6, 1941, submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations, recommending that the relief requested herein be granted. He found that in those instances in which the Size Group 16 (1" x 0) coals of Subdistricts 2, 3, and 5 of District 19 are priced 5 cents higher than the Size Group 15 (1 1/2" x 0), the differential should be eliminated. It was his opinion that it would not be prejudicial to District 20 if the (1" x 0) slacks of District 19 were priced no higher than its (1 1/2" x 0) slacks. And he found no evidence that a 5-cent reduction on the Size Group 16 coals of District 19 would seriously reduce the realization of District 19 or of Minimum Price Area 7.

An opportunity was afforded to all parties to file exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner and supporting briefs. No exceptions or supporting briefs have been filed.

The undersigned has determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Now, therefore, it is ordered, That said Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and they hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That § 339.5 (General prices; minimum prices for shipment via rail transportation) in the Schedule of Effective Minimum Prices for District 19 for All Shipments be, and it is hereby amended to reduce the minimum f. o. b. mine price of Subdistrict 2, 3, and 5 coals in Size Group 16 for rail shipments into Market Areas 234, 237-241, and 247-254, inclusive, in all instances where the established price for Size Group 16 coals is now 5 cents above that for Size Group 15 coals as is set forth in Supplement R, annexed hereto and made a part hereof.

It is further ordered, That the prayers for relief contained in the petition herein be, and they hereby are, granted to the extent set forth above, and in all other respects denied.

Dated: November 17, 1941.

[SEAL]

H. A. GRAY,
Director.

¹The hearing was held before Thurlow G. Lewis, but by an Order of the Director, C. R. Larrabee was appointed to prepare the Examiner's Report in this matter in the place of Thurlow G. Lewis, who had resigned.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 19

NOTE: The material in this Schedule is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

FOR RAIL SHIPMENTS

The following changes shall be made in Price Schedule No. 1 for District 19:

§ 339.5 *General prices; minimum prices for shipment via rail transportation—* Supplement R. Prices for Sub-Districts Nos. 2, 3 and 5 have been changed as follows (changes in italics):

[Minimum f. o. b. mine prices in cents per net ton for shipments via rail transportation into market areas shown]

	1	2	3	4	5	6	7	8	9	10	11	12	13	15	16	17
SUB-DISTRICT NO. 2—ROCK SPRINGS																
237-240 and 247-254.....	380	380	355	.....	350	350	290	265	225	225	240	240	210	200	200	150
SUB-DISTRICT NO. 3—HANNA RAWLINS																
234, 237-241 and 247-254.....	280	280	280	280	255	255	255	265	200	175	.....	200	200	150	150	80
SUB-DISTRICT NO. 5—GEB0 KIRBY																
234 and 241.....	460	400	455	445	445	445	420	320	250	.....	.....	270	185	150	150	.....
237-240 and 247-254.....	410	410	405	395	395	395	380	295	225	.....	.....	270	.....	150	150	.....

[F. R. Doc. 41-9071; Filed, December 2, 1941; 11:55 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER B—PROCLAIMED LIST OF CERTAIN BLOCKED NATIONALS

[Administrative Order—Sup. 4, Dec. 3, 1941]

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Economic Defense Board, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President, promulgated July 17, 1941 (6 F.R. 3555), the following Supplement No. 4 containing certain additions to, deletions from, and amendments to "The Proclaimed List of Certain Blocked Nationals", promulgated July 17, 1941, is hereby promulgated.

Date: December 3, 1941.

By direction of the President:

CORDELL HULL,
Secretary of State.

HENRY MORGENTHAU, JR.,
Secretary of the Treasury.

FRANCIS BIDDLE,
Attorney General.

JESSE H. JONES,
Secretary of Commerce.

MILO PERKINS,
Executive Director,

Economic Defense Board.

NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

ADDITIONS

ARGENTINA

Barbero, Luis; Buenos Aires.
Brugger, Fernando G.; Arcos 2070, Buenos Aires.
Ciarlo, Agustín; 25 de Mayo 375, Buenos Aires.
Clemens, Pedro; Bartolomé Mitre 559, Buenos Aires.

"Club del Libro", A. L. A. (Amigos del Libro Americano); Carlos Pellegrini 1536, Buenos Aires.

Ghiringhelli, Celestino; Buenos Aires.
Hossman & Cia; Corrientes 330, Buenos Aires.

Industria Frigorífica Argentina, "I. F. A.", S. A.; Defensa 533, Buenos Aires.

Klein, Otto; 25 de Mayo 158, Buenos Aires.

Kyburg, Bernardo L.; Perú 375, Buenos Aires.

Kyburg, Luis; Perú 375, Buenos Aires.
Mampoy, Julio; Lavalle 341, Buenos Aires.

Mármoles y Piedras de Italia, S. A., Sociedad General; Brasil 71-73, Buenos Aires.

Millinghausen, Guillermo; 5 de Julio 489, Buenos Aires.

Orduvini, Augusto H.; Bernardo de Irigoyen 330 and Santa Fé 3936, Buenos Aires.

Pellegrini & Cia., Clemente; Carlos Pellegrini 1536, Buenos Aires.
Pesci, Remo; Juan de Garat 2260, Olivos.

Trabanco, Aquilino; Bernardo de Irigoyen 15, Buenos Aires.

Trabanco, Casa A.; Bernardo de Irigoyen 15, Buenos Aires.

Winkler & Cia.; Avda. R. S. Peña 636, Buenos Aires.

BOLIVIA

Aramayo del Río, Ricardo; Potosí and Sucre.

Barrientos, Emilio; La Paz.

Benavides, I. A.; La Paz.

Borda, José Vicenio; Cochabamba.

Brockner, Bruno; Cochabamba.

Burgos, F. Isaías; Villazón.

Bustillos y Cia.; Casilla 167, Potosí.

Guardia, Darío; La Paz.

Hero, S. A., Cia. de Representaciones y Comercio en General; Casilla 422, Avenida Montes, La Paz.

Jacobsen, Hays; Viacha and La Paz.

Lutsch, Sigmar; Casilla 199, Cochabamba.

Paz Hermanos; Santa Cruz, La Paz, Oruro.

Representaciones y Comercio en General Hero, S. A., Cia. de; Casilla 422, Avenida Montes, La Paz.

Rivas Guzmán, Blanca T. de; La Paz.
Schomann and Company, Gustavo; La Paz.

Schuchard, Werner; La Paz.

Schuett, Nicholas Jurgen¹; Potosí and Sucre.

Siles, A.; La Paz.

Von Landwust, Hans; Potosí and Sucre.

Weichert, Wolfgang; Cochabamba,

Santa Cruz, Sucre, Oruro.

Zetsche, Heinz G.; Calle Colón 168, La Paz.

Zetsche and Company, Herbert; Calle Colón 168, La Paz.

Ziegler & Cia., Alfredo; La Paz.

BRAZIL

Aichinger, M. E.; Rua Tamoyos 438, Bello Horizonte.

A Ultraferramenta, Limitada; Rua Novo Prado 406, São Paulo.

Brasileira de Carbureto de Calcio, Companhia; Rua 1° de Marco 31, Rio de Janeiro.

Costa Carvalho & Cia; Rua do Bom Jesús, Recife.

Distribuidora Brasileira de Acos e Metaes Dibracó Ltda.; Rua José Bonifácio 278, São Paulo.

Fábrica de Machinas Raimann, Ltda.; Joinville, Santa Catarina.

Hafers, Ernesto Magalhaes (Dr.); Santos.

Halboth, Armin; Rua Buenos Aires 152, Rio de Janeiro.

Heinzerling & Lock, Limitada; Rua Turiassú 1687, São Paulo.

Horst do Brasil, Limitada, Theodor Jos.; Rua Carnot 548, São Paulo.

Industrias Chímicas Geronazzo, Ltda.; Rua Catarina Braida 9, São Paulo, and all branches in Brazil.

Industrias Rodolpho, S. A.; Fortaleza, Ceará.

Institutos Terapeuticos Reunidos "Labofarma", S. A.; Rua Glicerio 497, São Paulo, and all branches in Brazil.

Labofarma, S. A., Institutos Terapeuticos Reunidos; Rua Glicerio 497, São Paulo.

Lang & Cia., Ltda.; Rua Cdr. Manoel Pereira 177, Porto Alegre.

Lecoultré & Companhia, Ltda.; Rua Libero Badaró 173, São Paulo.

Lettieri, G.; Rua Chile 65, 67, 103, 106, Natal.

"Loja Telefunken"; Rua Tamoyos 438, Bello Horizonte.

Lück & Cia., Gurgel; Rua do Comercio 161-165, Natal.

Mangels & Kreutzberg, Ltda.; Avenida Presidente Wilson 1866, São Paulo.

Meridional Tintas e Composições, Limitada; Rua da Candelaria 9, Rio de Janeiro.

¹ Not to be confused with firm of same name in La Paz.

Minas Brasilmica, Limitada; Rua Lino Coutinho 1718, São Paulo.
Perfumaria Claco Ltda.; Fortaleza, Ceará.

Regnier de Maquinas e Baterias Eléctricas, S. A.; Rua Candelaria 92, Rio de Janeiro.

Ricordi & Companhia, G.; Alameda Barão de Limeira 331, São Paulo.

Scheidt & Companhia, Ltda., F. W.; Rua Domingos Lima 322, São Paulo.

Schmidt & Companhia; Rua Julio Adolfo 14, Bahia.

Van Rees do Brasil, Ltda.; Rua Libero Badaró 92, São Paulo.

Von Densteinen, Carlos; Recife, Pernambuco.

Wanderley & Cia., Ltda., Terço.; Rua do Comercio 508-518, Maceió Alagoas.

CHILE

Alvarez R., Osvaldo; Calle Errázuriz 845, Punta Arenas.

Kristl, Peter J.; Calle O'Higgins 625, Antofagasta.

Kristl y Cia., P. J.; Calle O'Higgins 625, Antofagasta.

Martínez y Cia., Jesús; Bandero 843, Santiago.

Mutzembecher, Juan; 21 de Mayo 1262, Punta Arenas.

Parnow, Juan (Johannes); Punta Arenas.

Pensión Alemana; Calle O'Higgins 625, Antofagasta.

Schulze, Otto; Calle Baquedano 111, Antofagasta.

Sepulveda, Aurelio; Augustinas 972, Santiago.

Willumsen, Hening K.; Roca 858, Punta Arenas.

COLOMBIA

Abuchaibe, Nicolás D.; Santa Marta.

Almacén Mil Novedades; Bogotá.

Arrazola, Manuel; Bogotá.

Bizzari, Enrique; Bogotá.

Boll, Karl Anton; Edificio Teodosio Moreno, Medellín.

Delle Donne, Ottavio; Bogotá.

Empacadora Nacional de Consumos Alimenticios Standard Ltda.—ENCA Standard Ltda.; Medellín.

ENCA Standard Ltda.—Empacadora Nacional de Consumos Alimenticios Standard Ltda.; Medellín.

Exportadora y Comercial del Atlántico, Ltda., Compañía; Real, 20 de Julio, Cuartel, Apartado 882, Barranquilla.

François, Xavier; Bogotá.

Garbade, Günther; Real, 20 de Julio, Cuartel, Apartado 882, Barranquilla.

Gebhardt, Gustavo; Barranquilla.

Haas, Federico; Apartado Nacional 1696, Bogotá.

Horn, José (Josef); Bogotá.

Industria Cauchera Hércules, Cia., Ltda.; Cartagena.

Laumayer, Alfredo; Edificio Teodosio Moreno, Medellín and all branches in Colombia.

Laumayer, Fritz; Edificio Teodosio Moreno, Medellín and all branches in Colombia.

Manjarres, José Manuel; Bogotá.

Martín L., Jorge; 12-49, Carrera 9, Bogotá.

Mazzanti, Spartaco; Barranquilla.

Menotti, Pierantonio; Medellín.

Miani, Alfredo; Manizales.

Morín, Mario; Medellín.

Munevar, Bernardo; Bogotá.

Paschke, Rheinhold; Plaza de la Aduana 6, Cartagena.

Pernigotti, Carlo; Bogotá.

Reyes & Cia., Alberto; San Blas, Progreso, La Paz, Barranquilla.

Rodríguez, H. & Cia., Sucr.; Progreso, Boyacá, San Roque, Barranquilla.

Serventi, Emilio; Manizales.

Serventi, Giovanni; Bogotá.

Taddei, Renato; Barranquilla.

Taller de Fotogrado; Barranquilla.

Thierl, Richard; Cartagena.

Zapateiro, Manuel; Apartado 84, Cartagena.

COSTA RICA

Brenes Gutierrez, Ramiro (Dr.); San José.

Gurcke y Cia., Werner; Apartado 219, San José.

"NICSA"; Apartado 785, San José.

Panadería Musmanni; Calle 12, Aves. F. G. y 2, San José.

Sastrería y Tienda Scaglietti y Sobrinos; Apartado 478 and Calle 2, Aves. F. G. y 1, San José.

Scaglietti, Hugo; Apartado 478, San José.

Scaglietti, Mario; Apartado 478, San José.

Scaglietti & Sobrinos; Apartado 478 and Calle 2, Aves. F. G. y 1, San José.

Schlager Quesada, Sucrs., Arturo; San José.

Wimmer, Frank; Puerto Limón.

DOMINICAN REPUBLIC

Dominican Tobacco Company; Ciudad Trujillo.

ECUADOR

Panse, Ernesto; Malecón Simón Bolívar 307, Apartado 787, Guayaquil.

Sachs, Herbert; Guayaquil.

GUATEMALA

Almacén A. E. G.; 7a Avenida Sur No. 10, Guatemala City.

Asociación Industrial Alemana; 7a Avenida Sur No. 10, Guatemala City.

Brackman y Cia., M.; Guatemala City.

Cojulun R., Raquel (Lcda.); Guatemala City.

Fábrica de Sombreros "Atlas"; Guatemala City.

"Imprenta Electra"; 10a Calle Oriente y Pasaje Coloma, Guatemala City.

Jaeger, Augusto L.; 7a Avenida Sur No. 10, Guatemala City.

Jaeger Hermanos; 7a Avenida Sur No. 10, Guatemala City.

Sak, Max; 7a Avenida Sur y 10a Calle Oriente, Guatemala City.

Sánchez, Alberto; 6a Calle Oriente No. 11, Guatemala City.

Stäbler (Staebler) Hermanos; 10a Calle Oriente y Pasaje Coloma, Guatemala City.

HAITI

Beck, Kuno; Port-au-Prince.

Beck, Kurt; Port-au-Prince.

Beck, Vera Teuchler (Mme. Kuno).

Buch, Wilhelm (Jr.); Port-au-Prince.

Grohl, Arthur Karl; Port-au-Prince.

Petersen, Johannes; Port-au-Prince.

Wehrle, Laurent; Port-au-Prince.

HONDURAS

Brito, Jorge; San Pedro Sula.

MEXICO

Bahnsen, Johann Heinrich; Calle Jiménez Norte 145, Monterrey.

Benitez y Ajuria, S. en C. por A.;

Bahia Concepción 3, México, D. F.

Bossero Advertising Agency, S. de R. I.; Gante No. 14, México, D. F.

Busch, Juan; Uruguay 42-1°, México, D. F.

de Moeller, J.; Ocello 8, Mexico, D. F. de Peña, O. A.; Calzada de la Piedad 91-3°, Mexico, D. F.

Farmacia Moderna; Chihuahua.

Fiehn, Ulrich; Chihuahua.

Frank, Walter; Guadalajara.

Galván, Alberto R.; Calle Obregón 52A, Guadalajara.

Haas, Walterio; Apartado 163, Avenida Morelos 464, Monterrey.

Industria Mexicana de Tintas; Bahía Concepción 3, México, D. F.

Industrias Sanitarias Unidas; Sabiño 154, México, D. F.

Internacional de Drogas, S. A., Cia.; Isabel la Católica 85, México, D. F.

Laboratorios Carbo Hnos., S. A.; Ciprés 259, México, D. F.

Laboratorios Gardee; Ramón Guzmán 51, México, D. F.

Laboratorios J. C. Thome; Ramón Guzmán 58, México, D. F.

Laboratorios Nutrex, S. A.; Cerrada 3a de Colima 2, México, D. F.

La Torre e Hijo, S. R. L.; Uruguay 73-1°, México, D. F.

"La Voz del Pueblo"; Mazatlán.

Monticello Drug Co.; Joyas 16, México, D. F.

Pasquel, Bernardo; 5 de Mayo No. 43, Veracruz, and Hamburgo No. 32, México, D. F.

Pasquel, Jorge; Hamburgo No. 32, México, D. F.

Productos Químicos Fletcher, S. A.; Morelia 15, México, D. F.

Queralt Mir, Casa; Sinaloa 56, México City, D. F.

Relojería Suiza; Apartado 163, Avenida Morelos 464, Monterrey.

Schalch, Willy; Guadalajara.

Sekiguchi, Casa; México, D. F.

Stein y Schuetze; Edificio Lutecia 220, Guadalajara.

Talleri y Cia., Sucrs., Eugenio; 16 de Septiembre 66, México, D. F.

Terapia Infantil; México, D. F.

Unidas de México, Agencias; Av. 5 de Mayo, Pasaje América, Mexico, D. F.

Villaseñor Hnos., Tinajero; Piño Suárez 76, México, D. F.

Woehler Bartning Sucrs; Mazatlán.

PANAMA

Papio, Miguel (Dr.); Front Street, Colón.

Wegener, Sigfrido; 4 de Julio No. 3, Apartado 1225, Panamá, R. P.

PARAGUAY

Grabow, Federico; Asunción.
Grabaw & Muller; Calle Estrella 288, Asunción.

PERU

Candela y Candela, Constantino; Lampa 936, Lima.

Detgen & Barten, S. A.; Mercedes 112, Arequipa, and all branches in Perú.

Labarthe y Durand, Luis A.; Lima.
Von Steinitz, Kurt; Lima.

SALVADOR

Moritz, Friedrich; San Salvador.
Rovero, Patuzzo y Cia.; 1a Calle Oriente No. 102, San Salvador.
Schmidt, Guillermo; Tepecoyo, La Libertad.

URUGUAY

Scharnweber, Walter; Piedras 419, Montevideo.
Stahl, Hermann; Convención 1403, Montevideo.

VENEZUELA

Hadamovsky & Co.; Caracas.
Hadamovsky, Walter; Caracas.
Stegemann & Co.; Avenida Sur, 15-Altos, Apartado 847, Caracas.

DELETIONS

BRAZIL

Reichlin, N. A.; Rio de Janeiro.

COLOMBIA

Osswald, Rudolf (Agencias de Ultramar S. A.; Trilladoras Deco S. A.¹).
Ribbentrop y Cia. (Standard Agencies de Colombia²).
Ribbentrop, Erich (Standard Agencies de Colombia¹). Barranquilla.
Staats, Luis (Enrique Kausel & Cia.; Laboratorios Enka Standard¹).

CUBA

Aguirre, Camilo V.; Merced 324, Habana.

HONDURAS

Marrugat, Jose Riba; La Ceiba.

MEXICO

Anahuac, Agencia Comercial—Hugo Schoener; Apartado 2303, Mexico City.

Brandi, Nicolas; Avenida Zaragoza 725 Sur, Monterrey.

Itturiaga, Joaquin Fernandez; Querataro 48, Mexico City.

Melnitzen, M. (Salchichoneria "Bavaria") Morelos 142 Pte., Monterrey.

¹This deletion relates only to individual listed and does not affect listing of firm.

²This deletion relates only to Ribbentrop y Cia. and does not affect Standard Agencies de Colombia listed separately.

Salchichoneria "Bavaria" (M. Melnitzen); Morelos 142 Pte., Monterrey.

AMENDMENTS

BOLIVIA

In relation to Barber & Co., Sucs., Alfredo W., Riberalta, see footnote 1.

In relation to Bendel & Cia., La Paz, see footnote 2.

For Bedregal, Daniel, La Paz, substitute Bedregal Vela, Daniel; La Paz.

COSTA RICA

For Fernandez Parma, Claudio, San José, substitute Fernández Palma, Claudio (C. Fernández P.); San José.

In relation to Pan American Agencies Co., S. A. (Rafael Delcore), Apartado 785, San José, see footnote 4.

MEXICO

In relation to Equipos Para Oficinas, S. A., Ave. Juarez 56, Mexico City, see footnote 5.

For Farmacia Plaza, Abasolo 954, Monterrey, substitute Farmacia Plaza; Zuazua y Morelos, or Zuazua 943 Sur, Monterrey.

For Wellstein, Oscar, Uruguay 51, Mexico City, substitute Wettstein, S. A., Casa (Oscar Wettstein); Uruguay 5, México, D. F.

NICARAGUA

For Bayer, Agencia, Managua, substitute Bayer, Agencia; Apartado 359, Managua.

PERU

For Moebius, Fritz, Carabaya 569, Lima, substitute Mevius, Fritz; Calle Buenos Aires 185 Miraflores, Lima, and Jirón, Carabaya 569, Lima.

[F. R. Doc. 41-9095; Filed, December 3, 1941; 11:31 a. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER A—GENERAL PROVISIONS

DEFINING THE STATUS OF THE DIVISION OF PURCHASES IN THE OFFICE OF PRODUCTION MANAGEMENT AND PRESCRIBING ITS DUTIES AND FUNCTIONS, AMENDMENT

Regulation No. 2-A

Paragraph 3c of Regulation No. 2,⁶ dated March 7, 1941, is hereby amended to read as follows:

c. To review for clearance, prior to award, all major proposals for the pur-

¹Not to be confused with Casa Barber, Cochabamba.

²Not to be confused with Baender & Cia., La Paz.

³Not to be confused with Daniel Bedregal Urquiza, La Paz.

⁴Not to be confused with Pan American Agencies operated by Roberto Sutherland Polsen.

⁵To be distinguished from Equipos Para Oficinas, S. de R. L., Calle Juan A. de la Fuente 320 Sur, Torreón, Coahuila.

⁶6 F.R. 1595.

chase or construction by the War Department or the Navy Department of materials, articles, or equipment needed for defense. He shall also review for clearance or advice such other important proposals for purchase or construction as the War Department or Navy Department may desire to submit. The term "major proposals for purchase or construction," as used herein, shall mean:

(1) All proposals for purchase in the amount of \$500,000 or more;

(2) All proposals for construction in the amount of \$500,000 or more;

(3) All proposals for purchase or construction which would require substantial new construction of production facilities or extensive new machine tool equipment, regardless of the cost of the proposed contract.

(4) Such other proposals for purchase or construction as the Director of Purchases may indicate, through the Office of the Secretary of War or the Secretary of the Navy, because they involve unusual procurement problems, or have a substantial impact upon the market, or for other reasons.

W. S. KNUDSEN,
Director General.

SIDNEY HILLMAN,
Associate Director General.

ROBERT P. PATTERSON,
Under-Secretary of War.

FRANK KNOX,
Secretary of the Navy.

Approved:

JOHN LORD O'BRIAN,
General Counsel.

Attest:

HERBERT EMMERICH,
Executive Secretary.

NOVEMBER 25, 1941.

[F. R. Doc. 41-9085; Filed, December 3, 1941; 9:37 a. m.]

SUBCHAPTER B—PRIORITIES DIVISION

PART 937—ZINC

Supplementary Order No. M-11-f

§ 937.7 Supplementary order M-11-f.

(a) The Director of Priorities hereby determines that the amount of Metallic Zinc, Zinc Oxide and Zinc Dust to be set aside by Producers under § 937.1 (c) as amended,¹ for the month of December, 1941 and for each month thereafter until otherwise determined by him, shall be as follows:

(1) *Metallic zinc.* An amount equal to 29% of Producer's August 1941 production.

(2) *Zinc oxide.* None.

(3) *Zinc dust.* None.

(b) This Order shall take effect on the 1st day of December, 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM. Reg. 3 amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875,

¹6 F.R. 3179, 5290.

Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 3rd day of December 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 41-9102; Filed, December 3, 1941;
12:04 p. m.]

PART 939—HIGH-SPEED STEEL

Amendment No. 1 and Extension No. 1
of General Preference Order M-14

Whereas the shortage of tungsten for defense, for private account and for export has become more stringent since the issuance of General Preference Order M-14,

Now, therefore, it is hereby ordered:

(a) Paragraphs (a) (3), (a) (4), and (a) (5) of General Preference Order M-14 (939.1) are hereby revoked.

(b) Paragraph (b) of General Preference Order M-14 (§ 939.1) is hereby amended to read as follows:

§ 939.1 General preference order.

(b) *Orders.* No customer of a producer shall place an order with such producer for Class B high-speed steel if Class A high-speed steel would reasonably fulfill his requirements; and no producer shall accept such an order for Class B high-speed steel when he knows or has reason to believe that Class A high-speed steel would reasonably fulfill the customer's requirements. For the period October 28, 1941 to February 1, 1942, and for each quarterly period thereafter, no customer shall place and no producer shall accept orders for Class B high-speed steel which will exceed, in the aggregate, by weight, one-third of the quantities of Class A high-speed steel ordered by such customer from the same producer during the same period. Customers' orders for high-speed steel which are to be filled in whole or in part by the use of material, including tungsten ore, ferro tungsten, and tungsten-bearing scrap, furnished by such customers shall be subject to all the restrictions and provisions of this Order. With respect to orders placed on or after October 28, 1941, no customer shall request cancellation, during the period October 28, 1941 to February 1, 1942, or during any quarterly period thereafter, of any order for Class A high-speed steel, unless such customer shall also request cancellation of an order or orders for three times such quantity, by weight, of Class B high-speed steel placed with the same or some other producer during the same period.

(c) Paragraph (c) of General Preference Order M-14 (§ 939.1) is hereby amended to read as follows:

(c) *Deliveries.* With respect to orders placed on and after October 28,

1941, no customer shall accept, during the period October 28, 1941 to February 1, 1942, or during any quarterly period thereafter, deliveries of Class B high-speed steel which will exceed in the aggregate, by weight, one-third of the aggregate of deliveries of Class A high-speed steel made to him by producers pursuant to orders placed by such customer during the same period, and no producer shall knowingly make such deliveries. In addition to the foregoing limitations, no producer shall hereafter knowingly deliver high-speed steel to any customer, and no customer shall accept delivery of high-speed steel in an amount which will increase, for any calendar month, the customer's inventory of such material in the same or other forms, in excess of the quantity necessary to meet required deliveries of such customer's products, on the basis of his usual method and rate of operation.

(d) Paragraph (j) of General Preference Order M-14 (§ 939.1) is hereby amended to read as follows:

(j) *Appeal.* Any person who considers that he is adversely affected by any provision or application of this order may apply for relief to the Director of Priorities. The Director of Priorities may thereupon take such action as he deems appropriate.

(e) Paragraph (k) of General Preference Order M-14 (§ 939.1) is hereby revoked, and the following is hereby adopted as paragraph (k) of such Order:

(k) *Regulations incorporated.* Except as modified by the terms of this Order and as otherwise specifically provided herein, all the provisions and definitions of Priorities Regulation No. 1, issued August 27, 1941, by the Director of Priorities, as amended from time to time, are hereby included as a part of this Order with the same effect as if specifically set forth herein.

(f) General Preference Order M-14 (§ 939.1), as amended, is hereby extended, to expire December 31, 1942.

(g) This amendment and extension shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 29th day of November 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9084; Filed, December 2, 1941;
3:04 p. m.]

PART 982—MINES

Preference Rating Order No. P-56 as
Amended to December 2, 1941

Section 982.1 is hereby amended to read as follows:

§ 982.1 Preference rating order P-56.

For the purpose of facilitating the acquisition of material for continued and expanded operation of Mining Enterprises, preference ratings are hereby assigned to deliveries of such material upon the terms hereinafter set forth, until such time as the Office of Production Management certifies specific quantities of such material to which the preference ratings herein assigned may be applied.

(a) *Definitions.* (1) "Person" means any individual, partnership, association, corporation, or other form of enterprise.

(2) "Mining enterprise" means:

(i) Any plant actually engaged in the extraction by surface, open-pit or underground methods, or in the beneficiation, concentration or preparation for shipment of the products of mining activity, but not including that form of mining known as "gold placer mining";

(ii) Any plant wholly engaged in the processing and burning of refractories;

(iii) Any prospecting enterprise for the discovery or exploration of new or additional mining projects.

(3) "Operator" means any person operating a Mining Enterprise, to whom a Serial Number has been issued in accordance with the provisions of paragraph (b).

(4) "Supplier" means any person with whom a purchase order or contract has been placed by an Operator or another Supplier for material

(i) Required by an Operator for any of the purposes specified in paragraph (c) hereof;

(ii) To be physically incorporated in other material so required by an Operator.

(5) "Material" means any commodity, equipment, accessories, parts, assemblies, or products of any kind.

(6) "Maintenance" means minimum upkeep necessary to continue the working condition of equipment used by an Operator in and essential to the operation of a Mining Enterprise at its then current rate of production or operation.

(7) "Repair" means the restoration of property or equipment used by an Operator in and essential to the operation of a Mining Enterprise to a sound working condition after wear and tear, damage, destruction or failure of parts or the like, have made the property or equipment unfit or unsafe for service.

(8) "Operating Supplies" means material which is essential to and consumed in the operation of property and equipment used by an Operator in and essential to the operation of a Mining Enterprise and which is generally carried as Operator's stores and charged to operating expense account. The term does not include raw materials which enter into or form part of the finished product.

(b) *Certification of mining enterprises*—(1) *Domestic mining enterprises.* The agency designated by the Governor or other chief executive officer of each

state, territory or possession of the United States, including the Commonwealth of the Philippines shall furnish to the Office of Production Management a certificate setting forth the names of the persons operating Mining Enterprises within such state, territory or possession. The Office of Production Management will thereupon issue a Serial Number or Numbers to each such person who may be approved by the Director of Priorities. Any person aggrieved by failure or refusal of a state agency to certify him as an Operator may apply in writing to the Director of Priorities for issuance of a Serial Number. The Director of Priorities may thereupon take such action as he deems appropriate.

(2) *Foreign mining enterprises.* The Director of Priorities may, in his discretion, issue a Serial Number or Numbers to a person operating a Mining Enterprise outside the limits of the United States, its territories and possessions.

(3) *Standards.* In issuing or denying Serial Numbers, the Director of Priorities will consider the importance to national defense of the present and prospective output of materials to be produced, the consumption of essential materials by the Mining Enterprise in its operations, the necessity to the Mining Enterprise of obtaining priorities assistance, and the available alternative methods of obtaining such assistance.

(c) *Assignment of preference ratings.* Subject to the terms of this Order, the following preference ratings are hereby assigned, but nothing herein contained shall prevent the use of any other or higher rating to which any person may be entitled by reason of any other Preference Rating Certificate or Order.

(1) *As to deliveries to an operator.* (i) A-1-a to deliveries of material for repair when and only when there has been an actual breakdown or suspension of operations because of damage, wear and tear, destruction or failure of parts, or the like, and the essential parts are not otherwise available.

(ii) A-1-c to deliveries of material up to the minimum required to make reasonable advance provisions to avert an actual breakdown or suspension as described in paragraph (c) (1) (i).

(iii) A-3 to deliveries of material for other repairs to the types of machinery and equipment listed in Schedule A hereto.

(iv) A-3 to deliveries of essential machinery or equipment of the types listed in Schedule A hereto.

(v) A-8 to deliveries of material for repairs other than those specified in paragraph (c) (1) (i), (ii) and (iii) and for maintenance or operating supplies.

(vi) A-8 to deliveries of essential machinery or equipment of types other than those listed in Schedule A hereto, provided that such machinery and equipment is to be used in the actual productive operation of a Mining Enterprise.

(2) *As to deliveries to a supplier.* (i) A-3 to deliveries of machinery or equip-

ment of the types listed in Schedule A hereto, or repair material therefor, for delivery to an Operator under a rating assigned by paragraphs (c) (1) (i), (ii), (iii), or (iv), or to deliveries of material to be physically incorporated into material to be so delivered.

(ii) A-8 to deliveries of other machinery or equipment or other material for repair, maintenance or operating supplies, for delivery to an Operator under a rating assigned by paragraphs (c) (1) (i), (ii), (v) or (vi), or to deliveries of material to be physically incorporated into material to be so delivered.

(d) *Persons entitled to apply preference ratings.* The preference ratings hereby assigned may be applied by (1) an Operator, or (2) a Supplier to enable it to make to an Operator or to another Supplier deliveries on purchase orders or contracts endorsed or otherwise identified pursuant to paragraph (e).

(e) *Application of preference ratings.* (1) An Operator, in order to apply the A-1-a preference rating assigned by paragraph (c) (1) (i) or the A-1-c preference rating assigned by (c) (1) (ii) must communicate with the Office of Production Management, Washington, D. C. Ref: P-56, describing the material needed for emergency repair and the nature of the emergency, or the reasons why advance provision is necessary to avert breakdown or suspension, and such other information as may be required. The Director of Priorities will notify such Operator whether, and to what extent, its application is approved, and a copy of such notification shall be furnished by the Operator to its Supplier to evidence the A-1-a or A-1-c rating.

(2) An Operator in order to apply the A-3 preference rating assigned by paragraph (c) (1) (iv) must communicate with the Office of Production Management, Washington, D. C. Ref: P-56, describing the machinery or equipment needed and the reasons why such machinery or equipment is essential for the proper operation of the Mining Enterprise. The Director of Priorities will notify such Operator whether, and to what extent, its application is approved and a copy of such notification shall be furnished by the Operator to its Supplier to evidence the A-3 rating.

(3) In acting on any application pursuant to paragraph (e) (1) or (2), the Director shall consider the importance to national defense of the material to be produced by the machinery, equipment or other material for which rating is requested, and the consumption of scarce materials in the construction thereof.

(4) An Operator in order to apply the A-3 preference rating assigned by paragraph (c) (1) (iii), or a Supplier in order to apply the A-3 preference rating assigned by paragraph (c) (2) (i), or an Operator or a Supplier in order to apply any A-8 preference rating assigned by paragraph (c), must endorse the following statement on the original and all

copies of the purchase order or contract for such material, signed by a responsible official duly designated for such purpose by such Operator or Supplier:

Materials for a Mining Enterprise, Rating A under Preference Rating Order P-56, Serial No. and in compliance therewith.

(Name of Operator or Supplier)

By -----
(Authorized Signature)

If the material is for export outside the limits of the United States, its territories and possessions, the Commonwealth of the Philippines, or the Dominion of Canada, such endorsement shall also contain the sentence:

This material is for export and is covered by Export License No., dated

Such purchase order or contract so endorsed shall be delivered to the Supplier of such material. Such endorsement shall constitute a representation to the Office of Production Management and the Supplier with whom the purchase order or contract is placed that such purchase order or contract is duly and properly rated in accordance herewith. Such Supplier shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Any such purchase order or contract shall be restricted to material the delivery of which is rated in accordance herewith. With respect to any purchase order or contract for such material placed before the effective date of this order, such preference rating may be applied by delivering to the seller a duplicate copy of such purchase order or contract so endorsed.

(5) An Operator or Supplier placing any such rated purchase order or contract, and the Supplier of the material covered thereby, must each retain endorsed copies of all such purchase orders or contracts, and copies of notifications pursuant to paragraph (e), for a period of two years from the date thereof, for inspection by authorized representatives of the Office of Production Management.

(f) *Restrictions on applications of rating.* The preference ratings hereby assigned shall not be applied

(1) Unless the material to be delivered cannot be secured when required without such rating;

(2) To obtain deliveries greater in quantity or on dates earlier than required for the operation, maintenance or repair of the property or equipment used by an Operator in and essential to the operation of a Mining Enterprise;

(3) By a Supplier to obtain material in excess of the amount necessary to make rated deliveries.

(g) *Restrictions on inventory.* No Operator shall accept deliveries (whether or not rated pursuant to this Order) of operating supplies or other material which will increase such Operator's inventory of such operating supplies or other material to an amount greater than the minimum necessary for the efficient operation of his business, and the ratio

of inventory to current production shall in no event exceed the ratio of average inventory to average production for the years 1938, 1939, and 1940.

(h) *Resale of operating supplies and other material prohibited.* Except with specific permission of the Director of Priorities, no Operator shall resell any operating supplies or other materials (whether or not obtained pursuant to rating assigned by this Order) except to another Operator.

(i) *Conservation and standardization.* Every person affected by this Order shall use his best efforts to effectuate conservation of materials by elimination, simplification or standardization of types, sizes or forms, or otherwise, and to cooperate in any program developed for such purpose by the Office of Production Management. The Director of Priorities may from time to time issue specific directions as to conservation, elimination and standardization.

(j) *Relief.* In case the productivity or sound working condition of any Mining Enterprise is adversely affected by any provision or application of this Order or by inability to obtain essential operating supplies or other materials, the person operating such Mining Enterprise may apply for relief to the Director of Priorities. The Director of Priorities may thereupon take such action as he deems appropriate.

(k) *Records, audit and reports.* Each Operator and each Supplier shall keep and preserve for a period of not less than two years accurate and complete records of all transactions affected by this Order and shall submit from time to time to audit and inspection by duly authorized representatives of the Office of Production Management. Each Operator and each Supplier shall execute and file with the Office of Production Management or other designated agency, such reports and questionnaires as the Office of Production Management shall from time to time require. Until otherwise directed, each Operator shall file with the designated state agency on or before the 10th day of each month a report of purchases made during the preceding month pursuant to the ratings granted by this Order, and each Supplier furnishing machinery and equipment of the types specified in Schedule A hereto, or repair material therefor shall file with the Office of Production Management or other designated agency on or before the 10th day of each month, beginning December 10, 1941, a report of deliveries and of purchases of such machinery, equipment and materials made during the preceding month pursuant to the rating of A-3 or higher granted by this Order.

(l) *Violations.* Any person affected by this Order who violates any of its provisions or a provision of any other Order, regulation or other directive of the Office of Production Management may be deprived of priorities assistance, or subjected to such other or further action as

the Director of Priorities may deem appropriate.

(m) *Revocation or modification.* This Order may be revoked or modified by the Director of Priorities at any time as to any Operator or Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of this rating to any other deliveries shall thereafter be made by the Operator or Supplier affected by said revocation or expiration.

(n) *Amendment of prior order.* The provisions of Preference Rating Order P-22 shall not apply to deliveries to which a preference rating is assigned by this Order.

(o) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 2d day of December 1941.

DONALD M. NELSON,
Director of Priorities.

SCHEDULE A

As to all machines listed below, the rating provided herein likewise applies to equipment items, accessories, and tools customarily sold with such machines.

- Aerial Tramway Equipment.
- Air Compressors for mine use.
- Air distribution equipment.
- Assaying and testing laboratory equipment at the mine.
- Ball-casting machines.
- Box-car Loaders.
- Cages and Skips.
- Car Dumpers—rotary or end.
- Cleaning plants and equipment, including design, construction, and erection.
- Concentrating plants and equipment, including design, construction, and erection.
- Conveyors—shaking, belt, or chain type, including duckbills and other self-loading heads.
- Cutting machines—cable reel and self-propelling transportation trucks therefor.
- Diamond core drilling machines.
- Dragline dredges, excavators, and scraper units.
- Dredges—continuous bucket.
- Drills and drilling machines, power driven, and reconditioning equipment therefor.
- Dust control equipment.
- Electrical Equipment for Mine Transportation and Power.
- Hoists—including room hoists and car pullers.
- Hydraulic monitors.
- Jacks for lifting and roof support.
- Lamps—Mine, Miners', Safety, and Ore-exploration types.
- Locomotives for mine use.
- Loaders, mobile, including mucking machines.
- Milling plants and equipment, including design, construction, and erection.
- Mine Cars, Track or Trackless.
- Pit-car loaders and elevating conveyors.

Preparation plants and equipment, including design, construction, and erection.

- Pumps, Pipe, and Fittings for Mine Drainage or Material Transport.
- Rock Dusting Equipment.
- Sand dryers.
- Scraper loaders.
- Sheaves and sheave blocks.
- Shovels, power.
- Shuttle cars, track or trackless.
- Slusher hoists and scrapers.
- Storage batteries for mine use.
- Tanks and bins for storage of mine products.
- Tipples and head frames, including design, construction, and erection.
- Track and Track Accessories for Mine Transportation.
- Treating plants and equipment, including design, construction, and erection.
- Trucks, tractors and trailers for mine use.
- Ventilation Equipment.
- Waste disposal equipment.
- Weighing Equipment, including Automatic Devices.

[F. R. Doc. 41-9083; Filed, December 2, 1941; 3:04 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

PART 0—ORGANIZATION

ASSIGNMENT OF DUTIES, DIVISION FOUR, AMENDMENT

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 10th day of November, A. D. 1941.

Section 17 of the Interstate Commerce Act, as amended, being under consideration:

It is ordered, That the second paragraph under the heading "Division Four" in the Commission's organization schedule and assignment of work and functions adopted November 15, 1940,¹ (the second paragraph of sec. 0.2 (e), Code of Federal Regulations), be, and it is hereby, amended to read as follows:

§ 0.2 *Assignment of duties of Commission.*

* * * * *

(e) *Division four.* * * *

Section 5 (2) to (13), inclusive (other than enforcement of penalties), and section 210a (b) of part II, relating to the consolidation, merger, purchase, lease, operating contracts, and acquisition of control of carriers, and to noncarrier control, including matters of public convenience and necessity directly related thereto.

* * * * *

(Sec. 17, 24 Stat. 385, sec. 6, 25 Stat. 861, sec. 2, 40 Stat. 270, secs. 430-432, 41 Stat. 492, 493, 47 Stat. 1368, sec. 12, 54 Stat. 913; 49 U.S.C. 17.)

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-9096; Filed, December 3, 1941; 11:32 a. m.]

¹ 5 F.R. 4695.

PART 42—ABANDONMENT OF RAILROAD
LINES

APPLICATIONS FOR PERMISSION TO ABANDON
LINES OF RAILROAD OR OPERATION THEREOF

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 27th day of November, A. D. 1941.

The matter of applications under section 1, paragraphs (18) to (20), inclusive, of the Interstate Commerce Act for certificates of public convenience and necessity permitting the abandonment of lines of railroad or the operation thereof being under consideration,

It is ordered, That regulations governing such applications be, and they are hereby, promulgated, as follows:

Sec.

- 42.1 Information to be contained in application.
42.2 Preparation of application and return to questionnaire.
42.3 Execution of application.
42.4 Filing of application.
42.5 Notice of application.

RETURN TO QUESTIONNAIRE

- 42.6 Filing and verification.
42.7 Service.
42.8 General instructions.
42.9 Questionnaire.

§ 42.1 *Information to be contained in application.* Applications for certificates of public convenience and necessity permitting the abandonment of railroad lines or the operation thereof shall set forth the following information:

- (a) Exact corporate name of the applicant.
(b) Whether the applicant is a carrier by railroad subject to the Interstate Commerce Act.
(c) Route and termini of the line proposed to be abandoned with its total length in miles naming each county in which any portion is situated.
(d) Whether abandonment of the line itself, or only of its operation, is sought.
(e) Reasons, briefly stated, why the abandonment should be permitted. (Detailed reasons are to be reserved for the return to the questionnaire set forth in § 42.9 hereof.)
(f) Name, title, and postoffice address of counsel or officer to whom correspondence in regard to the application should be addressed.
(g) Government, State, or territory under the laws of which the applicant was organized. If incorporated under the laws of, or authorized to operate in, more than one State, give the facts in regard thereto.
(h) Reference to action by stockholders or directors of the applicant authorizing the making and filing of the application, giving date and place of meeting.
(i) If the application is made by receivers or trustees in bankruptcy, a certified copy of the court order authorizing the application should be attached, and reference should be made thereto.

(j) The application and each copy thereof shall be accompanied by a situation map on a sheet not larger than 16 x 21 inches, preferably 8 x 10½ inches or some multiple thereof. This map must be drawn to scale and the scale shown thereon. It must cover a sufficient territory, showing the railroads, water routes, and important points therein, and in clear relief, the line it is proposed to abandon, and its principal stations. In addition 3 extra copies of the map should be submitted, unbound, for the use of the Commission.*

*§§ 42.1 to 42.9, inclusive, issued under the authority contained in secs. 402, 4 (c), 41 Stat. 476, 54 Stat. 903; 49 U.S.C. 1 (18-20).

§ 42.2 *Preparation of application and return to questionnaire.* The application and the return to the questionnaire shall be prepared in typewritten or printed form on paper approximately 8½ x 11 inches, with 1½ inch margin at the left side for binding. Carbon copies, hectographed copies, white line blue prints, or copies prepared by similar processes will not be accepted.*

§ 42.3 *Execution of application.* The original application shall be signed by an executive officer of the applicant having knowledge of the matters and things therein set forth, shall be verified under oath, and shall show, among other things, that the affiant is duly authorized by the corporation or court to verify and file the application.*

§ 42.4 *Filing of application.* The original application and 10 copies for the use of the Commission, and two additional copies for each State in which is situated any part of the line of railroad proposed to be abandoned, shall be filed with the Secretary of the Commission, Washington, D. C. Each copy shall bear the dates and signatures that appear in the original and shall be complete in itself; the signatures in the copies may be stamped or typed, and the notarial seal may be omitted.*

§ 42.5 *Notice of application.* Upon receipt of the application, the Commission will:

- (a) serve notice thereof on, and file a copy thereof with, the governor and public service commission of each State in which any part of the line of railroad sought to be abandoned is situated, accompanied by an inquiry as to whether the governor or other representative of the State desires to be heard in the matter;
(b) transmit to the applicant a notice of the filing of the application, which notice shall be published by the applicant at least once during each of three (3) consecutive weeks in some newspaper of general circulation in each county in which any part of the line of railroad sought to be abandoned is situated. Copy of notice shall also be posted in a conspicuous place at each station on the line sought to be abandoned. If there is no station on the line sought to be abandoned, the notice shall be posted at the

nearest agency station on the applicant's line. Proof of publication and posting of the notice shall be filed promptly by the applicant.*

Return to Questionnaire

§ 42.6 *Filing and verification.* The questionnaire to be answered by the applicant is set forth in § 42.9 hereof. The return to such questionnaire shall be prepared as provided in § 42.2 hereof, and shall be duly verified under oath by officer or agent of the applicant thereunto properly authorized. The return to the questionnaire may accompany the application, but in any event shall be filed not later than six weeks after receipt of the notice referred to in § 42.5 (b) for publication. The original return, duly verified, accompanied by ten copies for the use of the Commission, and two additional copies for each State in which any part of the line of railroad proposed to be abandoned is situated, shall be filed with the Secretary of the Commission, Washington, D. C.*

§ 42.7 *Service.* The Commission will furnish a copy of the return to the questionnaire to each governor and public service commission to whom a copy of the application was sent.*

§ 42.8 *General instructions.* Responses to all questions and requirements of the questionnaire shall be full and complete in every particular. Responses of a general nature will not be acceptable. For estimates and opinions the supporting facts and data shall be given. Information not specifically requested but which may be helpful to the Commission in reaching correct conclusions should be supplied in detail.

In the return to the questionnaire the questions must appear before the answers thereto and must be numbered and lettered as indicated in the questionnaire herein. Each copy of the return shall bear the dates and signatures that appear in the original and shall be complete in itself; the signatures in the copy may be stamped or typed and the notarial seal may be omitted.*

§ 42.9 *Questionnaire.* The questionnaire to which the applicant shall file a return is as follows:

1. Complete statement of the purpose of the application.
2. When, by whom, and for what purpose the line was constructed, and its proprietary history.
3. A copy of the applicant's general balance sheet of the latest date available, and a copy of the applicant's income account for each of the last five calendar years, and for that portion of the current year for which the information is available.
4. The present state of maintenance of the line.
5. The estimated salvage value of the line, with a general statement of the basis of the estimate.
6. The names of all railroads with which the line connects for interchange of traffic and the points of such interchange.
7. A brief description of the present train service on the line, and of important changes made in the past five years.

8. The names of all stations on the line, stated in order with milepost numbers, with the approximate population of each, and the authority for the information, showing for each place the names of all other railroads by which it is served, or its distance by highway from the nearest other railroad. Distinguish nonagency stations.

9. The approximate population of the territory served by the line, explaining how the limits of this territory are defined.

10. A detailed statement of the location and nature of the highways available for movement of the traffic now handled by the line, and of the common-carrier truck and bus service on such highways, if any.

11. The nature of the industries in the tributary territory (such as farming, mining, lumbering, manufacturing, etc.), how long established, and the extent to which each is dependent upon the line for transportation. State location and other facts concerning the most important plants served.

12. The passenger traffic handled on the line in each of the last two calendar years,¹ and for that part of the current year for which the information is available, giving separately the number of local and connecting-line passengers (if the latter designation is applicable) and the revenue from each class.

13. The freight tonnage handled by the line for each of the last two calendar years,¹ and for that part of the current year for which the information is available, showing the number of cars and the tonnage of carload freight, classified by principal commodities, and the tonnage of less-than-carload freight. Show in separate statements (a) local freight originated at and destined to points on the line, (b) freight moved between points on the line and points beyond it, and (c) freight neither originated at nor destined to points on the line (overhead or bridge traffic).

14. (1) If the line to be abandoned is less than the entire mileage operated by the applicant, a statement showing the effect of the proposed abandonment on the net railway operating income of the applicant. The statement should include for each of the last two calendar years¹ and for that part of the current year for which the information is available:

- (a) The applicant's railway operating revenue from traffic handled locally between points on the line proposed to be abandoned;
- (b) The applicant's railway operating revenue from traffic originating on or destined to points on the line proposed to be abandoned and also handled on other parts of the applicant's lines of railroad;
- (c) An estimate in detail of the total operating revenue that should be assigned to the line proposed to be abandoned and a statement of the reasons for such assignment;
- (d) The expense of operating the line proposed to be abandoned, stated by appropriate primary accounts, actual so far as possible and otherwise approximated, with a full statement of the method used;
- (e) Railway tax accruals with method of apportionment;
- (f) Other items entering into the applicant's income account and assignable to the line proposed to be abandoned, with methods of assignment; and
- (g) The costs of moving the traffic on the line proposed to be abandoned beyond the limits of said line on other parts of the applicant's lines, with method of determination.

Revenues from freight, passenger, and other service should be shown separately.

(2) If the applicant's line is operated as part of a system under common control and management, a statement for the same period as required in paragraph (1) showing the effect of the proposed abandonment on the net railway operating income of the system

¹The requirement that data be furnished for the last two calendar years is subject to the reservation that applicant will furnish such data for five years if specially requested by the Commission.

and the unit members thereof. This statement should show the revenues accruing to the system and its unit members from traffic moving to and from the line proposed to be abandoned and the costs of handling such traffic. The method of determining such costs also should be shown.

15. If the volume of freight or passenger traffic of the line has decreased during recent years, any reasons therefor.

16. If the line is operated as a joint facility, and abandonment of the applicant's operation only is proposed, state fully the facts as to operation by others and the extent to which it will supply the place of the operation it is proposed to abandon.

17. State what effort has been made to dispose of the line so as to insure its continued operation, and what, if any, transportation service will remain or may be substituted for that proposed to be discontinued.

18. A summary statement of the reasons for the application.

VERIFICATION

State of _____
County of _____ } ss.

_____ makes oath and says that he is the _____ of the _____ (Title of affiant)

_____ applicant herein; (Corporate name of applicant) that he has been authorized by proper corporate action on the part of said applicant, or by the proper court, to verify and file with the Interstate Commerce Commission the foregoing return to questionnaire of said Commission in respect of the application in Finance Docket No. _____; that he has carefully examined all of the statements referred to in said return and the exhibits attached thereto and made a part thereof; that he has knowledge of the matters set forth in such return and that all such statements made and matters set forth therein are true and correct to the best of his knowledge, information and belief.

Subscribed and sworn to before me _____ in and for the State and County above named, this _____ day of _____, 19____

My commission expires _____

It is further ordered, That this order shall take effect and be in force from and after 40 days from the date hereof. By the Commission, division 4.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-9079; Filed, December 2, 1941; 12:55 a. m.]

PART 42—ABANDONMENT OF RAILROAD LINES

IN THE MATTER OF APPLICATIONS UNDER SECTION 1, PARAGRAPHS (18) TO (21), INCLUSIVE, OF THE INTERSTATE COMMERCE ACT FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING THE ABANDONMENT OF LINES OF RAILROAD OR THE OPERATION THEREOF

At a General Session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 27th day of November, A. D. 1941.

The Commission having under consideration the order of June 1, 1936, in the above-entitled matter:

It is ordered, That said order of June 1, 1936, be, and it is hereby, revoked and set aside.

It is further ordered, That this order shall take effect and be in force from and after 40 days from the date hereof.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-9078; Filed, December 2, 1941; 12:54 p. m.]

[No. 3666¹]

ORDER IN THE MATTER OF REGULATIONS FOR THE TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of November, A. D. 1941.

It appearing, That certain new and amended regulations for the transportation of explosives and other dangerous articles by rail in freight, express and baggage services, and by water and highway, have been proposed for our approval, pursuant to section 233 of the Criminal Code (Transportation of Explosives Act), and section 204 (a) (2) of Part II of the Interstate Commerce Act.

And it further appearing, That by notice dated August 18, 1941, and supplemental notice dated August 29, 1941, these matters were assigned for formal hearing, September 18, 1941.

And it further appearing, That in said notice of hearing, it was stated that the Bureau of Explosives of the Association of American Railroads had, at our request, drafted revised provisions containing the suggested new and amended requirements and would be prepared to confer with interested parties at the offices of the Commission at Washington, D. C., on September 15, 16 and 17, 1941, when opportunity would be afforded such parties to discuss and, if possible, agree upon the suggested requirements. A copy of the proposed new and amended provisions accompanied our notice of hearing.

And it further appearing, That as a result of such conferences agreement was reached by all parties with respect to the suggested requirements with certain exceptions, that the matters upon which no agreement was reached have been stricken from the proposed requirements.

And it further appearing, That upon the hearing no testimony was introduced with respect to these requirements except a statement in the record with respect to the agreement reached by the parties.

And it further appearing, That by order entered September 20, 1941, the Commission, by Commissioner Johnson, promulgated new and amended regulations appended thereto and made a part thereof.

And it further appearing, That the said new and amended regulations have now been considered by Division 3 and

¹This order embraces Ex Parte No. MC-18, Motor Carrier Safety Regulations.

the Division finds that the said new and amended regulations attached to and made a part of the order of September 20, 1941, are in accord with the best known practicable means for securing safety in transit covering the packing, marking, loading, handling while in transit and the precautions necessary to determine whether the material when offered is in proper condition to transport.

It is ordered, That the new and amended regulations attached to and made a part of the order of September 20, 1941, be and they are hereby, made a part of this order and that the said order of September 20, 1941, be, and it is hereby, vacated and set aside.

It is further ordered, That the aforesaid regulations heretofore published in order of August 16, 1940, in No. 3666, the orders of April 1 and June 10, 1940, and March 31, 1941, in No. 3666 and Ex Parte No. MC-13, and the order of December 18, 1940, in Ex Parte No. MC-13, except that until further order provisions applying to safety of operation and equipment of motor vehicles as provided for in motor carrier safety regulations be continued in effect, be and they are hereby, superseded and amended as indicated in the regulations made a part hereof, as of the effective date of this order.

It is further ordered, That the aforesaid regulations as further amended herein shall be and remain in full force and effect on and after February 1, 1942, and shall be observed until the further order of the Commission.

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

And it is further ordered, That copies of this order be served upon all the parties of record herein and that notice be given to the public by posting in the office of the Secretary of the Commission at Washington, D. C.

By the Commission, division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-9080; Filed, December 2, 1941; 12:55 p. m.]

PARTS 71-85: EXPLOSIVES AND OTHER DANGEROUS ARTICLES

[No. 3666¹]

IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Present: J. M. Johnson, Commissioner, to whom the above entitled matter has been assigned for action thereon.

Regulations for the transportation of explosives and other dangerous articles by rail in freight, express, and baggage services, and by water and highway, being under further consideration:

¹This order embraces ex parte No. MC-13, Motor Carrier Safety Regulations.

And it appearing, That upon applications made by interested parties, certain proposed new and amended regulations should be established pursuant to section 233 of the Criminal Code (Transportation of Explosives Act), and section 204 (a) (2) of Part II of the Interstate Commerce Act, and upon investigations had, are found to be in accord with the best-known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport:

It is ordered, That the aforesaid regulations as heretofore published in orders of August 16, 1940, and March 31, 1941; and the orders of June 15, April 1, June 10, and December 18, 1940, except provisions applying to safety of operation and equipment, to be continued in effect as and when amended in Motor Carrier Safety Regulations; be and they are hereby superseded and amended by regulations attached to and made part hereof;

It is further ordered, That the aforesaid regulations as further amended herein shall be and remain in force on and after February 1, 1942, and shall be observed until further order of the Commission;

It is further ordered, That compliance with the aforesaid amendments made effective by this order is hereby authorized on and after the date of approval and publication thereof;

And it is further ordered, That copies of this order be served upon all the parties of record herein, and that notice to the public be given by posting in the office of the Secretary of the Commission at Washington, D. C.

Dated at Washington, D. C., this 20th day of September 1941.

By the Commission, Commissioner Johnson.

[SEAL] W. P. BARTEL,
Secretary.

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Amending order Aug. 16, 1940, as follows (*authority for regulations for contract motor vehicles*):

(ADD) PART II, INTERSTATE COMMERCE ACT

Sec. 204 (U. S. Code, title 49, sec. 304.) (a) It shall be the duty of the Commission—

(2) To regulate contract carriers by motor vehicle as provided in this part, and to that end the Commission may establish reasonable requirements with respect to uniform systems of accounts, records, and reports, preservation of records, qualifications and maximum hours of service of employees, and safety of operation and equipment.

PART 71—GENERAL INFORMATION AND REGULATIONS *†

*† For authority and source citations see notes in sec. A, 49 CFR Part 71.

Superseding and amending section A (2), order Aug. 16, 1940, to read as follows (*plan of the regulation*):

(2) Regulations for equipment and operation of motor vehicles on the high-

ways are published in separate issue of the Commission.

Superseding and amending section C, title, order Aug. 16, 1940, to read as follows:

CHANGES IN THE REGULATIONS

Shippers by Carriers by Rail, Highway, and Water, and Carriers by Rail and Highway

Amending section C, order Aug. 16, 1940, as follows (regulations for equipment and operation of motor vehicles):

C (3) Delete. (See Motor Carrier Safety Regulations.)

Amending section H, order Aug. 16, 1940, as follows (definitions):

(Add) (4) *Numbering and lettering.* The terms used in the numbering and lettering system employed in these regulations, and adhered to in references made from one requirement to another, are as follows:

Section: A major subdivision, as section 303.

Paragraph: A subdivision of a section, as paragraph (1) of section H, or paragraph (p) (p-1 to p-14) of section 303.

Subparagraph: A subdivision of a paragraph, as subparagraph (a) of paragraph (p) (1).

(Add) (5) *Tank motor vehicle.* The term "tank motor vehicle" means any motor vehicle designed or used for the transportation of liquids or gases covered by these regulations in any cargo tank.

(Add) (6) (a) *Cargo tank.* The term "cargo tank" means:

(b) *Permanently attached tank.* Any tank designed to be permanently attached to any motor vehicle and in which is to be transported any inflammable liquid, corrosive liquid, or compressed gas, hereby designated "cargo tank."

(c) *Fuel tank not a cargo tank.* A fuel tank is not a cargo tank, but one used to transport inflammable liquid or compressed gas solely for the purpose of supplying fuel for the propulsion of a vehicle.

Amending order Aug. 16, 1940, as follows (transportation by motor carriers by highway):

(Delete): Section K: (See Part 7 of these regulations.)

Superseding and amending section M, order March 31, 1941, to read as follows (export shipments via domestic carriers by rail and motor vehicle):

M. Explosives and other dangerous articles authorized to be exported from the United States when packed, marked, labeled, and described, in accordance with rules and regulations in force at destination ports, must not be offered to any common carrier by rail or motor vehicle for domestic transportation unless in full accordance with the regulations herein.

These requirements do not apply to such transportation by motor vehicle or water as may be necessary to effect transfer of export shipments from place of shipment to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors); further transportation of such export shipments by connecting water carrier shall be subject to the regulations of the Secretary of Commerce.

PART 73—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES*†

*†For authority and source citations, see notes in sec. 1, 49 CFR Part 73.

Amending section 4, order Aug. 16, 1940, as follows (explanation of signs and abbreviations):

(Add): # indicates that articles may be transported as rail baggage.

Superseding and amending list, order Aug. 16, 1940, as follows:

Article	Class	Packing (sec.)	Label	Maximum quantity one package, rail express
(Change) #Anhydrous ammonia.....	Noninf. G.....	302, 303.....	Green.....	300 pounds.
(Add) Arsenical compounds or mixtures, n. o. s., liquid.	Pois. B.....	338, 349.....	Poison.....	55 gallons.
(Change) Calcium phosphide.....	Inf. S.....	No exemption, 161.....	Yellow.....	25 pounds.
(Delete) Charcoal, animal.				
(Delete) Charcoal, bone.				
(Change) #Chlorine.....	Noninf. G.....	302, 303.....	Green.....	150 pounds.
(Change) Cyclopropane (liquefied hydrocarbon gas).	Inf. G.....	302, 303.....	Red.....	300 pounds.
(Change) #Ethylene.....	Inf. G.....	302, 303.....	Red.....	300 pounds.
(Add) Ethyl formate.....	Inf. L.....	103, 110.....	Red.....	10 gallons.
(Add) Fuse, safety.....		See sec. 73.		
(Add) Guanidine nitrate.....	Inf. S.....	173, 183.....	Yellow.....	100 pounds.
(Change) #Hydrogen.....	Inf. G.....	302, 303.....	Red.....	300 pounds.
(Change) Inflammable solid, n. o. s.....	Inf. S.....	153, 173.....	Yellow.....	25 pounds.
(Change) #Liquefied carbon dioxide.....	Noninf. G.....	302, 303.....	Green.....	300 pounds.
(Change) #Liquefied petroleum gas.....	Inf. G.....	302, 303.....	Red.....	300 pounds.
(Change) #Methyl chloride.....	Inf. G.....	302, 303.....	Red.....	300 pounds.
(Change) Monochloroacetone, stabilized.....	Pois. C.....	No exemption, 364A.....	Tear gas.....	5 gallons.
(Add) Monochlorodifluoromethane.....	Noninf. G.....	302, 303.....	Green.....	300 pounds.
(Add) Monochlorotetrafluoroethane.....	Noninf. G.....	302, 303.....	Green.....	300 pounds.
(Change) #Motion-picture film, nitrocellulose base, including mixed shipments with noninflammable film.	Inf. S.....	No exemption, 177.....	Yellow.....	200 pounds.
(Change) #Motion-picture outfits, toy.....	See sec. 181 (e).			
(Change) #Motion-picture film (processed, positive or negative, nitrocellulose).	Inf. S.....	No exemption, 177.....	Yellow.....	200 pounds.
(Change) #Motion-picture film (processed, positive or negative, slow-burning).	See sec. 181 (b).			
(Change) #Motion-picture film, toy (nitrocellulose).	Inf. S.....	No exemption, 179.....	Yellow.....	200 pounds.
(Change) #Motion-picture film, toy (slow-burning).	See sec. 181 (b).			
(Change) #Motion-picture film, toy pieces (nitrocellulose).	Inf. S.....	181 (d).....	Yellow.....	200 pounds.
(Add) Nitrocellulose colloided, granular or flake, wet with alcohol or solvent. See Wet nitrocellulose colloided, granular or flake—20 percent alcohol or solvent.				
(Change) #Nitrous oxide.....	Noninf. G.....	302, 303.....	Green.....	300 pounds.
(Change) Oxidizing material, n. o. s.....	Oxi. M.....	153, 173.....	Yellow.....	25 pounds.
(Change) #Oxygen.....	Noninf. G.....	302, 303.....	Green.....	300 pounds.
(Change) Phosphorus, white or yellow, in water.	Inf. S.....	No exemption, 190 (b), (c).	Yellow.....	25 pounds.
(Change) Potassium chlorate (potash chlorate), See Chlorate of potash.				
(Change) Potassium, metallic.....	Inf. S.....	No exemption, 206.....	Yellow.....	25 pounds.
(Add) Potassium nitrite.....	Oxi. M.....	183, 173.....	Yellow.....	100 pounds.
(Change) Safety fuse.....	See sec. 73.			
(Change) Sodium chlorate (soda chlorate).....	Oxi. M.....	153, 163.....	Yellow.....	100 pounds.
(Change) Sodium, metallic.....	Inf. S.....	No exemption, 206.....	Yellow.....	25 pounds.
(Change) #Sulphur dioxide.....	Noninf. G.....	302, 303.....	Green.....	300 pounds.
(Change) Wet nitrocellulose colloided, granular or flake—20 percent alcohol or solvent.	Inf. L.....	103, 112.....	Red.....	25 pounds.

#See sec. 4.

PART 75—REGULATIONS APPLYING TO SHIPPERS*†

*†For authority and source citations, see notes in sec. 10, 49 CFR Part 75.

Superseding and amending section 12, order Aug. 16, 1940, to read as follows (motor carrier regulations):

12. The packing required for shipments to be offered for transportation by motor carrier is as specified herein.

Amending section 18 (a), order Mar. 31, 1941, as follows (import shipments):

(Add) These requirements do not apply to such transportation by motor vehicle

or water as may be necessary to effect transfer of import shipments from place of discharge to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors); further transportation of such import shipments by connecting water carrier shall be subject to the regulations of the Secretary of Commerce.

PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

Superseding and amending section 28 (h), order Aug. 16, 1940, to read as follows (reused containers):

(h) *Single-trip containers* made under specifications prescribed herein, from which contents have once been removed following use for shipment of any article, must not be again used as shipping containers for explosives, inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, or poisons, class B or C, as defined herein: *Provided*, That during the present emergency and until further order of the Commission, single-trip containers may be reused if retested and approved for service by the Bureau of Explosives. Applications for permission for reuse should be made to the Bureau of Explosives, 30 Vesey Street, New York City.

Superseding and amending section 31 (d) (2), 31 (h), and 31 (l), order Aug. 16, 1940, to read as follows (*qualification, maintenance and use of tank cars and tank motor vehicles*):

(d) (2) For tank motor vehicles which have been exposed to the action of fire, see Motor Vehicle Cargo Tank Specifications.

(h) A tank car or a tank motor vehicle that leaks, or that has any defect which would make leakage during transit probable, or that has not been properly tested and marked, must not be used for the transportation of dangerous articles.

(l) *Tank motor vehicles*. Tank motor vehicles made before the effective date of these regulations and authorized for use under regulations of the Commission effective March 1, 1935, or those effective June 15, 1940, may be continued in use until further order of the Commission, in accordance with specifications MC 300 to MC 303, MC 310, and MC 320.

Where these regulations call for specification numbers:	<i>These containers made under specifications effective June 15, 1940, may also be used</i>
MC 200.....	7.2-S-1
MC 201.....	7.2
MC 300.....	7.3-S-1.2
MC 301.....	7.3-S-1.3
MC 302.....	7.3-S-1.4
MC 303.....	7.3-S-1.5
MC 310.....	7.5-S-1.2
MC 320.....	7.6-S-1.2

EXPLOSIVES, PACKING AND MARKING

Superseding and amending section 50 (d), order Aug. 16, 1940, to read as follows:

(d) *Liquid nitroglycerin*. (For shipment by carrier by motor vehicle other than common carriers, see section 822 (b).)

Superseding and amending section 64 (c) (4), order Aug. 16, 1940, to read as follows (*packing fireworks*):

(c) (4) *Spec. 12B. Fiberboard boxes*. Gross weight not to exceed 65 pounds. Not permitted for illuminating projectiles, toy torpedoes, aeroplane flares, and fireworks shells or fireworks bombs of which the mortar or firing device is not an integral part.

Amending section 64, order Aug. 16, 1940, as follows (*packing fireworks*):

(Add) (c) (13) (c) *Spec. 12B. Fiberboard boxes*, with inside containers which must be:

(c) (13) (d) Cartons containing not to exceed ½ gross track torpedoes each. Gross weight of outside fiberboard box not to exceed 65 pounds.

Amending section 65, order Aug. 16, 1940, as follows (*packing smokeless powder for cannon*):

(Add) (b) (5) *Spec. 15A.—Wooden boxes, lined, spec. 2L.*

Superseding and amending title, section 73, order Aug. 16, 1940, to read as follows:

73. Safety Fuse (Nonexplosive)

PACKING AND MARKING DANGEROUS ARTICLES OTHER THAN EXPLOSIVES

Inflammable Liquids

Superseding and amending section 101 (j), order Aug. 16, 1940, to read as follows (*packing inflammable liquids-outage*):

(j) No cargo tank or compartment thereof used for the transportation of any inflammable liquid shall be completely filled. The free space (outage) in a cargo tank or compartment thereof used in the transportation of inflammable liquids for distances of 100 miles or more shall not be less than 3 percent of its volume, and in any case the free space shall not be less than 1 percent; sufficient space shall be left vacant in every case to prevent leakage from or distortion of such tank or compartment by expansion of the contents due to rise in temperature in transit.

Superseding and amending section 103, order Aug. 16, 1940, to read as follows (*packing inflammable liquids-exemptions*):

(a) *Inflammable liquids, except carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin in excess of one percent by weight, and zinc ethyl*, in inside glass or earthenware containers not over 1 pint or 16 ounces by weight each, or inside metal containers not over 1 quart capacity each, packed in strong outside containers, except as otherwise provided, are exempt from specification packaging, marking other than name of contents, and labeling requirements for transportation by rail freight, highway, or by carrier by water.

(b) *Inflammable liquids, except carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin in excess of one percent by weight, and zinc ethyl*, in inside containers not over 1 pint or 16 ounces by weight each, packed in strong outside containers, are exempt from specification packaging, marking other than name of contents, and labeling requirements for transportation by rail freight, rail express, highway, or by carrier by water.

Superseding and amending section 105, order Aug. 16, 1940, to read as follows (*packing self-propelled vehicles-exemptions*):

105. *Automobiles, motorcycles, tractors, or other self-propelled vehicles*, equipped with acetylene gas cylinders or gasoline or other fuel tanks are exempt from specification packaging, marking other than name of contents, and labeling requirements provided such cylinders and tanks are securely closed. When offered for transportation by carriers by rail freight, or highway, drainage of fuel tanks is not required. When offered for transportation by rail express, fuel tanks must have been drained and securely closed.

Amending section 106, order Aug. 16, 1940, as follows (*packing carbon bisulfide (disulfide)*):

(Add) (i) *Spec. MC 300, MC 301, MC 302, or MC 303*. Tank motor vehicles.

Amending section 108, order Aug. 16, 1940, as follows (*packing ethyl chloride*):

(Add) (h) *Spec. MC 300, MC 301, MC 302, or MC 303*. Tank motor vehicles.

Amending section 109, order Aug. 16, 1940, as follows (*packing ethylene oxide*):

(Add) (h) *Spec. MC 300, MC 301, MC 302, or MC 303*. Tank motor vehicles.

Superseding and amending section 110 (a) (16), (17), (18), order Mar. 31, 1941, to read as follows (*packing inflammable liquids*):

(a) (16) *Spec. 15X*. Wooden boxes with inside metal containers. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(a) (17) *Spec. 17X*. Metal drums (single-trip). For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(a) (18) *Spec. 17E*. Metal drums (single-trip), not over 55 gallons capacity, not less than full 19 gauge body and head sheets for not over 30-gallon drums, and not less than full 18 gauge body and head sheets for not over 55-gallon drums, with openings not exceeding 2.3 inches in diameter. When transported by rail or highway, authorized only for carload and truckload shipments.

Amending section 110 (a), 110 (c) (5), 110 (c) (7), and 110 (c) (9) (a), order Aug. 16, 1940, as follows (*packing inflammable liquids*):

(Add) (a) (19) *Spec. MC 300, MC 301, MC 302, or MC 303.* Tank motor vehicles.

(Add) (c) (5) (a) *Spec. MC 300, MC 301, MC 302, or MC 303.* Tank motor vehicles.

(Add) (c) (7) (a) Cylinders as prescribed for any compressed gas, except acetylene.

(Add) (c) (9) (a) *Spec. MC 300, MC 301, MC 302, or MC 303.* Tank motor vehicles.

Superseding and amending section 113 f, order Aug. 16, 1940, to read as follows (*packing paints, etc.—exemptions*):

(f) *Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood filler, liquid, and lacquer base liquid, and thinning, reducing and removing compounds therefor, and driers, liquid, therefor, in glass or earthenware containers of not over 1 quart capacity each, or metal containers not over 5 gallons capacity each, packed in strong outside containers are exempt from specification packaging, marking other than name of contents, and labeling requirements for transportation by rail freight, highway, or by carrier by water. (See sec. 103 (b) for rail express exemptions.)*

Superseding and amending section 114 (d), order Aug. 16, 1940, to read as follows (*packing polishes, etc.—exemptions*):

(d) *Polishes, metal, stove, furniture and wood, liquid, in glass or earthenware containers of not over 1 quart capacity each, or metal containers not over 5 gallons capacity each, packed in strong outside containers are exempt from specification packaging, marking other than name of contents, and labeling requirements for transportation by rail freight, highway, or by carrier by water. (See sec. 103 (b) for rail express exemptions.)*

Superseding and amending section 115, order Aug. 16, 1940, to read as follows (*packing refrigerating machines—exemptions*):

115. *Refrigerating machines* assembled for shipment and containing not over 15 pounds of an inflammable liquid for their operation are exempt from specification packaging, marking other than name of contents, and labeling requirements.

Inflammable Solids and Oxidizing Materials

Superseding and amending section 153, order Aug. 16, 1940, to read as follows (*packing inflammable solids and oxidizing materials—exemptions: section 153 (b) canceled*):

153. *Inflammable solids, and oxidizing materials* in inside containers not over 1 pound net weight each in outside containers not exceeding 25 pounds net weight each, are exempt from specification packaging, marking other than name of contents, and labeling requirements, unless otherwise provided, for transportation via rail freight, rail express, highway, or by carrier by water. (See section 154 for articles not exempted and section 183 for exemptions for nitrates.)

Superseding and amending section 162 (a) (1), order Aug. 16, 1940, to read as follows (*packing charcoal—exemptions*):

(a) (1) *Charcoal* as described in this paragraph is exempt from specification packaging, marking other than name of contents, and labeling requirements for transportation by rail freight, highway, or by carrier by water. When offered for transportation by rail-express, charcoal, except charcoal briquettes, must be packed in barrels, bags, and boxes and must bear the yellow label.

Amending section 162, order Aug. 16, 1940, as follows:

(Delete) 162 (a) (3) (Animal and bone charcoal not dangerous articles.)

Superseding and amending section 162 (b) (10), order Aug. 16, 1940, to read as follows (*packing lump charcoal*):

(b) (10) *Lump charcoal*, dry and free from screenings and brands, may be shipped in bulk in motor vehicles. Vehicle must be swept before loading and if it contained lime it must be thoroughly cleaned.

Superseding and amending section 165 (a), order Aug. 16, 1940, to read as follows (*packing coal, etc.*):

165. (a) *Coal, ground bituminous, sea coal, coal facings*, 90 percent of which will pass through a 100-mesh sieve, must be stored for at least six days after grinding, or if not so stored must be shipped in tight metal tank cars or in tight metal containers on container cars, or in permanently covered metal hopper cars, or in other tight metal containers, or in tight, metal-bodied, covered motor vehicles.

Superseding and amending section 176 (k) (1), order Aug. 16, 1940, to read as follows (*packing matches—exemptions*):

(k) (1) *Matches, strike-on-box, book and card*, in outside fiberboard or wooden boxes, or matches, strike-on-box, book and card when packed with noninflammable articles provided they are included in a tightly closed cardboard or fiberboard container, or are securely wrapped and packed so as to prevent accidental ignition, before being packed in the outside containers, are exempt from specification packaging, marking other than name of contents, and labeling requirements.

Superseding and amending section 181 (a), order Aug. 16, 1940, to read as follows (*packing motion-picture film—exemptions*):

(a) *Motion-picture film* as follows is exempt from specification packaging, marking other than name of contents, and labeling requirements for rail freight, rail express, highway, or water transportation:

Superseding and amending section 183, order Aug. 16, 1940, to read as follows (*packing nitrates—exemptions*):

183. Nitrate of aluminum, nitrate of ammonia, nitrate of barium, nitrate of lead, nitrate of potash, nitrate of sodium (nitrate of soda), nitrate of strontia, nitro carbo nitrate, calcium nitrate, or other inorganic nitrates and guanidine nitrate, are exempt from specification packaging, marking other than name of contents, and labeling requirements, when packed as follows: in metal cans in outside fiberboard boxes; in wooden boxes, kegs, or barrels, metal cans, or drums; in glass bottles in outside fiber boxes not exceeding 25 pounds net weight; *calcium nitrate* in bags; *ammonium nitrate, or guanidine nitrate*, in bags containing not over 125 pounds, net weight, made moisture proof, tight against sifting, and of strength not less than bags made of 8-ounce burlap.

Acids and Other Corrosive Liquids

Superseding and amending section 241 (a) and 241 (g), order Aug. 16, 1940, as follows (*packing-outage*):

241. (a) (Change) *Outage* for containers of acids or other corrosive liquids for transportation by carriers by rail freight, rail express, highway, or water, must be as follows:

(Add) (g) No cargo tank or compartment thereof used for the transportation of any corrosive liquid shall be completely filled; sufficient space shall be left vacant in every case to prevent leakage from or distortion of any such cargo tank by expansion of the contents due to rise in temperature in transit.

Superseding and amending section 244, order Aug. 16, 1940, to read as follows (*packing corrosive liquids—exemptions*):

(a) Acids and other corrosive liquids in quantity not exceeding 1 pound bottles each inclosed in a metal can in the outside package are exempt from specification packaging, marking other than name of contents, and labeling requirements unless otherwise provided, for transportation by rail freight, highway, or by carrier by water.

(b) Other exemptions from specification packaging, marking other than name of contents, and labeling requirements for rail freight and highway transportation and exemptions from specification packaging, marking other than name of contents, and labeling requirements, when authorized for articles offered for transportation by rail express carrier, are shown with the packing requirements for the article.

Amending section 246 (b), order Aug. 16, 1940, as follows (*packing corrosive liquids*):

(Add) (b) (1) *Spec. 1X.* Boxed carboys of 5 to 6 gallon capacity; single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations

are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

Amending section 247 (d), order Aug. 16, 1940, as follows (*packing acetyl chloride, etc.*):

(Add) (d) (1) *Spec. 1X*. Boxed carboys of 5 to 6 gallon capacity; single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

Amending section 247, order Aug. 16, 1940, as follows (*packing acetyl chloride, etc.*):

(Add) (i) *Spec. MC 310*. Tank motor vehicles.

Amending section 248, order Aug. 16, 1940, as follows (*packing acid sludge, etc.*):

(Add) (b) (1) *Spec. 1X*. Boxed carboys of 5 to 6 gallon capacity; single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(Add) (f) *Spec. MC 310*. Tank motor vehicles.

Amending section 249, order Aug. 16, 1940, as follows (*packing alkaline corrosive liquids, n. o. s., etc.*):

(Add) (e) (1) *Spec. MC 310*. Tank motor vehicles, marked "For Caustic Soda, Liquid, Only," or "For Caustic Potash, Liquid, Only."

Superseding and amending section 249 (j), order Aug. 16, 1940, to read as follows (*packing alkaline corrosive liquids—rail express*):

(j) *Spec. 12B*. Fiberboard container with inside glass bottle, capacity not over 16 ounces, well stoppered and well cushioned with excelsior or other equally effective cushioning material. Not more than one bottle may be packed in an outside container.

Superseding and amending section 250 (a) (1), order Aug. 16, 1940, to read as follows (*packing self-propelled vehicles*):

(a) (1) Automobiles or other self-propelled vehicles equipped with charged electric storage batteries, or with charged electric storage batteries removed from vehicles; and charged electric storage batteries when included in carload or truckload shipments of automobile parts or assembled material are exempt from specification packaging, marking other

than name of contents, and labeling requirements as follows:

Amending section 257, order Aug. 16, 1940, as follows (*packing electrolyte, etc.*):

(Add) (e) *Spec. MC 310*. Tank motor vehicles.

Superseding and amending section 260 (c) and (d), order Aug. 16, 1940, to read as follows (*packing electric storage batteries—exemptions*):

(c) Electric storage batteries, containing electrolyte or corrosive battery fluid, of the nonspillable type, protected against short circuits and completely and securely boxed are exempt from specification packaging, marking other than name of contents, and labeling requirements.

(d) Carload or truckload shipments of electric storage batteries containing electrolyte or battery fluid, loaded or braced to prevent damage in transit and short circuits are exempt from specification packaging, marking other than name of contents, and labeling requirements.

Superseding and amending section 261 (b) (1), order Aug. 16, 1940, to read as follows (*packing fire-extinguisher charges—exemptions*):

(b) (1) Fire-extinguisher charges as described in the following paragraphs are exempt from specification packaging, marking other than name of contents, and labeling requirements:

Amending section 261A, order Aug. 16, 1940, as follows (*packing formic acid*):

(Add) (e) *Spec. MC 310*. Tank motor vehicles, marked "For Formic Acid, Only."

Amending section 262 (b), order Aug. 16, 1940, as follows (*packing hydrobromic acid*):

(Add) (b) (1) *Spec. 1X*. Boxed carboys of 5 to 6 gallon capacity; single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

Amending section 263 (a) (6), order Aug. 16, 1940, as follows (*packing hydrochloric acid, etc.*):

(Add) (a) (6) (a) *Spec. 1X*. Boxed carboys of 5 to 6 gallon capacity; single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

Superseding and amending section 264, order Aug. 16, 1940, as follows (*packing hydrofluoric acid and hydrofluoric acid, anhydrous*):

(Change) (h) (1) *Note*. Each metal container, before being put into this service, must be passified by the following or an equally efficient method: By filling drum to 90 percent of capacity with hydrofluoric acid of 58 percent strength and allowing drum to stand 48 hours at a temperature of 80° F., and then 7 hours at 104° F., the internal pressure being maintained at atmospheric pressure by means of a ventilated bung.

(Change) (h) (2) When offered for transportation in carload or truckload shipments they must be loaded by consignee and unloaded by consignee, and containers must be filled to not over 90 percent of capacity.

(Change) (h) (3) For less-than-carload or less-than-truckload shipments, containers must be of metal at least as heavy as 14 gage, United States standard, for not over 20 gallons capacity each, or 12 gage for not over 55 gallons capacity each, tested before each shipment by interior pressure of at least 30 pounds per square inch, be filled to not over 80 percent of capacity, held for at least 8 hours after filling and be vented just before shipment.

(Add) (n) (1) *Spec. MC 310*. Tank motor vehicles.

(Add) (o) (4) *Spec. MC 310*. Tank motor vehicles.

Amending section 265 (c) (2), order Aug. 16, 1940, as follows (*packing hydrofluosilicic acid containing no free hydrofluoric acid or other ingredient*):

(Add) (c) (2) (a) *Spec. 1X*. Boxed carboys of 5- to 6-gallon capacity single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

Amending section 266 (a) (3), order Aug. 16, 1940, as follows (*packing hydrogen peroxide, etc.*):

(Add) (a) (3) (a) *Spec. 1X*. Boxed carboys of 5 to 6 gallon capacity; single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

Amending section 267, order Aug. 16, 1940, as follows (*packing mixed acid*):

(Add) (a) (6) *Spec. 1X*. Boxed carboys of 5 to 6 gallon capacity; single-

trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(Add) (a) (7) *Spec. MC 310*. Tank motor vehicles. (See sec. 267 (a) (5).)

Amending section 268, order Aug. 16, 1940, as follows (*packing nitric acid*):

(Add) (d) (1) *Spec. 1X*. Boxed carboys of 5 to 6 gallon capacity; single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(Add) (g) (3) *Spec. MC 310*. Tank motor vehicles.

Amending section 269 (c), order Aug. 16, 1940, as follows (*packing perchloric acid*):

(Add) (c) (1) *Spec. 1X*. Boxed carboys of 5 to 6 gallon capacity; single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

Amending section 271, order August 16, 1940, as follows (*packing phosphorus oxychloride and phosphorus trichloride*):

(Add) (d) (1) *Spec. MC 310*. Tank motor vehicles when tanks are lead lined.

Amending section 272, order Aug. 16, 1940, as follows (*packing sulfuric acid*):

(Add) (e) (1) *Spec. 1X*. Boxed carboys of 5 to 6 gallon capacity; single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(Add) (m) *Spec. MC 310*. Tank motor vehicles.

Compressed Gases

Superseding and amending section 302 (a), order Aug. 16, 1940, to read as

follows (*packing compressed gases—exemptions*):

(a) Compressed gases, except poisonous gases as defined by sec. 326 (a), are exempt from specification packaging, marking other than name of contents, and labeling requirements for transportation by rail freight, rail express, highway, or by carrier by water, as follows:

Amending section 302, order Aug. 16, 1940, as follows (*packing compressed gases*):

(Add) (f) *Manifolding containers in transportation*. No means of interconnecting such as manifolding of individual containers may be employed for the following gases:

- Acetylene.
- Air, compressed.
- Anhydrous ammonia.
- Boron trifluoride.
- Carbon monoxide.
- Chlorine.
- Coal gas.
- Compressed gases, n. o. s.
- Crude nitrogen fertilizer solution.
- Dichlorodifluoromethane.
- Dimethyl ether.
- Ethane.
- Ethylene.
- Fertilizer ammoniating solution containing free ammonia.
- Hydrogen.
- Hydrogen sulphide.
- Liquefied hydrocarbon gas.
- Liquefied petroleum gas.
- Methane.
- Methyl chloride.
- Monomethylamine.
- Nitrosyl chloride.
- Nitrous oxide.
- Nonliquefied hydrocarbon gas.
- Pintsch gas.
- Propylene.
- Sulfur dioxide.

Amending section 303, order Aug. 16, 1940, as follows (*compressed gases*):

(Add) (b) (1) *Odorization*. All liquefied petroleum gases in tank motor vehicles shall be effectively odorized by an approved agent of such character as to indicate positively, by a distinctive odor, the presence of gas down to concentration in air of not over one-fifth the lower limit of combustibility.

NOTE: The lower limits of combustibility of the more commonly used liquefied petroleum gases are: Propane, 2.15 percent; Butane, 1.55 percent. These figures represent volumetric percentages of gas-air mixtures in each case.

(Add) (c) (1) *Filling of cargo tanks with liquefied gases*. The loading of liquefied gases into cargo tanks shall be by weight or by suitable liquid level gage device. In either event the liquid portion of such gas shall not fill the tank at 105° Fahrenheit if the tank be lagged, nor at 130° Fahrenheit if the tank be unlagged. The quantity of any such liquefied petroleum gas loaded into such a cargo tank shall not exceed the quantities set forth in sec. 303 (r) for such loading, and the loading pressure shall not exceed the tank working pressure set forth on the metal plate specified in par. 5 (a) *Spec. MC 320*. If the gas has inflammable or toxic properties, its vapor pressure at 130° Fahrenheit shall not exceed by more than 20 percent of the working pressure of the tank, and the safety valve setting shall be higher than that pressure. If such tanks are to be filled by weight, the gross weight shall be checked after the filling line is disconnected in each instance. The gross weight shall be calculated from the tank capacity and tare weight set forth in par. 5 (a) *Spec. MC 320*, and the filling density corresponding to the material being loaded into the tank as set forth in sec. 303 (r) of these regulations. If such tanks are to be filled by liquid level, each cargo tank, and each compartment thereof, shall have a thermometer well, so that the internal liquid temperature can easily be determined, and the amount of liquid in the tanks shall be corrected to a 60° Fahrenheit basis. Liquid levels may be determined by slip gaging devices or by any other suitable and safe means. If a fixed dip tube or other fixed maximum liquid level device is the only such device provided on such a cargo tank, it shall be so arranged as to function at 97 percent or less of the maximum permitted loading level prescribed in sec. 303 (r) of these regulations, and the loading shall be stopped when the device functions; although nothing contained in this provision shall be so construed as to prohibit the loading of any cargo tank to a liquid level as prescribed in sec. 303 (r) when an adjustable liquid level device is provided.

Superseding and amending title and section 303 (q) (1), orders of Aug. 16, 1940, and Mar. 31, 1941, as follows:

Compressed Gases in Tank Cars and Motor Vehicles

Name of gas	Maximum permitted filling density, note 1	Required type of tank car, note 2
(Change) Liquefied carbon dioxide.....	Note 10.....	Note 11. ICC-105A500, ICC-105A600. Note 14.
(Add) Methyl chloride.....	.75.....	ICC-106A500. Note 12.
(Add) Monochlorodifluoromethane.....	.75.....	ICC-105A300.
(Add) Monochlorotetrafluoroethane.....	100.....	ICC-106A500. Note 12.
(Add) Monochlorotetrafluoroethane.....	125.....	ICC-106A500. Note 12.

(Change) NOTE 12: Tanks complying with specification 106A500 containing sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, or monochlorotetrafluoroethane, may be transported on trucks or semitrailers only when securely checked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary.

(Add) NOTE 14: This special tank vehicle, consisting of one semitrailer unit on which is mounted three steel tanks of fusion-welded construction covered with insulating material may be continued in use by the Johnson Truck Line, Price, Utah, for the transportation of liquefied carbon dioxide gas until further order of the Commission, provided the vehicle is marked as prescribed in section 823 (d) and bears a metal identification plate as prescribed in par. 5 (a) of specification MC 320.

(Add) (r) Maximum Permitted Filling Densities for Cargo Tanks for Transportation of Liquefied Petroleum Gases.

Maximum specific gravity of the liquid material at 60° F.	Maximum filling density in percent of the water-weight capacity of the container
	Untagged containers (percent)
0.271-0.280	26
0.290-0.306	27
0.307-0.322	28
0.323-0.338	29
0.339-0.354	30
0.355-0.371	31
0.372-0.398	32
0.399-0.425	33
0.426-0.440	34
0.441-0.452	35
0.453-0.462	36
0.463-0.472	37
0.473-0.480	38
0.481-0.488	39
0.489-0.495	40
0.496-0.503	41
0.504-0.510	42
0.511-0.519	43
0.520-0.527	44
0.528-0.536	45
0.537-0.544	46
0.545-0.552	47
0.553-0.560	48
0.561-0.568	49
0.569-0.576	50
0.577-0.584	51
0.585-0.592	52
0.593-0.600	53
0.601-0.608	54
0.609-0.617	55
0.618-0.626	56
0.627-0.634	57

Poisonous Articles

Amending section 327, order Aug. 16, 1940, as follows (*packing poisons, class A*):

(Add) (c) *No class A poisons in cargo tanks.* No "extremely dangerous poison, class A," may be loaded into or transported in any cargo tank.

Amending order Aug. 16, 1940, as follows (*packing poisons, class B, liquid*):

(Add) 337 A *Outage.* No cargo tank or compartment thereof used for the transportation of any liquid poison shall be completely filled; sufficient space shall be left vacant in every case to prevent leakage from or distortion of any such cargo tank by expansion of the contents due to rise in temperature in transit, and such free space (outage) shall be sufficient in every case so that such cargo tank shall not become entirely filled with the liquid at 130° Fahrenheit.

Superseding and amending section 338 (a), order Aug. 16, 1940, to read as follows (*packing class B poisons, liquid—exemptions*):

(a) *Poisonous liquids, class B,* as defined in sec. 336, except hydrocyanic acid solutions, methyl bromide, motor fuel anti-knock compound, phenyldichlorarsine and tetraethyl lead, in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows are exempt from specification packaging, marking other than name of contents, and labeling requirements:

Superseding and amending section 339, order Aug. 16, 1940, as follows (*packing aniline oil*):

(Change) (b) Spec. 15A, 15B, 15C, 16A, or 19A.—Wooden boxes with metal inside containers not over 10 gallons capacity each, or glass bottles not over 1 pound capacity each. Not more than 25 of these bottles shall be packed in any outside container.

(Add) (e) Spec. MC 300, MC 301, MC 302, or MC 303, tank motor vehicles.

Superseding and amending section 340 (b), order Aug. 16, 1940, to read as follows (*packing arsenic acid*):

(b) As prescribed in sec. 349. When shipped in metal barrels or drums, or tank motor vehicles or tank cars, without lead lining, the arsenic acid must contain not over 0.05 percent nitric acid.

Amending section 345, order Aug. 16, 1940, as follows (*packing liquid sodium or potassium cyanide*):

(Add) (f) Spec. MC 300, MC 301, MC 302, or MC 303, tank motor vehicles.

Amending section 346, order Aug. 16, 1940, as follows (*packing methyl bromide*):

(Add) (f) Spec. MC 300, MC 301, MC 302, or MC 303, tank motor vehicles.

Amending section 347, order Aug. 16, 1940, as follows (*motor fuel antiknock compound*):

(Add) (h) Spec. MC 300, MC 301, MC 302, or MC 303, tank motor vehicles.

Amending section 349, order Aug. 16, 1940, as follows (*packing poisonous liquids, etc.*):

(Add) (m) Spec. MC 300, MC 301, MC 302, or MC 303, tank motor vehicles.

Superseding and amending section 352 (a) and (c), order Aug. 16, 1940, to read as follows (*packing class B poisons, solid—exemptions*):

(a) *Poisonous solids, class B, except cyanides,* other than as specified in sec. 357 (b), in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows are exempt from specification packaging, marking other than name of contents, and labeling requirements:

(c) In inside chipboard, pasteboard, or fiber cartons, cans, or boxes, of not over 5 pounds capacity each, packed in outside fiberboard or wooden boxes. Not more than 5 of these cartons shall be packed in any outside container.

Superseding and amending section 354 (c), order Aug. 16, 1940, to read as follows (*packing arsenical compounds, etc.*):

(c) Spec. 36A or 36B.—Triplex bags. Authorized only for arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide As_2O_3 .

Superseding and amending section 355, order Aug. 16, 1940, to read as follows (*packing arsenical dust, etc.*):

355. *Arsenical dust* not subject to dangerous spontaneous heating and *arsenic trioxide, or sodium arsenate,* when de-

livery is made to plants with private sidings, only, may, in addition to containers prescribed in sec. 354, be shipped in sift-proof, self-clearing, hopper or bottom-outlet steel cars, equipped with waterproof and dustproof covers well secured in place for all openings. (See sec. 567 (a) and (b). *Cleaning Cars.*) *Arsenical dust* and *arsenic trioxide* may be shipped in bulk in motor vehicles with steel, sift-proof, self-clearing, hopper-type or dump-type bodies, with waterproof and dustproof covers, well secured in place.

Superseding and amending section 357 (a) (4), (a) (6), (a) (9), and (a) (10), order Aug. 16, 1940, as follows (*packing cyanides, etc.*):

(Change) (a) (4) Spec. 12B or 12C.—Fiberboard boxes with metal inside containers, spec. 2F, not over 25 pounds capacity each.

(Change) (a) (6) Spec. 37H.—Metal drums (single-trip container), watertight; must be hermetically sealed when used for calcium cyanide.

(Add) (a) (9) Spec. 45B.—Bags, cloth and paper, lined. Authorized only for sodium cyanides of globular or pellet form, diameter not less than 3/4 inch. Net weight not over 100 pounds.

(Add) (a) (10) In bulk in airtight, metal-bodied, covered motor vehicles.

Amending section 363, order Aug. 16, 1940, as follows (*packing poisons, class C*):

(Add) (f) *No class C poisons in cargo tanks.* No "tear gases or irritating substances, class C" may be loaded into or transported in any cargo tank.

Amending section 364A, order Aug. 16, 1940, as follows (*packing monochloracetone, stabilized*):

(c) *Specification 15A, 15B, 15C, or 16A.* Wooden boxes with inside glass bottles or tubes in hermetically sealed metal cans in corrugated fiberboard cartons, spec. 2C. Bottles must contain not over 1 pound of liquid each, must be filled to not over 95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least 1/2 inch of absorbent material. Cans must be made of metal at least 32 gage U. S. standard. Total amount of liquid in outside box must not exceed 24 pounds.

Amending section 365 (b), order Aug. 16, 1940, as follows (*packing police grenades*):

(Add) (b) (1) Spec. 37D. Metal drum. Functioning elements must be packed in separate compartment. Not more than 24 grenades and 24 functioning devices shall be packed in one outside container and the gross weight of the container must not exceed 75 pounds.

Shipping Instructions

Superseding and amending section 421, order March 31, 1941, to read as follows:

421. *Certificate.* The shipper offering for transportation by carriers by rail

freight, highway, or water any class A or class B explosive and blasting caps or electric blasting caps in any quantity, and any inflammable liquid, inflammable solid, oxidizing material, corrosive liquid, compressed gas, or poison, requiring labels, as prescribed by these regulations, must show on the shipping order, bill of lading, or other shipping paper, in the lower left-hand corner, the following certificate over the written or stamped facsimile signature of the shipper or his duly authorized agent:

(No change in wording of certificate. See Note.)

NOTE: For the relief of shippers from multiplicity of certifications required for packages which may move by carriers by water, including combustible liquids and hazardous articles, and pending further consideration and order of the Commission, such shipments may be certified for rail, motor vehicle, or water transportation as follows:

This is to certify that the above articles are properly described by name, and are packed and marked and are in proper condition for transportation according to the applicable regulations prescribed by the Interstate Commerce Commission and the Secretary of Commerce.

SHIPPING CONTAINER SPECIFICATIONS*†

*†For authority and source citations, see notes in Spec. 1 A, 49 CFR Part 75—Appendix.

Amending order Aug. 16, 1940, as follows:

(ADD) SPECIFICATION 1X—BOXED CARBOYS, 5 TO 6 GALLON, FOR EXPORT ONLY (GLASS, EARTHENWARE, CLAY, OR STONEWARE)

Single-Trip Container

General

1. *Compliance.* Required in all details.
2. *Closing devices required.* As follows except when otherwise authorized in the packing regulations:

(a) For carboys: Acidproof stoppers or other devices, with gaskets, securely fastened; closure to be vented or sufficiently porous to vent off pressure; gaskets to be of ¼ inch asbestos-rope or other resilient material equivalent in efficiency; gaskets cut from asbestos board not authorized.

(b) For box: Two flat metal nailless straps, at least ⅝ inch by 0.020 inch, encircling top, sides, and bottom and securely sealed are required.

Manufacture

3. *Capacity and marking of carboy.* Containers must be 5 to 6 gallon size and permanently marked to indicate maker and year of manufacture.

4. *Glass carboys.* Thoroughly annealed; top of lip smooth and even. Glass in side walls should be well distributed and at least ¼ inch thick. Defective carboys not authorized.

5. *Earthenware, clay, or stoneware carboys.* Of acid-proof material.

6. (a) *Outside containers.* Wooden boxes completely enclosing body and neck of carboy, with 4 vertical corner posts. Top may consist of cap fitting snugly inside body of box and resting on corner posts.

(b) Lumber to be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with nailing, and other defects that would materially lessen the strength.

(c) Assemble sides and ends with grain of wood horizontal and nail as specified; nail bottom to ends; fasten top by any efficient means.

(d) *Parts and dimensions.* Sides, top, and bottom at least ½ inch thick; vertical corner posts at least 2.25 square inches cross section; nails at least 6-penny at 2-inch intervals or 5-penny at 1¾ inches intervals.

Marking of Outside Container

7. *On each container.* With letters and figures at least ¾ inch high applied by hot branding iron or black printing ink with high pressure dies as follows:

(a) ICC-1X. This mark shall be understood to certify that the complete package complies with all specification requirements.

(b) Name or symbol (letters) of company setting up the package, or other party assuming responsibility for its compliance with specification requirements; this must be registered with the Bureau of Explosives and located just above or below the mark specified in (a).

8. Each outside container must also be plainly marked "For Export Only, Not Returnable" and the top must be marked "This Side Up".

Tests

9. Satisfactory tests are required as provided in paragraph 9 of I. C. C. Specification 1A.

Superseding and amending *specification 5*, paragraph 9 (c) to read as follows:

9. (c) For closure with threaded plug or cap, the seat (flange, etc.) for plug, or cap, must have 3 or more complete threads; two drainage holes of not over ⅛-inch diameter are allowed. Plug, or cap, must have sufficient length of thread to engage 3 threads when screwed home with gasket in place.

Superseding and amending *specification 12B*, par. 28 (a), order Aug. 16, 1940, to read as follows:

28. (a) *Special box.* Authorized only for pyroxylin in sheets, rods, or tubes. Must comply with this specification except as follows: Must be telescope type with wooden frame between the parts that telescope; authorized gross weight 90 pounds.

Superseding and amending *specification 13*, table, par. 3 (*parts and dimensions*), to read as follows:

Thickness of material:
Body--- 30 gage; 28 gage; 24 gage; 24 gage.
Head--- 30 gage; 28 gage; 28 gage; 28 gage.

Superseding and amending *specification 17C*, paragraph 9 (e), to read as follows:

9. (e) This paragraph does not apply.

Superseding and amending *specification 23F*, paragraph 23 (b), to read as follows:

23. (b) *Authorized gross weight.* 65 pounds when two or more lining tubes are used to divide the box into two or more compartments; 65 pounds when one or more lining tubes are used and contents will consist of one cartridge only or of black powder in bags; 35 pounds in all other cases.

Superseding and amending *specification 37H*, paragraph 6, to read as follows:

6. *Closure required.* Adequate to prevent leakage; gasket required when necessary; to be of screw-thread type or secured by positive fastening. Filling opening over 9-inch diameter authorized, except when consisting of full removable head. Dustproof closure required. If closing device can not be opened and closed without reducing efficiency, container must, when specified on purchase order, be provided with supplementary opening for sampling at least 2 inches in diameter with closing device such that it can be opened and closed without reduction of efficiency.

Amending order Aug. 16, 1940, as follows:

(ADD) SPECIFICATION 45B—BAGS, CLOTH AND PAPER, LINED

General

1. *Compliance.* Required in all details.
2. *Capacity.* Not over 100 pounds net.

Materials and Construction

3. *Assembly.* Bags shall consist of cloth and paper parts all cemented together with curing rubber latex or asphalt, thus making a water-proofed bag, as follows:

- (a) Inside lining sheet.
- (b) Cloth sheet.
- (c) Intermediate sheet.
- (d) Outside paper sheet.

4. Inside lining sheet and intermediate sheet must be regenerated cellulose film at least .0012 inch thick or polyvinyl alcohol film at least .001 inch thick or other material of equal thickness and equivalent efficiency.

5. Cloth sheet must be burlap at least 8-ounce, 40-inch Calcutta A or B mill grade or Osaburg cotton cloth at least 8½-ounces per square yard.

6. Paper must be No. 1 Kraft, creped, at least 45 pounds per ream (480 sheets, 24 inches by 36 inches) before creping.

7. Latex and asphalt must be in sufficient quantity to form a secure bond between the parts of the bags.

8. Seams must be dust-tight and made by cementing or by sewing and taping with impregnated cloth tape to give seam strength at least equal to that of bag material and prevent sifting.

9. *Test.* The finished container, filled and closed as for shipment, must be capable of withstanding 2 drop tests of 6

feet on the butt and 2 drop tests of 6 feet on the side without sifting or rupture of burlap or liner.

Marking

10. On each container. By marks at least 1 inch high as follows:

(a) ICC-45B; this mark shall be understood to certify that the container complies with all specification requirements.

(b) Name and address of maker; located above or below the mark specified in (a); symbol (letters) authorized if registered with the Bureau of Explosives.

Closing for Shipment

11. By sewing and taping with impregnated cloth tape to give seam strength at least equal to that of bag material and prevent sifting.

Tank Car Tank Specifications

Superseding and amending *specification 103*, pars. ICC-4 (b) and ICC-19 (a), order Aug. 16, 1940, to read as follows:

4. (b) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate prescribed in paragraph 3 (a), must be as prescribed in the above table. Where the cladding material does not have physical properties at least equal to that of the base plate prescribed in paragraph 3 (a), minimum thickness of base plate must be as prescribed in the above table.

19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs 17 and 18, at intervals of ten years or less after the original test. Tanks must also be retested before being returned to service after any repairs requiring extensive riveting or calking. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph 21.

Amending *specification 103A*, order Aug. 16, 1940, as follows:

(Add) ICC-6 (b) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be double riveted. Dome head, manhole ring, safety vent flange, and bottom washout nozzle flange must be single or double riveted. Riveted seams and joints must be made metal to metal without interposition of other material with the exception that the use of two liners not to exceed 1 inch in width and 1/16 inch in thickness, placed at an angle across the longitudinal seams between two rows of rivets near the internal tank heads on compartment cars to prevent the liquid from passing along the longitudinal seams from one compartment to another while cars are being water tested, will be permissible. The efficiency of double-riveted seams

must be at least 70 percent of the strength of the thinnest plate specified in paragraph 4. The efficiency of single-riveted seams must be at least 45 percent of the strength of the thinnest plate specified in paragraph 4. Use of rivets less than 5/8 inch nominal diameter not permissible on any part of tank or attachments.

Superseding and amending *specification 103A*, par. ICC-19 (a), order Aug. 16, 1940, to read as follows:

19. *Retests of tanks and interior heater systems.* (a) Tanks and interior heater systems must be retested as prescribed for original tests in paragraph 17, except that acid may be used for filling the tank and dome when testing tanks which have not been in service more than 12 years. The first retest of tank and interior heater system must be conducted within four years after the original test, and subsequent retests at four-year intervals up to 12 years of service, thereafter at two-year intervals up to 20 years of service, and annually after 20 years of service. Tanks in service over 12 years must be internally inspected and interior heater systems inspected for defects which would make leakage or failure probable during transit and must be tested with water only. Tanks must also be retested before being returned to service after extensive riveting, calking, or other repairs. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph 21.

Superseding and amending *specification 103B*, pars. ICC-6 (b), ICC-15 (a) and ICC-19 (a), order Aug. 16, 1940, to read as follows:

6. (b) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be double riveted. Dome head, manhole ring, safety vent flange, and sump flange must be single or double riveted. Riveted seams and joints must be made metal to metal without interposition of other material with the exception that the use of two liners not to exceed 1 inch in width and 1/16 inch in thickness, placed at an angle across the longitudinal seams between two rows of rivets near the internal tank heads on compartment cars to prevent the liquid from passing along the longitudinal seams from one compartment to another while cars are being water tested, will be permissible. The efficiency of double-riveted seams must be at least 70 percent of the strength of the thinnest plate specified in paragraph 4. The efficiency of single-riveted seams must be at least 45 percent of the strength of the thinnest plate specified in paragraph 4. Use of rivets less than 5/8 inch nominal diameter not permissible on any part of tank or attachments. All rivet heads on inside of tank must be of uniform size, button head or similar shape, and the under surface of heads must be driven tight against shell.

15. *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be riveted in place and calked to comply with conditions prescribed in paragraphs 6 and 8, or applied by other approved means of at least equal strength and efficiency. Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks. All surfaces of attachments exposed to the lading must be covered with rubber as prescribed in paragraphs 3 and 4. Attachments made of metal not affected by the lading need not be rubber covered. Interior heater systems when applied must be made of metal not affected by the lading.

19. *Retests of tanks and interior heater systems.* (a) Periodic retests of tanks are not required. Tanks must be retested before rubber lining is renewed. The first retest of interior heater systems must be conducted within four years after the original test, and subsequent retests at four-year intervals up to 12 years of service, thereafter at two-year intervals up to 20 years of service, and annually after 20 years of service. Interior heater systems in service over 12 years must be inspected for defects which would make leakage or failure probable during transit and must be tested with water only. Tanks must also be retested before being returned to service after any repairs requiring riveting or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph 21.

Amending *specification 103C*, order Aug. 16, 1940, as follows:

(Add) ICC-4. (b) This paragraph does not apply.

(Add) ICC-6. (b) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be double riveted. Dome head, manhole ring, safety valve flange, and sump flange must be single or double riveted. Riveted seams and joints must be made metal to metal without interposition of other material with the exception that the use of two liners not to exceed 1 inch in width and 1/16 inch in thickness, placed at an angle across the longitudinal seams between two rows of rivets near the internal tank heads on compartment cars to prevent the liquid from passing along the longitudinal seams from one compartment to another while cars are being water tested, will be permissible. The efficiency of double-riveted seams must be at least 70 percent of the strength of the thinnest plate specified in paragraph 4. The efficiency of single-riveted seams must be at least 45 percent of the strength of the thinnest plate specified in paragraph 4. Use of rivets less than 5/8 inch nominal diameter not permissible on any part of tank or attachments.

Superseding and amending *specification 104*, par. ICC-19 (a), order Aug. 16, 1940, to read as follows:

19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs 17 and 18, at intervals of ten years or less after the original test. Tanks must also be retested before being returned to service after any repairs requiring extensive riveting or calking. If the jacket and lagging are not removed, the tank must hold the prescribed pressure for at least 20 minutes. A drop in the pressure shall be evidence of leakage, and such portion of the jacket and lagging must be removed as may be necessary to locate the leak and make repairs. After the repairs have been made, the tank must again be subjected to the prescribed test. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph 21.

Amending *specification 104*, order Aug. 16, 1940, as follows:

(Add) ICC-20. (j) Tanks equipped with safety valves set to open at a pressure of 35 pounds per square inch, as prescribed by paragraph 14 (e), must be stenciled "For Vapor Pressures Not Exceeding 40 Pounds per Square Inch Absolute, at 100° F." in letters and figures at least one inch high immediately above the stenciled mark specified in paragraph 20 (b).

Superseding and amending *specification 103-W*, pars. ICC-15 (a), and ICC-19 (a), order Aug. 16, 1940, to read as follows:

ICC-15. *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be applied by approved means. When attachments are riveted the edges of plates must be beveled so that the angle of the calking edge will be between 60 and 70 degrees with the flat surface of the attachment. The extreme calking edge distance, measured from center line of rivet hole, must be at least one and one-half times the diameter of the hole and not more than that distance plus $\frac{1}{4}$ inch. The joints formed by attachment of all riveted external projections must be calked on the inside. Split calking prohibited. Interior heater systems when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

ICC-19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs 17 and 18, at intervals of ten years or less after the original test. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph 21.

Superseding and amending *specification 103A-W*, pars. ICC-6 (b) and ICC-19 (a), order Aug. 16, 1940, to read as follows:

ICC-6. (b) Manhole rings, safety vent flange, and bottom washout nozzle flange or other attachments may be riveted or fusion welded. Riveted joints must be made metal to metal without interposition of other materials. Rivets, if used, must be driven hot and calked inside. For computing rivet areas the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than $\frac{1}{16}$ inch. Use of rivets of less than $\frac{3}{8}$ inch nominal diameter prohibited. Fusion welding for securing these attachments in place must be of the double-welded butt joint type or double-full-fillet-lap joint type.

ICC-19. *Retests of tanks and interior heater systems.* (a) Tanks and interior heater systems must be retested as prescribed for original tests in paragraph 17, except that acid may be used for filling the tank and dome when testing tanks which have not been in service more than 12 years. The first retest of tank and interior heater system must be conducted within four years after the original test, and subsequent retests at four-year intervals up to 12 years of service, thereafter at two-year intervals up to 20 years of service, and annually after 20 years of service. Tanks in service over 12 years must be internally inspected and interior heater systems inspected for defects which would make leakage or failure probable during transit and must be tested with water only. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph 21.

Amending *specification 103B-W*, order Aug. 16, 1940, as follows:

(Add) ICC-15. *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be applied by approved means. When attachments are riveted the edges of plates must be beveled so that the angle of the calking edge will be between 60 and 70 degrees with the flat surface of the attachment. The extreme calking edge distance, measured from center line of rivet hole, must be at least one and one-half times the diameter of the hole and not more than that distance plus $\frac{1}{4}$ inch. The joints formed by attachment of all riveted external projections must be calked on the inside. Split calking prohibited. Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks. Interior heater systems when applied must be made of metal not affected by the lading. All surfaces of attachments exposed to the

lading must be covered with rubber as prescribed in paragraphs 3 and 4. Attachments made of metal not affected by the lading need not be rubber covered.

Superseding and amending *specification 103B-W*, pars. ICC-17 (a) and ICC-19 (a), order Aug. 16, 1940, to read as follows:

ICC-17. *Tests of tanks.* (a) Each tank must be tested, before rubber lining is applied, by completely filling tank and dome with water, or other liquid having similar viscosity, of a temperature which must not exceed 100° F. during the test, and applying a pressure of 60 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety vents, must be in place while test is made. After tank is rubber-lined, no further tests are required.

ICC-19 (a). *Retests of tanks and interior heater systems.* (a) Periodic retests of tanks are not required. Tanks must be retested before rubber lining is renewed. The first retest of interior heater systems must be conducted within four years after the original test, and subsequent retests at four-year intervals up to 12 years of service, thereafter at two-year intervals up to 20 years of service, and annually after 20 years of service. Interior heater systems in service over 12 years must be inspected for defects which would make leakage or failure probable during transit and must be tested with water only. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting, or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph 21.

Superseding and amending *specification 103C-W*, par. ICC-15 (a), order Aug. 16, 1940, to read as follows:

ICC-15. *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be applied by approved means. When attachments are riveted the edges of plates must be beveled so that the angle of the calking edge will be between 60 and 70 degrees with the flat surface of the attachment. The extreme calking distance, measured from center line of rivet hole, must be at least one and one-half times the diameter of the hole and not more than that distance plus $\frac{1}{4}$ inch. The joints formed by attachment of all riveted external projections must be calked on the inside. All rivet heads on the inside and outside of tank and dome must be calked. Split calking prohibited. Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

Superseding and amending *specification 104-W*, pars. ICC-11 (a) and ICC-

19 (a), order Aug. 16, 1940, to read as follows:

ICC-11. *Gauging, bottom outlet valve operating, venting, loading and discharging, and air inlet devices extending through domes of tanks.* (a) Venting and loading and discharging devices of approved design must be installed. Gauging, bottom outlet valve operating and air inlet devices are not specification requirements. These devices when installed, including their valves, must be protected from accidental injury by being set into a securely covered recess, or by means of a cast or pressed steel malleable iron housing with cover securely attached. Openings in wall of housing must be equipped with screw plugs or other closures. Drain holes permitted. Housing, if welded to dome of tank, must be of cast, forged or pressed metal and be of good weldable quality in conjunction with metal of dome. Discharging siphon pipe must be securely anchored.

ICC-19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs 17 and 18, at intervals of ten years or less after the original tests. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting, or caulking of rivets. If the jacket and lagging are not removed, the tank must hold the prescribed pressure for at least 20 minutes. A drop in pressure shall be evidence of leakage, and such portion of the jacket and lagging must be removed as may be necessary to locate the leak and make repairs. After the repairs have been made, the tank must again be subjected to the prescribed test. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph 21.

Amending *specification 104-W*, order Aug. 16, 1940, as follows:

(Add) ICC-20. (j) Tanks equipped with safety valves set to open at a pressure of 35 pounds per square inch, as prescribed by paragraph 14 (e), must be stenciled "For Vapor Pressures Not Exceeding 40 Pounds Per Square Inch Absolute, at 100° F." in letters and figures at least one inch high immediately above the stenciled mark specified in paragraph 20 (b).

Superseding and amending *specification 104A-W*, par. ICC-20 (b), order Aug. 16, 1940, to read as follows:

ICC-20. (b) ICC-104A-W in letters and figures at least $\frac{3}{8}$ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

Superseding and amending *specification 105A300-W*, pars. ICC-11 and ICC-20 (a), order Aug. 16, 1940, to read as follows:

ICC-11. *Venting, and loading and discharging valves.* (a) These valves must be of approved type, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 300 pounds per square inch without leakage. The valves must be directly bolted to seatings on manhole cover. Pipe connections of the valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement.

ICC-20. (b) ICC-105A300-W in letters and figures at least $\frac{3}{8}$ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

Superseding and amending *specification 105A400-W*, par. ICC-17 (a), order Aug. 16, 1940, to read as follows:

ICC-17. *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied and before anchor rivet housings and the tank lagging are applied, by completely filling tank and manhole nozzle with water or other liquid of similar viscosity, having a temperature which must not exceed 100° F. during test, and applying a pressure of 400 pounds per square inch. The tank must hold the prescribed pressure for at least 30 minutes without leakage or distress.

Superseding and amending *specification 105A500-W*, par. ICC-17 (a), order Aug. 16, 1940, to read as follows:

ICC-17. *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied and before anchor rivet housings and the tank lagging are applied, by completely filling tank and manhole nozzle with water or other liquid of similar viscosity, having a temperature which must not exceed 100° F. during test, and applying a pressure of 500 pounds per square inch. The tank must hold the prescribed pressure for at least 30 minutes without leakage or distress.

Superseding and amending *specification 105A600-W*, par. ICC-17 (a), order Aug. 16, 1940, to read as follows:

ICC-17. *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied, and before anchor rivet housings and the tank lagging are applied, by completely filling tank and manhole nozzle with water or other liquid of similar viscosity, having a temperature which must not exceed 100° F. during test, and applying a pressure of 600 pounds per square inch. The tank must hold the prescribed pressure for at least 30 minutes without leakage or distress.

SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

SPECIFICATION MC 200—CONTAINERS FOR LIQUID NITROGLYCERIN

1. Every motor vehicle used for the transportation of liquid nitroglycerin shall have a body constructed as set forth below, which body shall have component parts as specified hereinafter:

Motor Vehicle Body

2. *Body proper.* The motor-vehicle body proper shall have a hinged cover. Both the body and the cover shall be well and strongly built of wood or other non-sparking material of equal strength, thoroughly waterproofed, having no end or side openings, and lined with copper or other nonsparking sheet metal having all seams made tight against leakage of nitroglycerin by welding, brazing, or soldering. No metal of such character as to be capable of producing a spark when struck may be exposed on the inside or the top of the body, nor on the nether side or any edge of the cover, the top of which shall be covered with metal. The body shall be of such dimensions that it will contain only a single tier of individual containers and of such approximate height that the felt pads will securely constrain all inside containers from vertical motion with respect to the body, and shall be securely and firmly attached to the chassis of the motor vehicle. The total load shall not exceed nine hundred (900) quarts liquid measure of liquid nitroglycerin.

3. *Cellular construction.* In the motor-vehicle body specified in par. 2 shall be inserted suitable wooden or other non-metallic, nonsparking cellular construction, the dimensions of each cell of which shall be such that the rubber "boot" or secondary container for the primary container of the nitroglycerin, both of which are specified hereinafter, shall snugly fit. The cellular construction shall extend from near the top to near the bottom of the full height of each "boot" to be fitted therein, and shall rest upon and be covered by at least one-half ($\frac{1}{2}$) inch of felt padding or other material affording equivalent shock-absorbing protection. The cellular construction shall be of such strength as to provide suitable restraint under all conditions of loading to prevent relative motion of inside containers to be inserted or carried therein.

Inside Containers and Boots

4. (a) *Inside containers.* Individual containers shall be made of copper or other nonsparking metal of equivalent strength, with all seams closed by welding, brazing, or soldering, and shall be tight against leakage of liquid nitroglycerin. No individual container shall exceed ten (10) quarts (liquid measure) capacity of liquid nitroglycerin.

(b) *Boots, rubber containers for individual containers.* Each individual container of liquid nitroglycerin shall be

contained in a rubber boot or outer container into which it shall snugly fit, and which, in turn, shall snugly fit into any cell of the cellular construction specified in par. 3 of this specification. This boot shall be watertight throughout and at least of such volume as to contain all of the liquid content of liquid nitroglycerin of any inside container inserted in it. It shall be provided with V-shaped grooves at suitable spacings throughout its inside surface, extending from top to bottom in such manner as to prevent the entrapment of air therein upon insertion of the inside container of liquid nitroglycerin. The inside height of the rubber boot shall approximate the height of the inside container (including stopper) as shipped.

SPECIFICATION MC 201—CONTAINER FOR BLASTING CAPS, ELECTRIC BLASTING CAPS, AND PERCUSSION CAPS

1. *Scope.* This specification pertains to a container to be used for the transportation of blasting caps, electric blasting caps, and percussion caps in connection with the transportation of liquid nitroglycerin, where any or all of such types of caps may be used for the detonation of liquid nitroglycerin in blasting operations. This specification is not intended to take the place of any shipping or packing requirements of this Commission where the caps in question are themselves articles of commerce.

2. *Container.* Every container for blasting caps, electric blasting caps, and percussion caps coming within the scope of this specification shall be constructed entirely of hard rubber, phenolresinous or other resinous material, or other non-metallic, nonsparking material, except that metal parts may be used in such locations as not in any event to come in contact with any of the caps. Space shall be provided so that each blasting cap of whatever nature may be inserted in an individual cell in the body of the container, into which each such cap shall snugly fit. There shall be provided no more than twenty (20) such cellular spaces. Space may be provided into which a plurality of percussion caps may be carried, provided that such space may be closed with a screw cap, and further provided that each or any such space is entirely separate from any space provided for any blasting cap. Each cellular space into which a blasting cap is to be inserted and carried shall be capable of being covered by a rotary cover so arranged as to expose not more than one cell at any time, and capable of rotation to such a place that all cells will be covered at the same time, at which place means shall be provided to lock the cover in place. Means shall be provided to lock in place the cover for the cells provided for the carrying of electric blasting caps. The requirement that not more than one cell be exposed at one time need not apply in the case of electric blasting caps, although spaces for such caps and blasting caps shall be separate. Sufficient

annular space shall be provided inside the cover for such electric blasting caps that, when the cover is closed, there will be sufficient space to accommodate the wires customarily attached to such caps. If the material is of such a nature as to require treatment to prevent the absorption of moisture, such treatment shall be applied as shall be necessary in order to provide against the penetration of water by permeation. A suitable carrying handle shall be provided, except for which handle no part of the container may project beyond the exterior of the body.

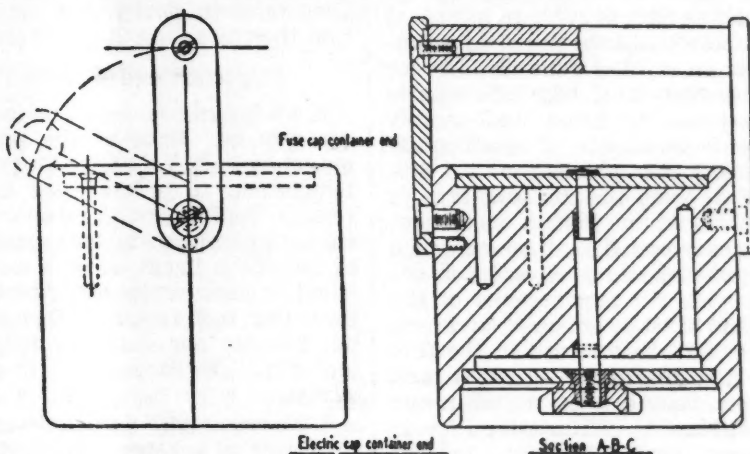
Exhibited in plates I and II are line drawings of a container for blasting caps, electric blasting caps, and percussion caps, illustrative of the requirements above set forth. These plates shall not be construed as a part of this specification.

the transportation of inflammable liquids or poisonous liquids, class B, and, though not mandatory for tanks or for motor vehicles for the transportation of liquids having flash points above eighty degrees Fahrenheit (80° F.), it is recommended that such liquids be transported in tanks and on tank motor vehicles having characteristics equal or superior to the requirements herein set forth. The specifications are as follows:

Specification MC 300. Cargo tanks constructed of mild (open hearth or blue annealed) steel.

Specification MC 301. Cargo tanks constructed of welded aluminum alloy (grade 3S).

Specification MC 302. Cargo tanks constructed of welded aluminum alloy (grade 52S).



BLASTING CAP CONTAINER
PLATE I.

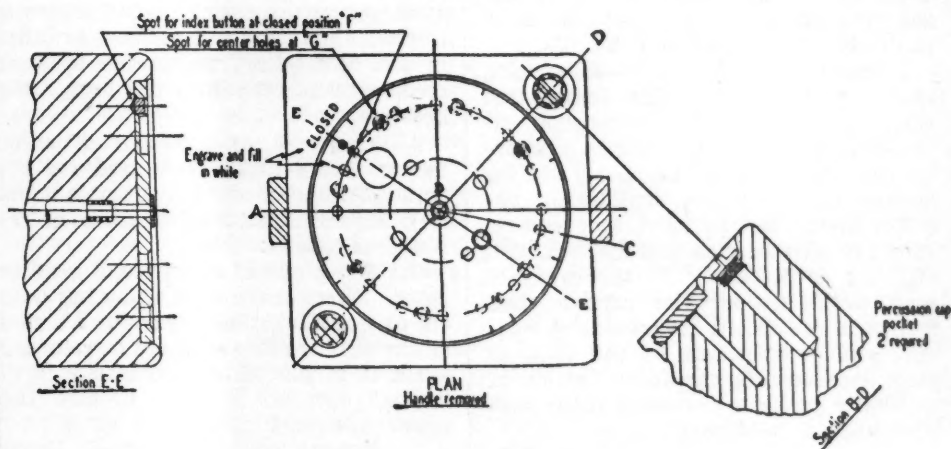


PLATE II.

MOTOR VEHICLE CARGO TANK SPECIFICATIONS¹ MC 300, MC 301, MC 302, AND MC 303—CARGO TANKS TO BE MOUNTED ON AND TO FORM PART OF TANK MOTOR VEHICLES FOR TRANSPORTATION OF INFLAMMABLE LIQUIDS AND POISONOUS LIQUIDS, CLASS B

1. *Scope.* These specifications are primarily designed to apply to cargo tanks of tank motor vehicles to be used for

¹These specifications are continued separately below.

Specification MC 303. Cargo tanks constructed of welded ferrous alloy (high-tensile steel).

Design and Construction

2. (a) *Existing tank motor vehicles continuing in service; specification tanks of tank motor vehicles.* Tanks of tank motor vehicles used for the transportation of inflammable liquids or poisonous liquids which shall have been in service prior to June 15, 1940, may be continued in service: *Provided*, That they have been

designed and constructed in accordance with the requirements of Specification No. 1001, 1937 edition, of the American Petroleum Institute, or in accordance with the requirements of specifications of the National Fire Protection Association, 1929 or 1933 edition.

(b) *Existing nonspecification tanks of tank motor vehicles.* Tanks of tank motor vehicles used for the transportation of inflammable liquids or poisonous liquids not meeting the requirements set forth in par. 2 (a), which shall have been in service prior to June 15, 1940, may be continued in service: *Provided*, That they fulfill the requirements set forth under par. 6, and that they be provided with the accessories as specified in pars. 32, 33 (a), 34, 35, 36, 37 and 38 of specification MC 300.

3. *New tank motor vehicles.* Except as provided in par. 4, every new tank of a tank motor vehicle acquired by a motor carrier on or after June 15, 1940, for the transportation of any inflammable liquid or poisonous liquid shall comply with the requirements of specification MC 300, MC 301, MC 302 or MC 303. A certificate from the manufacturer of the cargo tank, or from a competent testing agency certifying that each such tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such tank motor vehicle is employed in the transportation of inflammable liquids or poisonous liquids by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

4. *Novel tanks of tank motor vehicles, special authorization.* The Commission may, upon written request for such authorization by a motor carrier, authorize the use of limited numbers, and for limited times, of new tank motor vehicles which fail to meet the requirements of specification MC 300, MC 301, MC 302 or MC 303. In the event of such authorization, the carrier shall furnish those details concerning the design and construction of the tank as seem necessary for the determination of its ability safely to transport inflammable liquids or poisonous liquids.

Marking of Cargo Tanks

5. (a) *Metal identification plate.* On and after January 1, 1941, there shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or

on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's serial number.⁵
 Manufacturer's name.⁶
 Date of manufacture.⁶
 I. C. C. MC * * *.⁷
 Nominal tank cap'y-----U. S. Gallons.

(b) *Test date markings.* The date of the last test or retest required by these regulations and the due date of the next required routine test or retest shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in par. 5 (a).

(c) *Certification by markings.* The markings specified in pars. 5 (a) and (b) shall serve to certify that the information thereby set forth is correct.

Inspection and Maintenance

6. *No hazardous repairs on loaded motor vehicles.* None of the repairs required by Part 6 of Motor Carrier Safety Regulations to be made, or any other repairs, shall be performed on any motor vehicle containing any inflammable liquid or poisonous liquid, or on a cargo tank, whether empty or loaded, except in such cases that such repair can be made without hazard; nor shall any such loaded motor vehicle be repaired in a closed garage.

7. *No repair with flame unless gas-free.* No repair of a cargo tank used for the transportation of any inflammable liquid or poisonous liquid or any compartment thereof, or of any container for fuel of whatever nature, may be repaired by any method employing a flame, arc, or other means of welding, unless the tank or compartment shall first have been made gas-free.

8. (a) *Times of retesting of cargo tanks.* Every cargo tank used for the transportation of any inflammable liquid or poisonous liquid shall be tested or retested as follows:

(b) *Tank out of service one year or more.* Every cargo tank which has been out of transportation service for a period of one year or more shall not be returned again to or placed in such service until it shall successfully have fulfilled the requirements set forth under par. 9.

(c) *Nonspecification tanks.* Every cargo tank not complying with the re-

⁵ Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

⁶ In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "Make Unknown" and/or "Date of Manufacture Unknown."

⁷ Substitute "API Spec. 1001, 1937," or "NFPA Spec. 1929" (or 1933), or "No Specification," or the MC specification applicable, if appropriate.

quirements of Specification No. 1001, 1937 edition, of the American Petroleum Institute, specifications of the National Fire Protection Association 1929 or 1933, or this specification, shall be tested at least once in every calendar year and shall successfully fulfill the requirements set forth under par. 9. No two such required tests shall be closer together than 6 months.

(d) *Specification tanks.* Every cargo tank complying with the requirements of Specification No. 1001, 1937 edition of the American Petroleum Institute, specifications of the National Fire Protection Association, 1929 or 1933, or this specification, shall be tested at least once in every 5-year period. If tested no oftener than once in every 5 years, at least one such test shall be made in the last year of any such 5-year period. The time of reckoning for such testing of such cargo tanks shall be from the time of the last test made in accordance with the requirements set forth under par. 9; and if no such tests have ever been made, such tanks shall be tested within 6 months after June 15, 1940.

(e) *Novel cargo tanks.* Every cargo tank which shall have been authorized by this Commission for transportation of inflammable liquids or poisonous liquids under the provisions of par. 4 shall be tested under requirements specifically set forth in the terms of such authorization.

(f) *Testing following accidents.* Every cargo tank capable of suitable repair following any accident in which a tank motor vehicle may have been involved shall be retested in accordance with the requirements set forth under par. 9, if the cargo tank has itself been damaged in a manner likely to affect the safety of operation of the tank motor vehicle, or if the damage to the tank motor vehicle is such as to make the safety of the cargo tank uncertain.

(g) *Special testing required by the Commission.* Upon the showing of probable cause of the necessity for retest, the Commission may, in its discretion, cause any cargo tank to be retested in accordance with the requirements of par. 9 at any time.

Method of Testing Cargo Tanks

9. (a) *Test for leaks.* Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 pounds per square inch gage applied to each compartment, or to the whole tank if it be not divided into compartments. Such pressure shall be maintained for a period of at least 5 minutes, during which, if the test is by air pressure, the entire exterior surface of all the joints shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which will indicate the presence of leaks.

Hydrostatic pressure, if used, shall be gaged at the top of the tank; and the tank shall be inspected at the joints for the issuance of liquid to indicate leaks. Any leakage discovered by either of the methods above described or by any other method, shall be suitably repaired, and the above described process shall be continued until no leaks are discovered, before any cargo tank is returned to service.

(b) *Test for distortion or failure.* Every cargo tank shall be tested by the pressures prescribed in par. 9 (a) and shall withstand such pressure without undue distortion or other indication of impending failure. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

(Specifications MC 300, MC 301, MC 302, and MC 303, continued below.)

SPECIFICATION MC 300¹—CARGO TANKS CONSTRUCTED OF MILD (OPEN HEARTH OR BLUE ANNEALED) STEEL

25. *Workmanship, general.* Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

26. *Material.* All steel sheets for such cargo tanks shall be of open hearth steel or blue annealed steel meeting the following requirements:

Yield point..... 25,000 lb. per sq. in.
 Ultimate strength..... 45,000 lb. per sq. in.
 Elongation, 2-inch sample..... 20 percent.

27. *Thickness of sheets.* The minimum thicknesses of tank sheets shall be as follows:

¹ See also Motor Vehicle Cargo Tank Specifications MC 300, MC 301, MC 302, and MC 303, *supra*.

Pressure Tests

30. (a) *Test for leakage.* Every cargo tank shall be tested by a minimum air or hydrostatic pressure of three (3) pounds per square inch gage applied to each compartment, or to the whole tank if it be not divided into compartments. Such pressure shall be maintained for a period of at least five (5) minutes, during which, if the test is by air pressure, the entire exterior surface of all the joints shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which will indicate the presence of leaks. Hydrostatic pressure, if used, shall be gaged at the top of the tank; and the tank shall be inspected at the joints for the issuance of liquid to indicate leaks. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed as evidence of failure to meet the requirements of this specification.

(b) *Test for distortion or failure.* Every cargo tank to which this specification applies shall successfully withstand the tests set forth in par. 30 (a) without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification.

31. *Marking of cargo tanks by metal plates.* Every cargo tank designed and constructed in accordance with this specification shall be marked on a metal plate with the designation "ICC-MC 300" as set forth in par. 5 (a), together with the other markings therein specified. In addition, the test markings shall be painted on the tank in the manner prescribed in par. 5 (b).

32. *Tank outlets.* Outlet fixtures of tanks shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

Bulkheads or Baffles

33. (a) *When bulkheads not required.* No bulkhead shall be required in any cargo tank regardless of capacity which is designed for service in which there will never be less than eighty percent (80%) of the capacity volume of the tank while in transportation over the highway and which, in service, is to discharge its entire contents at one unloading point.

(b) *Number, dimensions, and capacities of bulkheads and baffles.* Except as provided in par. 33 (a) of this specification, every cargo tank shall be divided into compartments and/or provided with baffles as follows:

(1) Every cargo tank larger than fifteen hundred (1,500) gallons shall be divided into compartments, the number

Aggregate capacity, U. S. gallons	Shell		Head			
	U. S. gage No.	Inch ¹	Flat without reinforcement		Dished, corrugated, or reinforced	
			U. S. gage No.	Inch ¹	U. S. gage No.	Inch ¹
600 or less.....	14	0.078	12	0.109	14	0.078
Over 600 to 1,200.....	12	.109	10	.141	12	.109
Over 1,200:						
Divided into compartments of 600 gallons each or less.....	12	.109	10	.141	10	.141
Divided into compartments larger than 600 gallons each, or not divided.....	10	.141	8	.172	8	.172

¹ Approximate.

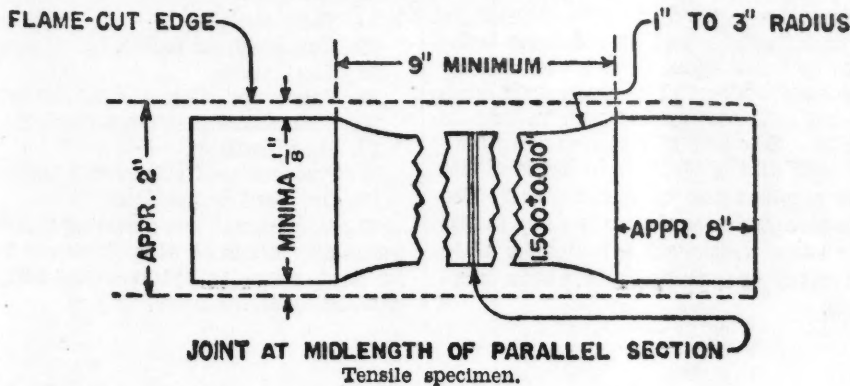
28. *Tolerance.* A tolerance of ten percent (10%) shall be allowed for capacities of compartments and tanks.

Joints

29. (a) *Method of joining.* Sheets may be joined by fusion welding, riveting and fusion welding, brazing, or riveting and brazing at the option of the motor carrier.

(b) *Strength of joints.* The tensile strength of each joint in a tank shall be not less than 85 percent of that of the adjacent metal in the tank. Compliance

with this requirement shall be determined by preparing, from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, two (2) test specimens conforming to fig. as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop, within six (6) months after the tests on such samples have been completed.



of which shall be the result of dividing the capacity of the tank in gallons by twelve hundred (1,200) to the nearest whole number.

(2) Every cargo tank, and every compartment of a cargo tank, over ninety inches (90 in.) in length, shall be provided with baffles, the number of which shall be such that the linear distance between any two adjacent baffles, or between any tank head or bulk head and the baffle nearest it, shall in no case exceed sixty inches (60 in.).

(3) Each bulkhead required herein shall have adequate strength to sustain without undue stress or any permanent set a horizontal force equal to the weight of so much of the contents of the tank as may come between it and any adjacent bulkhead or tank head, applied as a uniformly distributed load on the surface of the bulkhead or tank head.

(4) Each baffle required herein shall have at least an area as great as eighty percent (80%) of the cross-sectional area of the tank.

(5) If spaces are provided between compartments, such spaces shall be arranged for venting and for complete drainage at all times.

34. *Tank vents.* Each tank or tank compartment shall be provided with a vacuum and pressure operated vent with a minimum effective opening of forty-four hundredths of a square inch (0.44 sq. in.), and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed two hundred degrees Fahrenheit (200° F.).

35. *Valve and faucet connections.* All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

36. *Emergency discharge control.* Each tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartment in the tank or compartment outlet; and the operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for oper-

ation in the event of fire or other accident. Such control mechanism shall be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed two hundred degrees Fahrenheit (200° F.).

37. *Shear section.* There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

38. *Protection of valves and faucets.* Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected by steel bumpers or other equally effective devices, against collision.

39. *Overturn protection.* All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle, by being enclosed

within the body of the tank or a dome attached thereto, or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle.

SPECIFICATION MC 301¹—CARGO TANKS CONSTRUCTED OF WELDED ALUMINUM ALLOY (GRADE 3S)

25. *Workmanship, general.* See par. 25 of spec. MC 300.

26. *Material.* All sheets for such cargo tanks shall be of aluminum alloy, known as 3 S alloy, meeting the following minimum requirements:

Yield strength..... 18,000 lbs. per sq. in.
Ultimate strength..... 21,000 lbs. per sq. in.
Elongation, 2-inch sample..... 8 percent.

NOTE: Yield strength is the stress which produces a permanent set of 0.2 percent of the initial gage length (ASTM E8-36).

27. *Thickness of sheets.* The minimum thickness of tank sheets shall be as follows:

¹ See also "Motor Vehicle Cargo Tank Specifications MC 300, MC 301, MC 302, and MC 303 * * *", *supra*.

Aggregate capacity, U. S. gallons	Shell		Head			
	U. S. gage No.	Inch ¹	Flat without reinforcement		Dished, corrugated, or reinforced	
			U. S. gage No.	Inch ¹	U. S. gage No.	Inch ¹
600 or less.....	12	0.109	9	0.156	12	0.109
Over 600 to 1,200.....	9	.156	6	.203	9	.156
Over 1,200:						
(a) Divided into compartments of 600 gallons or less.....	9	.156	6	.203	6	.203
(b) If not divided into compartments, or if divided into compartments of 1,200 or more.....	6	.203	4	.234	4	.234

¹ Approximate.

28. *Tolerance.* A tolerance of ten percent (10%) shall be allowed for capacities of compartments and tanks.

29. *Joints.* Sheets shall be jointed by fusion welding. The tensile strength of each joint in a tank shall be not less than 15,000 lb. per sq. in. Compliance with this requirement shall be determined by preparing, from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, two (2) test specimens conforming to Fig. as shown in spec. MC 300 and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop, within six (6) months after the tests on such samples have been completed.

30. *Pressure test.* The requirements of this paragraph are identical with those set forth in spec. MC 300.

31. *Marking of cargo tanks by metal plates.* The requirements of this specification regarding marking are identical with spec. MC 300, except that tanks shall be marked "I C C MC 301," instead of "I C C MC 300."

- 32. Tank outlets.
- 33. Bulkheads or baffles.
- 34. Tank vents.
- 35. Valve and faucet connections.
- 36. Emergency discharge control.
- 37. Shear section.
- 38. Protection of valves and faucets.
- 39. Overturn protection.

The requirements concerning the listed items are identical with those set forth for such items in specification MC 300, pars. 32 to 39, inclusive.

TABLE 1. Thickness of head and bulkhead sheets

Distances between bulkhead attachments to shell in inches	Volume capacity of tank in gallons per inch of length			
	6 or less	Over 6 to 10	Over 10 to 14	Over 14 to 18
15 inches or less	In. appr. 0.056	In. appr. 0.062	In. appr. 0.070	In. appr. 0.078
Over 15 inches	Gage No. 16	Gage No. 15	Gage No. 14	Gage No. 13
20 inches or less	In. appr. 0.062	In. appr. 0.070	In. appr. 0.078	In. appr. 0.086
Over 20 inches	Gage No. 16	Gage No. 15	Gage No. 14	Gage No. 13

Bulkheads (dished, corrugated, or reinforced) sheet thicknesses in U. S. gage numbers and number of inches depending upon distances between bulkhead attachments to shell

TABLE 2. Thickness of shell sheets

Distances between bulkheads, baffles, or other shell stiffeners	Volume capacity of tank in gallons per inch of length			
	6 or less	Over 6 to 10	Over 10 to 14	Over 14 to 18
20 inches or less	In. appr. 0.044	In. appr. 0.050	In. appr. 0.056	In. appr. 0.062
Over 20 inches to 36 inches	Gage No. 18	Gage No. 17	Gage No. 16	Gage No. 15
Over 36 inches to 56 inches	In. appr. 0.050	In. appr. 0.056	In. appr. 0.062	In. appr. 0.068
Over 56 inches	Gage No. 17	Gage No. 16	Gage No. 15	Gage No. 14

Shell-sheet thicknesses in U. S. gage and number of inches for that portion of the shell rolled to a radius of less than 70 inches, depending on spacing of shell stiffeners

as 52 S alloy, meeting the following minimum requirements:

Yield strength----- 26,000 lbs. per sq. in.
 Ultimate strength----- 34,000 lbs. per sq. in.
 Elongation, 2-inch sam- 12 percent.
 ple.

NOTE. Yield strength is the stress which produces a permanent set of 0.2 percent of the initial gage length (ASTM E8-36).

27. Thickness of sheets. The minimum thickness of tank sheets shall be as follows:

Aggregate capacity, U. S. gallons	Shell		Head			
	U. S. gage No.	Inch ¹	Flat without reinforcement	Dished, corrugated, or reinforced		
				U. S. gage No.	Inch ¹	
600 or less	14	0.078	12	0.109	14	0.078
Over 600 to 1,200	12	.109	10	.141	12	.109
(a) Divided into compartments of 600 gallons or less	12	.109	10	.141	10	.141
(b) If not divided into compartments of 1,200 or more	10	.141	8	.172	8	.172

¹ Approximate.

28. Tolerance. A tolerance of ten percent (10%) shall be allowed for capacities of compartments and tanks.

29. Joints. See par. 29 of spec. MC 301.

30. Pressure test. The requirements of this paragraph are identical with those set forth in par. 30 of spec. MC 300.

31. Marking of cargo tanks by metal plates. The requirements of this specification regarding marking are identical with those set forth in par. 31 of spec. MC 300, except that tanks shall be marked "I C C MC 302," instead of "I C C MC 300."

32. Tank outlets.

33. Bulkheads or baffles.

34. Tank vents.

35. Valve and faucet connections.

36. Emergency discharge control.

37. Shear section.

38. Protection of valves and faucets.

39. Overturn protection.

The requirements concerning the listed items are identical with those set forth for such items in specification MC 300, pars. 32 to 39, inclusive.

SPECIFICATION MC 302¹—CARGO TANKS CONSTRUCTED OF WELDED ALUMINUM ALLOY (GRADE 52 S)

25. Workmanship, general. See par. 25 of spec. MC 300.

26. Material. All sheets for such cargo tanks shall be of ferrous alloy, commonly known as high-tensile steel, meeting the following minimum requirements:

Yield point----- 50,000 lbs. per sq. in.
 Ultimate strength----- 65,000 lbs. per sq. in.
 Elongation, 2-inch sample----- 20 percent.

27. Thickness of sheets. The minimum thicknesses of tank sheets shall be limited by the volume capacity of the tank, expressed in terms of gallons per inch of length; by the distance between successive bulkheads in the case of bulkhead sheets; and by the distance between bulkheads, baffles, or other shell stiffeners as well as by the radius of shell curvature in the case of shell sheets; as follows:

¹ See also "Motor Vehicle Cargo Tank Specifications MC 300, MC 301, MC 302, and MC 303 . . .," *supra*.

SPECIFICATION MC 303¹—CARGO TANKS CONSTRUCTED OF WELDED FERROUS ALLOY (HIGH-TENSILE STEEL)

25. Workmanship, general. See par. 25 of spec. MC 300.

26. Material. All sheets for such cargo tanks shall be of ferrous alloy, commonly known as high-tensile steel, meeting the following minimum requirements:

Yield point----- 50,000 lbs. per sq. in.
 Ultimate strength----- 65,000 lbs. per sq. in.
 Elongation, 2-inch sample----- 20 percent.

27. Thickness of sheets. The minimum thicknesses of tank sheets shall be limited by the volume capacity of the tank, expressed in terms of gallons per inch of length; by the distance between successive bulkheads in the case of bulkhead sheets; and by the distance between bulkheads, baffles, or other shell stiffeners as well as by the radius of shell curvature in the case of shell sheets; as follows:

¹ See also "Motor Vehicle Cargo Tank Specifications MC 300, MC 301, MC 302, and MC 303 . . .," *supra*.

28. *Joints.*29. *Pressure test.*

The requirements of these paragraphs are identical with those set forth in pars. 29 and 30 of MC 300.

30. *Marking of cargo tanks by metal plates.* The requirements of this specification regarding marking are identical with those set forth in par. 31 of specification MC 300, except that tanks shall be marked "I C C MC 303," instead of "I C C MC 300."

31. *Tanks outlets.*32. *Bulkheads or baffles.*33. *Tank vents.*34. *Valve and faucet connections.*35. *Emergency discharge control.*36. *Shear section.*37. *Protection of valves and faucets.*38. *Overturn protection.*

The requirements concerning the listed items are identical with those set forth for such items in spec. MC 300, pars. 32 to 39, inclusive.

39. *Tank supports.* The distance from a tank support to the nearest bulkhead, baffle, or other shell stiffener, shall not exceed forty (40) times the thickness of the tank shell at the point of support.

SPECIFICATION MC 310—CARGO TANKS TO BE MOUNTED ON OR TO FORM PART OF TANK MOTOR VEHICLES FOR THE TRANSPORTATION OF CORROSIVE LIQUIDS

1. *Scope.* This specification is primarily designed to apply to cargo tanks of tank motor vehicles to be used for the transportation of corrosive liquids.

Design and Construction

2. (a) *Existing tank motor vehicles continuing in service; specification tank motor vehicles.* Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to June 15, 1940, may be continued in service provided they have been designed and constructed in accordance with the requirements set forth in paragraphs T-117 (a), T-118 (a) and (b), T-120, T-121, T-122, T-123, and T-124, of Regulations for the Transportation of Explosives and Other Dangerous Articles on Public Highways by Motor Truck or Motor Vehicle, approved, adopted, and prescribed by order of this Commission dated November 6, 1934, and vacated on June 15, 1940.

(b) *Existing nonspecification tank motor vehicles.* Tank motor vehicles used for the transportation of corrosive liquids not meeting the requirements set forth in par. 2 (a) which shall have been in service prior to June 15, 1940, may be continued in service provided they fulfill the requirements set forth under par. 6 and are and can be maintained in safe operating condition, but in any event they shall be equipped with at least the accessories as specified in pars. 32, 33, 34, 35 (b), and 36 of specification MC 310.

3. *New tank motor vehicles.* Except as provided in par. 4, every new tank motor vehicle acquired by a motor car-

rier on or after June 15, 1940, for the transportation of any corrosive liquid shall comply with the requirements of this specification. A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such tank is designed and constructed in accordance with the requirements of this specification, shall be procured, and such certificate shall be retained in the files of the carrier during the time that such tank is employed in the transportation of corrosive liquids by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of this specification by his own test, he shall similarly retain the test data.

4. *Novel tank motor vehicles, special authorization.* The Commission may, upon written request for such authorization by a motor carrier, authorize the use of limited numbers, and for limited times, of new tanks which fail to meet the requirements of this specification. In the event of such request for authorization, the carrier shall furnish those details concerning the design and construction of the tank as seem necessary for the determination of its ability safely to transport corrosive liquids.

Marking of Cargo Tanks

5. (a) *Metal identification plate.* On the right side, near the front, and in a place readily accessible for inspection, there shall be on every cargo tank a metal plate. This plate shall be permanently affixed by means of soldering, brazing, welding, or other suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number.¹¹

Manufacturer's Name.¹²

Date of Manufacture.¹³

I. C. C. MC 310.¹³

Nominal Cap'y. ----- U. S. Gallons.

(b) *Test date markings.* The date of the last test or retest required by these regulations and the due date of the next required routine test or retest shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plates specified in par. 5 (a).

¹¹ Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tanks may be put in this space.

¹² In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "Make Unknown" and/or "Date of Manufacture Unknown."

¹³ Substitute "I C C SPEC-T-118," or "I C C 7.5-S-1," or "No Specification," as appropriate.

(c) *Certification by markings.* The markings specified in pars. 5 (a) and (b) herein shall serve to certify that the information thereby set forth is correct.

Inspection and Maintenance

6. (a) *Times of retesting of cargo tanks.* Every cargo tank used for the transportation of any corrosive liquid shall be tested or retested as follows:

(b) *Tanks out of service one year or more.* Every cargo tank which has been out of transportation service for a period of one year or more shall not be returned again to or placed in such service until it shall have successfully fulfilled the requirements set forth under par. 7 herein.

(c) *Nonspecification tanks.* Every cargo tank not complying with the requirements set forth in par. 2 (a) herein or with the requirements of pars. 1 to 7 shall be tested at least once in every calendar year, and shall successfully fulfill the requirements set forth under par. 7. No two such required tests shall be closer together than 6 months.

(d) *Specification tanks.* Every cargo tank complying with the requirements set forth in par. 2 (a) or pars. 1 to 7 shall be tested at least once in every 5-year period. If tested no oftener than once every 5 years, at least one such test shall be made in the last year of any such 5-year period. The time of reckoning of such testing of such cargo tanks shall be from the time of the last test made in accordance with the requirements set forth under par. 7; and if no such tests have ever been made, such tanks shall be tested within 6 months after June 15, 1940.

(e) *Novel cargo tanks.* Every cargo tank which shall have been authorized by this Commission to transport corrosive liquids under the provisions of par. 4 shall be tested under requirements specifically set forth in the terms of such authorization.

(f) *Testing following accidents.* Every cargo tank capable of suitable repair following any accident in which a tank motor vehicle may have been involved shall be retested in accordance with the requirements set forth under par. 7 if the cargo tank has itself been damaged in a manner likely to affect the safety of operation of the motor vehicle, or if the damage to the tank motor vehicle is such as to make the safety of the cargo tank uncertain.

(g) *Special testing required by the Commission.* Upon the showing of probable cause of the necessity for retest, the Commission may, in its discretion, cause any cargo tank to be retested in accordance with the requirements of par. 7 at any time.

Method of Testing

7. (a) *Test for leaks; cargo tanks.* Every cargo tank shall be tested by completely filling the tank and dome with water or other liquid having a similar viscosity, the temperature of which shall

not exceed 100° F. during the test, and applying a pressure of 1½ times designed working pressure but not less than 10 pounds per square inch gage. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All closures shall be in place while test is made, and the pressure shall be gaged at the top of tank.

(b) *Test for distortion or failure.* Every cargo tank shall be tested by the pressures prescribed in par. 7 (a) and shall withstand such pressures without undue distortion or other indication of impending failure. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

General

25. (a) *Must comply with A. S. M. E. Code.* Tanks built under this specification shall be designed and constructed in accordance with and fulfill all requirements of Section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1937 edition, which is hereinafter referred to as "the Code".

(b) *When divided into compartments.* When the interior of the tank is divided into compartments, each compartment shall be designed, constructed, tested, and retested as a separate tank.

26. (a) *Material.* See paragraphs U-12 to U-16 inclusive of "the Code" for grades of material.

(b) *Lining.* Except as provided in par. 26 (c), the material used for lining each cargo tank subject to this specification shall be homogeneous, nonporous, impermeable when applied, not less elastic than the metal of the tank proper, and substantially immune to attack by the commodities to be transported therein. It shall be of substantially uniform thickness, not less than ¼ inch thick if metallic, and not less than ⅛ inch thick if nonmetallic, and shall be directly bonded or attached by other equally satisfactory means. Joints and seams in the lining shall be made by fusing the material together, or by other equally satisfactory means. The interior of the tank shall be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

(c) *Conditions under which tanks need not be lined.* Tanks need not be lined as provided in par. 26 (b) if—

(1) the material of the tank is substantially immune to attack by the materials to be transported therein,

(2) the material of the tank is thick enough to withstand 10 years' normal service without being reduced at any point to less thickness than that specified in par. 27 corresponding to its capacity, or

(3) the chemical reaction between the material of the tank and the commodity to be transported therein is such as to allow the tank to be properly passified

or neutralized as set forth elsewhere in this appendix; or

(4) for the transportation of hydrofluoric acid of sixty percent (60%) or higher concentration, they be passified in the following or an equally effective method: By filling the tank to not less than ninety percent (90%) of its capacity with hydrofluoric acid of fifty-eight percent (58%) strength and allowing it to stand at least forty-eight (48) hours at a temperature of eighty degrees Fahrenheit (80° F.), then seven (7) hours at one hundred forty degrees Fahrenheit (140° F.), the internal pressure being maintained at atmospheric pressure the meanwhile.

27. *Thickness of metal.* The minimum thickness of metal for cargo tanks shall be as follows:

Tank capacity:	Minimum thickness (inches)
Not more than 1,200 gallons.....	¼
Over 1,200 to 1,800 gallons.....	⅝
Over 1,800 gallons.....	¾

28. *Joints.* All joints and seams formed in the manufacture of any cargo tank shall be made tight by welding, riveting, riveting and welding, brazing, or riveting and brazing, at the option of the motor carrier, subject to the limitation that any of the aforesaid methods are permissible only when any one of them or combination as used in the tank is not subject to adverse action by the nature of the corrosive liquid which is to be transported in such tank.

Pressure Tests

29. *Tanks.* Each completed cargo tank shall be tested before being put into transportation service by completely filling the tank and dome with water or other liquid having a similar viscosity, the temperature of which shall not exceed one hundred degrees Fahrenheit (100° F.) during the test, and applying a pressure of one and one-half (1½) times the working pressure of the tank (minimum pressure, ten pounds per square inch (10 lbs./sq. in.) gage). The tank shall be capable of holding the prescribed pressure for at least ten (10) minutes without leakage, evidence of impending failure, or failure. All closures shall be in place while the test is made, and the pressure shall be gaged at the top of the tank.

30. *Marking of cargo tanks by metal plates.* The requirements of this specification regarding marking are identical with those set forth in par. 31 of specification MC 300, except that tanks shall be marked "I C C MC 310," instead of "I C C MC 300."

Tank Outlets

31. (a) *No bottom outlets.* No tanks except those used for shipments of sludge acid or alkaline corrosive liquids, may have bottom discharge outlets.

(b) *Bottom outlets.* Bottom outlets or bottom wash-out chambers shall be of metal not subject to rapid deterioration by the lading, and each shall be pro-

vided with a valve or plug at its upper end and a liquid-tight closure at its lower end. Every such valve or plug shall be such as to insure against unseating due to stresses or shocks incident to transportation.

(c) *Bottom wash-out chambers.* Tanks may be equipped with bottom wash-out chambers.

32. *Venting, gaging, loading, and air inlet devices.* When installed, venting, gaging, loading, and air inlet devices, including their valves, shall be provided with adequate means for their secure closure; and means shall also be provided for the closing of pipe connections of valves.

33. *Shear section.* There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

34. *Protection of valves.* Draw-off valves and fittings of cargo tanks projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected by steel bumpers or other equally effective devices, against collision.

35. (a) *Fixtures, reinforcements, and other attachments not specified.* All external attachments to any cargo tank shall be made of materials specified in "the Code" and constructed and attached as therein specified.

(b) *Heater coils.* Heater coils, when installed, shall be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

36. *Closures for manholes.* The manhole cover shall be designed to provide a secure closure of the manhole. All covers, not hinged to the tanks, shall be attached to the outside of the dome by at least ⅜ inch chain or its equivalent. All joints between manhole covers and their seats shall be made tight against leakage of vapor and liquid by use of gaskets of suitable material not subject to attack by the corrosive liquid to be transported in the tank.

SPECIFICATION MC 320—CARGO TANKS (UNLAGGED) TO BE MOUNTED ON AND TO FORM PART OF TANK MOTOR VEHICLES FOR THE TRANSPORTATION OF LIQUEFIED PETROLEUM GASES

1. *Scope.* This specification is primarily designed to apply to tank motor vehicles and cargo tanks to be used for the transportation of liquefied petroleum gases. Wherever reference is herein made to gases, it shall, unless otherwise indicated, be construed to refer to petroleum gases in either the liquid or gaseous state.

Design and Construction

2. (a) *Existing tank motor vehicles continuing in service; specification tank motor vehicles.* Tank motor vehicles used for the transportation of compressed

gases which shall have been in service prior to June 15, 1940, may be continued in service provided they have been designed and constructed in accordance with the A. S. M. E. Code for Unfired Pressure Vessels or in accordance with the requirements of the A. P. I.-A. S. M. E. Code for Unfired Pressure Vessels for Petroleum Liquids and Gases.

(b) *Existing nonspecification tank motor vehicles.* Tank motor vehicles used for the transportation of compressed gases not meeting the requirements set forth in par. 2 (a), which shall have been in service prior to June 15, 1940, may be continued in service provided they fulfill the requirements set forth under pars. 7 and 8 and are and can be maintained in safe operating condition.

3. *New tank motor vehicles.* Except as provided in par. 4, every new tank motor vehicle acquired by a motor carrier on or after June 15, 1940, for the transportation of any compressed gas shall comply with the requirements of this specification. A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such tank motor vehicle is designed and constructed in accordance with the requirements of this specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such tank motor vehicle is employed in the transportation of compressed gases by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank motor vehicle fulfills the requirements of this specification by his own test, he shall similarly retain the test data.

4. *Novel tank motor vehicles, special authorization.* The Commission may, upon written request for such authorization by a motor carrier, authorize the use of limited numbers, and for limited times, of new tank motor vehicles which fail to meet the requirements of this specification. In the event of such request for authorization, the carrier shall furnish those details concerning the design and construction of the tank motor vehicle as seem necessary for the determination of its ability safely to transport compressed gases.

Marking of Cargo Tanks

5. (a) *Metal identification plate.* On the right side, near the front, and in a place readily accessible for inspection there shall be on every cargo tank a metal plate. This plate shall be permanently affixed by means of soldering, brazing, or welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number.¹⁵
 Manufacturer's Name.¹⁶
 Date of Manufacture.¹⁶
 I. C. C. MC 320.¹⁷
 Capacity.¹⁸
 Tare Weight.¹⁹
 Working Pressure ---- Lbs.

(b) *Test date markings.* The date of the last test or retest required by these regulations and the due date of the next required routine test or retest shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plates specified in par. 5 (a).

(c) *Certification by markings.* The markings specified in pars. 5 (a) and (b) shall serve to certify that the information thereby set forth is correct.

6. *Painting of cargo tanks.* On and after June 15, 1942, every cargo tank permanently attached to a tank motor vehicle in which is to be transported any liquefied petroleum gas shall, unless it be constructed of aluminum, stainless steel, or other bright, nontarnishing metal, be painted all over a white, aluminum, or similar reflecting color. Nothing contained in this section shall be so construed as to prohibit the lettering of the carrier's name and/or trademark or the lettering or attachment of signs required by these regulations; provided, however, that no such sign or lettering on any such tank shall exceed in aggregate area 20 percent of the projected area of either side, or 30 percent of the area of either end.

Inspection and maintenance

7. (a) *No hazardous repairs on loaded motor vehicles.* No repairs shall be performed on any motor vehicle containing any inflammable compressed gas, or on a cargo tank used for the transportation of any such gas, whether empty or loaded, except in such cases that such repair can be made without hazard, nor shall any such loaded motor vehicle be repaired in a closed garage.

(b) *No repair with flame unless gas-free.* No repair of a cargo tank used for the transportation of any inflammable compressed gas, or of any container for fuel of whatever nature, may be repaired by any method employing a flame, arc,

¹⁵ Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

¹⁶ In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained the spaces indicated shall be marked "Make Unknown" and/or "Date of Manufacture Unknown."

¹⁷ Substitute "A. S. M. E. Code," or "A. P. I.-A. S. M. E. Code," or "ICC 7.6-S-1," or "No Specification," if appropriate.

¹⁸ Tank capacity is to be specified in pounds of water; tare weight may be omitted if tank is to be charged by liquid level gaging device or by pressure gage; "Pressure" is the maximum allowable charging pressure of the tank, pounds per square inch gage.

or other means of welding, unless such space shall first have been made gas-free.

8. (a) *Times of retesting of cargo tanks.* Every cargo tank used for the transportation of any compressed gas shall be tested or retested as follows:

(b) *Tanks out of service one year or more.* Every cargo tank which has been out of transportation service for a period of one year or more shall not be returned to or placed in such service until it shall successfully have fulfilled the requirements set forth under par. 9.

(c) *Nonspecification tanks.* Every cargo tank not complying with the requirements of the A. S. M. E. Code for Unfired Pressure Vessels, with the A. P. I.-A. S. M. E. Code for Unfired Pressure Vessel, for Petroleum Liquids and Gases, or with specification 7.6-S-1 of ICC Motor Carrier Safety Regulations, Part 7, effective June 15, 1940, shall be tested at least once in every calendar year and shall successfully fulfill the requirements set forth under par. 9. No two such required tests shall be closer together than 6 months.

(d) *Specification tanks.* Every cargo tank complying with the requirements of the A. S. M. E. Code for Unfired Pressure Vessels, with the A. P. I.-A. S. M. E. Code for Unfired Pressure Vessels for Petroleum, Liquids and Gases, or with specification 7.6-S-1 or ICC Motor Carrier Safety Regulations, Part 7, effective June 15, 1940, shall be tested at least once in every 5-year period. If tested no oftener than once in every 5 years, at least one such test shall be made in the last year of any such 5-year period. The time of reckoning for such testing of such cargo tanks shall be from the time of the last test made in accordance with the requirements set forth under par. 9; and if no such tests have ever been made, such tanks shall be tested within 6 months after June 15, 1940.

(e) *Novel cargo tanks.* Every cargo tank which shall have been authorized by the Commission to transport compressed gases under the provisions of par. 4 shall be tested under requirements specifically set forth in the terms of such authorization.

(f) *Testing following accidents.* Every cargo tank capable of suitable repair following any accident in which a tank motor vehicle may have been involved shall be retested in accordance with the requirements set forth under par. 9 if the cargo tank has itself been damaged in a manner likely to affect the safety of operation of the tank motor vehicle, or if the damage to the tank motor vehicle is such as to make the safety of the cargo tank uncertain.

(g) *Special testing required by this Commission.* Upon the showing of probable cause of the necessity for retest, the Commission may, in its discretion, cause any cargo tank to be retested

in accordance with the requirements of par. 9 at any time.

9. *Method of testing.* Every cargo tank shall be tested in accordance with the requirements for testing and retesting in either the requirements for testing and retesting set forth in the A. S. M. E. Code for Unfired Pressure Vessels or the A. P. I.-A. S. M. E. Code for Unfired Pressure Vessels for Petroleum Liquids and Gases.

General

25. *Compliance with Code.* Every cargo tank to which this specification applies shall be designed and constructed in accordance with the American Society of Mechanical Engineers, Boiler Con-

struction Code, 1940 Edition, Section VIII, Rules for Construction of Unfired Pressure Vessels, or in accordance with the A. P. I.-A. S. M. E. Code Unfired Pressure Vessels for Petroleum Liquids and Gases, 1938 Edition, except that compliance with the following shall not be required: Rules U-2 to U-10, inclusive, and U-19, of the aforesaid A. S. M. E. Code, and paragraphs W-601 to W-606, inclusive, and section 1 and appendix to section 1, of the aforesaid A. P. I.-A. S. M. E. Code. Single-welded lap-weld joints are not permissible.

26. *Design working pressure.* The design working pressure of any unlagged cargo tank shall be as follows:

Container type	For gas with vapor pressure not to exceed lb. per sq. in. gauge at 100° F.	Minimum design pressure of containers by—	
		A. S. M. E. Code—factor of safety 5	A. P. I.-A. S. M. E. Code—factor of safety 4
80 lb.-----	80	80 lb. ga.-----	100 lb. ga.
100 lb.-----	100	100 lb. ga.-----	125 lb. ga.
125 lb.-----	125	125 lb. ga.-----	156 lb. ga.
150 lb.-----	150	150 lb. ga.-----	187 lb. ga.
175 lb.-----	175	175 lb. ga.-----	219 lb. ga.
200 lb.-----	200	200 lb. ga.-----	250 lb. ga.

The shell or head thickness of any container shall not be less than 3/16 inch.

27. *Piping.* Piping shall be full weight wrought iron, steel, copper, or brass pipe or seamless drawn tubing. The bursting strength of the piping and fittings shall in any event be no less than five (5) times the tank working pressure, and no less than four (4) times that pressure to which, in any instance, it may be subjected in service, by the action of a pump or other device (not including safety valves) the action of which may be to subject certain portions of the tank piping to pressures greater than the tank working pressure. Joints in copper tubing shall be of the sweated soldered type or of an equally strong metal union type. Such joints shall in any event be of such a character as not to decrease the strength of the tubing, as by the cutting of threads. Suitable provision shall in every case be made to allow the piping to expand and/or contract due to changes in temperature. Slip joints shall not be used for this purpose.

Mounting Containers on Truck or Trailer Vehicle

28. (a) *Anchorage.* A suitable "stop" or "stops" shall be mounted on the truck or trailer or on the container, in such a way that the container shall not be dislodged from its mounting due to the vehicle coming to a sudden stop. Back slippage shall also be prevented by proper methods.

(b) *Hold down device.* A suitable "hold down" device shall be provided which will anchor the container at one or more places on each side of the container to the truck or trailer frame. Such device may consist of proper steel band or bands over the container, or container may incorporate side hold-down

lugs. In any case, anchorage to truck or trailer frame should incorporate turn buckles or similar positive devices.

Testing

29. (a) *Testing of containers.* All containers shall be tested at the time of manufacture in accordance with the requirements of these rules.

(b) *Testing of piping, valves, etc.* All piping, valves, pumps, and fittings on every tank shall be tested after installation and proven tight at twice the working pressure of the tank. For purposes of this test, safety valves shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the final test is finished. In the event of replacement, all such piping, valves, or fittings so replaced shall be tested in accordance with the requirements of this rule before the container is returned to transportation service.

Marking

30. (a) *Marking of cargo tanks by metal plates.* The requirements of this specification regarding marking are identical with those set forth in par. 31 of specification MC 300, except that tanks shall be marked "I C C MC 320," instead of "I C C MC 300," and except that working pressures of the tank shall, additionally, be marked on the metal plate.

(b) *Marking of gaging devices.* Each adjustable gaging device or container equipped with such a gaging device shall be clearly, legibly, and permanently marked in increments of not more than twenty Fahrenheit degrees, with the maximum levels to which it can be filled with liquid at temperatures between twenty degrees Fahrenheit (20° F.) and one hundred thirty degrees Fahrenheit

(130° F.). The one hundred thirty degrees Fahrenheit (130° F.) line shall be so located that the liquid portion of the gas shall not completely fill the container at one hundred thirty degrees Fahrenheit (130° F.).

Loading and Unloading Accessories

31. *Pumps.* Pumps of suitable design and properly protected may be mounted upon liquefied petroleum gas tank trucks and trailers and may be driven by the truck motor power take-off or internal combustion engine, hand, mechanical, hydraulic or electrical means. The pumps, except constant speed centrifugal pumps, shall be equipped with suitable pressure actuated by-pass valves permitting flow from pump discharge to pump suction when the pump discharge pressure rises above the predetermined point. Pump discharge shall also be equipped with a spring-loaded safety valve of non-leaking type, set at a pressure not to exceed 35 percent higher than the predetermined setting of the by-pass valve.

32. (a) *Hose, material.* Hose shall be fabricated of materials that are resistant to the action of liquefied petroleum gases.

(b) *Hose, high-pressure.* Hose subject to container pressure shall be designed for a bursting pressure of not less than five times the maximum pressure for which the container was designed. Hose connections when made shall be capable of withstanding a test pressure of twice the maximum pressure for which the container is designed. Hose unions shall be of substantial construction and shall be maintained in a safe condition. It is recommended that loose hose union parts shall be protected from wear or injury in transit.

(c) *Hose, low-pressure.* Hose and hose connections located on the low-pressure side of regulators or reducing valves shall be designed for a bursting pressure of not less than 125 lbs. but not less than five times the pressure setting of the safety relief device protecting that portion of the system. All connections shall be so designed that there will be no leakage when connected.

(d) *Hose, wet.* Where hose is to be used for transferring liquid from one container to another wet hose is recommended. Such hose shall be equipped with a suitable shut-off valve at discharge end. Provision shall be made to prevent excessive hydrostatic pressure in the hose.

33. (a) *Discharge valves and accessories.* The discharge outlet shall be provided with a suitable automatic excess flow valve or in lieu thereof the discharge outlet may be fitted with a quick closing internal valve, which, except during delivery operations, shall remain closed. The control mechanism for such valve may be provided with a secondary control remote from the delivery connections and such control mechanism shall be provided with a fusible section (melting point 208° F. to

220° F.) which will cause the internal valve to close automatically in case of fire.

(b) *Filling connections.* Filling connections shall be provided with suitable automatic valves to prevent back flow in case the filling connection is broken, excepting that where the filling and discharge connect on a common opening in the container shell and that opening is fitted with a quick-closing internal valve as specified in par. 33 (a) the automatic valve shall not be required.

(c) *Miscellaneous connections.* All other connections to containers, except safety relief and liquid level gauge connections, shall be equipped with suitable automatic excess flow valves. (Refer to par. 35 (a).)

(d) *Labeling.* All container inlets and outlets, except safety relief valves, liquid level gauging devices, and pressure gauges, shall be labeled to designate whether they communicate with vapor or liquid space. Labels may be on valves.

34. (a) *Container valves and accessories.* All valves and connections shall be of a type suitable for use with liquefied petroleum gas and designed for not less than the maximum pressure to which they may be subjected.

(b) *Seat material, etc.* Valve seat material, packing, gaskets, etc., shall be of such quality as to be resistant to the action of liquefied petroleum gases.

(c) *Shut-off valves.* All connections to containers shall have a suitable shut-off valve located as close to the containers as practicable, except safety relief connections and gauging devices.

(d) *Excess flow valves function.* Excess flow valves where required by these standards shall be designed to close automatically and shut off the gas or liquid flow in case:

(1) The flow through the valve exceeds a predetermined flow which flow must be less than the pipe line capacity to and from such excess flow valve.

(2) The pressure on the inlet side of excess flow valve exceeds by a certain designed number of pounds per sq. in. the pressure in pounds on the outlet of such valve.

(e) *By-pass.* Excess flow valves may be designed with a by-pass, not to exceed a 60 drill size opening to allow equalization of pressures.

(f) *Excess flow and check valves.* Excess flow and backpressure check valves, where required by these standards, shall be located inside of the container or at a point outside where the line enters the container; in the latter case, installation shall be made in such manner that any undue strain beyond the excess flow or back-pressure check valve will not cause breakage between the container and such valve. Gauging devices which do not involve the flow of liquid or which are so

constructed that outward flow of container contents shall not exceed that passed by a No. 54 drill size need not be equipped with excess flow valves.

35. (a) *Liquid level gauging devices.* Each truck and trailer container shall be equipped with an accurate liquid level gauging device of a suitable design, for example, a rotary tube, slip tube, automatic outage tank, magnetic or fixed tube device. A fixed tube device consists of a dip pipe of small size, equipped with a valve at the outer end. Fixed tube devices shall be so arranged that the maximum liquid level to which the container

$$\frac{\text{Total capacity of container} \times \text{filling density}}{\text{Specific gravity} \times \text{volume correction factor}} = \text{Maximum volume for which fixed length tube shall be set}$$

NOTE: Volume correction factor shall be based on the thermal coefficient of expansion of the liquefied petroleum gas from 40° F. for above-ground containers (or 50° F. for underground containers) to 60° F. (For example, propane with specific gravity of 0.510 has a volume correction factor of 1.031 from 40° F.; butane with a specific gravity of 0.570 has a volume correction factor of 1.020 from 40° F. to 60° F.). The following table gives representative volume correction factors:

VOLUME CORRECTION FACTORS

Specific Gravity
0.500, 0.510, 0.520, 0.530, 0.540, 0.550, 0.560, 0.570, 0.580, 0.590.
(Above-ground) from 40° F. to 60° F. 1.034, 1.031, 1.028, 1.026, 1.025, 1.023, 1.021, 1.020, 1.019, 1.018.
(Underground) from 50° F. to 60° F. 1.018, 1.016, 1.014, 1.013, 1.012, 1.011, 1.010, 1.009, 1.009, 1.009.

(2) Calculate the length of the fixed tube so that when its lower end touches the surface of the liquid in the container, the contents of the container will be the maximum volume as determined by the formula above.

(b) *Gauge design pressure.* Gauging devices shall have a design working pressure of at least 250 lb. per sq. in. gauge.

may be filled is not in excess of the maximum permitted under the filling density table, in sec. 303 (r) of Part 3, but based on an initial liquid temperature of not to exceed 40° F. Liquid level gauging devices of the rotary tube, fixed tube and slip tube type may be used without installation of an excess flow check valve, provided that bleed valve opening is not larger than a No. 54 drill size.

Method of calculating length of fixed tube—

(1) Calculate the maximum volume, for which fixed length tube shall be set by the following formula:

$$\frac{\text{Total capacity of container} \times \text{filling density}}{\text{Specific gravity} \times \text{volume correction factor}} = \text{Maximum volume for which fixed length tube shall be set}$$

(c) *Gauge glasses.* Gauge glasses of the column type are prohibited.

(d) *Pressure gauge.* Pressure gauges and other connections (refer to sec. 35 (a)) shall be fitted with suitable automatic excess flow valves, except that no such valve may be connected with any safety valve. Pressure gauges shall communicate only to the vapor space of the container.

Safety Valves

36. (a) *Free venting and effective discharge area.* Every container shall be provided with one or more safety relief valves of spring-loaded or equivalent type. These valves shall be arranged to afford free vent to the outer air. The area of the discharge shall be sufficient to prevent the building up of pressures in excess of 120% of the maximum permitted setting of the safety relief valves on the container and in accordance with the provisions of the effective discharge area as specified in the following table.

(b) *Effective Discharge Area Required for Safety Relief Valves.*

(D=outside diameter of tank in feet; U=overall length of tank in feet; "A"=the product of D times U).

	Type 80 lb. min.	Minimum required free discharge area (square inches) when tank working pressure, in pounds per square inch, is—				
		Type 110 lb. min.	Type 125 lb. min.	Type 150 lb. min.	Type 175 lb. min.	Type 200 lb. min.
Where "A" does not exceed 10.....	0.32	0.27	0.22	0.19	0.18	0.16
Where "A" is greater than 10 but not more than 15.....	.46	.35	.30	.25	.24	.21
Where "A" is greater than 15 but not more than 20.....	.60	.50	.42	.36	.33	.29
Where "A" is greater than 20 but not more than 40.....	1.25	1.03	.84	.71	.64	.57
Where "A" is greater than 40 but not more than 60.....	1.90	1.57	1.25	1.06	.94	.83
Where "A" is greater than 60 but not more than 80.....	2.50	2.06	1.68	1.43	1.25	1.10
Where "A" is greater than 80 but not more than 100.....	3.15	2.60	2.13	1.81	1.58	1.40
Where "A" is greater than 100 but not more than 120.....	3.80	3.14	2.48	2.10	1.87	1.65
Where "A" is greater than 120 but not more than 140.....	4.45	3.68	2.90	2.46	2.15	1.90
Where "A" is greater than 140 but not more than 160.....	5.10	4.21	3.33	2.83	2.43	2.15
Where "A" is greater than 160 but not more than 180.....	5.80	4.79	3.55	3.09	2.72	2.40
Where "A" is greater than 180 but not more than 200.....	6.05	5.00	3.77	3.20	2.83	2.50

To be calculated using Fetterley's formula as promulgated by Bureau of Explosives, New York City.

(c) *Setting and marking.* Container safety relief valves shall be set to start to discharge as follows, with relation to the designed working pressure of the container.

Containers:	Minimum Percent	Maximum Percent
A. S. M. E.....	100	125
A. P. I.-A. S. M. E.....	80	100
I. C. C.....	(1)	(1)

¹ As approved by Bureau of Explosives.

(d) *Relief valves, tampering.* Safety relief valves shall be so arranged that the possibility of tampering will be minimized; if pressure setting or adjustment is external, the relief valves shall be provided with approved means for sealing adjustment.

(e) *Relief valve installation.* No shut-off valves shall be installed between the

safety relief valves and the container except that a shut-off valve may be used where the arrangement of this valve is such as always to afford full required capacity flow through the relief valves.

NOTE: The above exception is made to cover such cases as a three-way valve installed under two safety relief valves, each of which has the required relief valve area and is so installed as to allow either of the safety

relief valves to be closed off but does not allow both safety valves to be closed off at the same time. Another exception to this may be where two separate relief valves are installed with individual shut-off valves. In this case the two shut-off valve stems shall be mechanically interconnected in a manner which will allow full required flow of one relief valve at all times.

(f) *Relief valve, vapor space.* Safety relief valves shall have direct communi-

cation with the vapor space of the container.

(g) *Relief valve markings.* Each container safety valve shall be plainly and permanently marked with the pressure in pounds per sq. in. gauge at which the valve is set to start to discharge and the actual free discharge area in sq. in. of the valve at its full open position; for example, 200-24.

PART 80—REGULATIONS APPLYING PARTICULARLY TO CARRIERS BY RAIL FREIGHT*†

*For authority and source citations, see notes in sec. 1, 49 CFR Part 80.

Amending order March 31, 1941, as follows:

(Delete Section 512. (Export shipments via domestic carriers by rail. See Regulations Applying to Shippers.) Superseding and amending section 533, order Aug. 16, 1940, to read as follows (*loading and storage chart*):

LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Explosives must not be loaded together nor with other dangerous articles, except as provided in the Loading and Storage Chart of Explosives and other Dangerous Articles shown in this section.

[The following table shows the explosives and other dangerous articles which must not be loaded or stored together. The letter X at an intersection of horizontal and vertical columns shows that these packages must not be loaded or stored together, for example: Blasting Caps (d) horizontal column must not be loaded or stored with High Explosives (b) vertical column]

	a	b	c	d	e	f	g	1	2	3	4	5	6	7	8	9	10	11	12	13
	Low Explosives or Black Powder	High Explosives	Initiating or Priming Explosives: Wet-Diazodinitrophenol, Fulminate of Mercury, Guanyl Nitrosamino Guanylidene Hydrazine, Lead Azide, Lead Styphnate, Nitro Mannite, Nitrosoguanidine, Pentaerythrite Tetranitrate, Tetrazene.	Blasting Caps, with or without safety fuse, (including Electric Blasting Caps)	Ammunition for Cannon with Explosive Projectiles, Gas Projectiles, Smoke Projectiles or Incendiary Projectiles, Ammunition for Small Arms with explosive bullets.	Explosive Projectiles, Bombs, Torpedoes, or Mines; Hilde or Hand Grenades, (explosive)	Detonating Fuzes, Boosters (explosive)	Ammunition for Cannon with empty, sand loaded or solid projectiles, or without projectiles	Smokeless Powder for Cannon or Small Arms	Fireworks	Small Arms Ammunition	Primers for Cannon or Small Arms, Empty Cartridge Bags—Black Powder Igniters, Empty Cartridge Cases, primed, Empty Grenades, primed, Combination Primers or Percussion Caps, Toy Caps	Percussion Fuzes or Tracer Fuzes	Time or Combination Fuzes	Cordage Detonant, Safety Squibs, Fuse Igniters, Fuse Igniters, Delay Electric Lighters, Electric Squibs, or Instantaneous Fuse	Inflammable Liquids or Compressed Inflammable Gases, Red Label	Inflammable Solids or Oxidizing Materials, Yellow Label	Acids or Corrosive Liquids, White Label	Compressed Noninflammable Gases, Green Label	Poisonous Gases or Liquids, In cylinders, Label
Dangerous Explosives:																				
Low Explosives or Black Powder.				X																
High Explosives.		X																		
Initiating or Priming Explosives: Wet-Diazodinitrophenol, Fulminate of Mercury, Guanyl Nitrosamino Guanylidene Hydrazine, Lead Azide, Lead Styphnate, Nitro Mannite, Nitrosoguanidine, Pentaerythrite Tetranitrate, Tetrazene.			X																	
Blasting Caps, with or without safety fuse (including Electric Blasting Caps)				X																
Ammunition for Cannon with Explosive Projectiles, Gas Projectiles, Smoke Projectiles or Incendiary Projectiles, Ammunition for Small Arms with explosive bullets.					X															
Explosive Projectiles, Bombs, Torpedoes, or Mines; Rifle or Hand Grenades (explosive).						X														
Detonating Fuzes, Boosters (explosive).							X													

Placards on Cars

Superseding and amending section 541 (f), order Aug. 16, 1940, to read as follows (*placards on cars*):

(f) When dangerous explosives, class A, are loaded in the same car with less dangerous explosives, class B, or any other dangerous articles except poisonous gases or liquids, class A, only the "Explosives" placard is required.

Superseding and amending section 551 (a), cut, in part, order Aug. 16, 1940, to read as follows (*name of contents of car on "dangerous" placard*):

Name of contents must be inserted here or on commodity card.

Superseding and amending Part 5 of regulations, order Aug. 16, 1940, to read as follows:

PART 81—REGULATIONS APPLYING TO CARRIERS BY RAIL EXPRESS*†

*†For authority and source citations, see notes in sec. 650, 49 CFR Part 81.

650. *Purpose of regulations.* To promote the uniform enforcement of law and to minimize the dangers to life and property incident to the transportation of explosives and other dangerous articles, by rail express carriers engaged in interstate or foreign commerce, these regulations are prescribed to define these articles for rail express transportation purposes, and to state the precautions that must be observed by the carrier in handling them while in transit. It is the duty of each such carrier to make the prescribed regulations effective and to thoroughly instruct employees in relation thereto.

651. Explosives and other dangerous articles, except such as will not be accepted, may be offered for transportation to rail express carriers engaged in interstate or foreign commerce and transported, provided they are in proper condition for transportation and are certified that these regulations have been complied with, and provided their method of manufacture, packing, and storage, so far as they affect safe transportation, are open to inspection by a duly authorized representative of the initial carrier or of the Bureau of Explosives. Shipments that do not comply with these regulations must not be accepted for transportation or transported.

652. These regulations apply to all shipments of explosives and other dangerous articles as defined herein, including carriers' material and supplies.

653. (a) *Labels.* Labels prescribed by the Commission's regulations, Part 3, must be applied to rail express shipments, unless exempt from these regulations, and in addition the shipper must certify to compliance with the regulations by writing, stamping, or printing his name underneath the certificate printed thereon.

(b) Carriers must keep on hand an adequate supply of labels. Lost or detached labels must be replaced from in-

formation given on revenue or other waybill.

654. (a) *Receipts.* A receipt upon the form prescribed by the originating express carrier must be issued to the shipper for each shipment of explosives or other dangerous articles accepted for transportation. Before a receipt is issued, the shipper must apply the label prescribed herein to each package containing any article covered by these regulations.

(b) Each receipt must show the proper and definite name of commodity, as listed in these regulations, and the color of the label affixed to the package if any is required.

655. (a) *Handling packages.* In handling packages containing explosives or other dangerous articles, care must be taken to prevent them from falling or from being broken. They must not be thrown, dropped, or rolled.

(b) Packages protected by labels must be so loaded that they can not fall to the car floor and in such manner that other freight can not fall onto or slide against them.

(c) Unless sealed cars are equipped with a suitable guard or screen to prevent the lading coming in contact with hot steam pipes, or heat exits used in electrically-heated equipment, packages containing explosives or other dangerous articles must not be transported in them.

(d) Shipments of explosives or other dangerous articles, except poisons and noninflammable compressed gases, when transported in passenger-carrying trains, should be loaded in the car occupied by an express employee and in a place that will permit their ready removal in case of fire. They must not be loaded in cars or stored in stations near steam pipes or other sources of heat. No placards are required on such cars when occupied by an express employee. Shipments bearing poison label, when practicable, should be loaded in sealed cars; when loaded in cars occupied by messenger, care should be taken to prevent any contents sifting or leaking from containers.

(e) When an express or baggage car containing any package requiring a label prescribed by these regulations is not occupied by an express employee and is handled in a passenger, mixed, or freight train, the proper placards must be attached thereto as required by these regulations for the transportation of such articles by rail freight.

(f) Packages containing dangerous articles, as defined by these regulations, that are loaded in sealed cars for express movement from the point of origin, must be loaded in a place that will permit of their ready removal in case of fire, wreck, or unloading, and near the car door, if possible.

(g) Not to exceed 10 gas identification sets may be transported in any car at any time.

(h) It is important to prevent contact of contents of packages bearing either yellow or white corrosive liquid labels

with combustible substances, such as sawdust, shavings, or sweepings, that may be present in express cars.

656. *Removal at destination.* Shipments of explosives and other dangerous articles as defined by these regulations which are refused by the consignees, or which can not be delivered within 48 hours after arrival at destination, must be promptly disposed of (1) by return to the shipper, if in proper shipping condition, or (2) by storage, provided a suitable storage place for such articles is available off the carrier's property, or (3) by sale, or (4) when necessary to safety, by destruction: *Provided*, That charged electric batteries may be held for 30 days after arrival at destination, pending delivery or disposition.

657. *Waybills.* The revenue, or other waybilling, when prepared for such shipments, and the waybill, transfer sheet, or interchange record used for transferring such shipments to a connecting carrier, must properly describe the articles by name as shown in these regulations, and show color of label applied.

658. *Connecting line shipments.* Shipments of dangerous articles offered by connecting express or other transportation lines must comply with these regulations.

659. *Astray shipments.* Any astray shipment of dangerous articles must be forwarded promptly to destination, if known, provided a careful inspection shows the package to be in proper condition for safe transportation. If the package is not labeled and the exact nature of the contents is unknown, the red label must be applied.

660. *Reporting violations and accidents or fires.* Serious violations of these regulations, facts relating to leaking or broken containers, and accidents or fires in connection with the transportation or storage on express or railway property of explosives or other dangerous articles, must be reported promptly by the express carrier to the Bureau of Explosives, 30 Vesey Street, New York, N. Y.

Superseding and amending Part 6 of regulations, orders Aug. 16, 1940, and Mar. 31, 1941, to read as follows:

PART 82—REGULATIONS APPLYING TO RAIL CARRIERS IN BAGGAGE SERVICE*†

*†For authority and source citations, see notes in sec. 700, 49 CFR Part 82.

700. *Purpose of regulations.* To shipments in rail baggage service of dangerous articles in rail baggage service on passenger-carrying trains of carriers engaged in interstate or foreign commerce, the following regulations are prescribed to define these articles for rail baggage transportation purposes, and to state the precautions that must be observed by the carrier in handling them while in transit.

701. These regulations apply to all shipments in rail baggage service of dangerous articles as prescribed herein. Shipments of explosives, other than those authorized for transportation by rail express, or dangerous articles, except as provided herein, must not be accepted

for transportation in rail baggage service. The Commission will make provision as occasion and safety may require for dangerous articles other than those described herein. Carriers engaged in interstate or foreign commerce must make these regulations effective and must provide for the thorough instruction of their employees.

NOTE.—Explosives or other dangerous articles, consisting of carrier's materials and supplies such as are acceptable for rail express transportation, may be transported in baggage cars when packed, marked, and

labeled as prescribed by regulations for rail express shipments.

702. No dangerous article described by these regulations shall be accepted for transportation or transported in rail baggage service except the following which must be packed, marked and labeled as required herein:

703. (a) *Acceptable articles.* The following articles may be transported in rail baggage service under these regulations:

(b) (1) Compressed gases:

Hydrogen.....	Red gas label.....	} In cylinders not exceeding 12 by 51 inches, and with pressure not exceeding 300 pounds at 70° F.
Oxygen.....	Green gas label.....	
Anhydrous ammonia.....	Green gas label.....	} In cylinders not exceeding 4½ by 22 inches.
Chlorine.....	Green gas label.....	
Ethylene.....	Red gas label.....	
Liquefied carbon dioxide.....	Green gas label.....	
Liquefied petroleum.....	Red gas label.....	
Methyl chloride.....	Red gas label.....	
Nitrous oxide.....	Green gas label.....	
Oxygen.....	Green gas label.....	
Sulphur dioxide.....	Green gas label.....	

(b) (2) *Motion-picture films, yellow label.* In containers as prescribed by sec. 703 (e) to (h).

(c) *Compressed gases* must be shipped in metal cylinders complying with specifications and regulations as prescribed for freight shipments.

(d) *Mine-rescue equipment.* Cylinders of compressed gas for mine rescue or medical work may be shipped when packed with other equipment pertaining to such work; cylinders not over 4½ by 22 inches may be shipped when packed in traveling bags, suitcases, trunks, or other suitable outside containers. When so packed, the prescribed label must be placed on each outside container.

(e) *Inflammable motion-picture films* must be packed in spark-proof metal cases or trunks complying with spec. 32A, 32B, or 32C. Not more than 12,000 feet of standard width (1¾ inches wide), 12 reels of approximately 1,000 feet each, or equivalent thereof, or more than 3 reels of stereoscopic film (2½ inches wide and approximately 1,500 feet each), may be packed in one such outside container; or as follows:

(f) In outside wooden boxes, spec. 15A, 15B, 15C, or 16A, provided each reel is placed in a tightly closed inside metal container. The gross weight of such a package must not exceed 80 pounds. Boxes must be equipped with handles, and covers securely fastened by metal hasp and staple with a strong lock or other efficient device.

(g) When *slow-burning* (noninflammable) *motion-picture films* are packed in the same outside containers with inflammable motion-picture films, the outside packages must bear the yellow label, and the total contents of the outside container must not exceed the quantity or gross weight permitted for inflammable films. (See sec. 703 (e).)

(h) Packages of *motion-picture films with advertising matter* attached to the outside container must not be offered or

accepted for transportation. Shippers desiring to include advertising matter with their shipments of motion-picture films must place the advertising matter inside the outside box containing the films.

704. (a) *Labels.* All packages containing samples of explosives for laboratory examination, fireworks and other dangerous articles for which labels are prescribed herein, must be conspicuously labeled by the shipper. Labels should be applied when practicable to that part of the package bearing the consignee's name and address, or baggage check. The shipper must certify to compliance with these regulations by writing, stamping, or printing his name underneath the certificate printed thereon. Shippers must furnish and attach labels prescribed for their shipments.

(b) Carriers must keep on hand an adequate supply of labels. Lost or detached labels must be replaced.

705. *Placards.* Placards ordinarily used to indicate the presence in cars of inflammable articles will not be required on baggage cars in charge of a railroad employee and moving in passenger trains, or on electric or gasoline motor cars in charge of an employee of the carrier, and which are run independently of cars carrying passengers. (See sec. 542 (d) for placarding of cars not occupied by carrier's employee.)

706. (a) *Handling of packages.* In handling packages containing dangerous articles, care must be taken to prevent them from falling or from being broken. They must not be thrown, dropped, or rolled.

(b) Packages containing dangerous articles when transported in baggage service in passenger-carrying trains must be loaded in the car occupied by a railway employee, and in a place that will permit their ready removal in case of fire. They must not be loaded in cars nor stored in stations near steam pipes or other sources of heat.

(c) The originating carrier, when a shipment is offered to it that is known to contain dangerous articles as defined by these regulations, must see that the packages are marked and labeled as prescribed herein.

(d) Shipments of dangerous articles offered by connecting transportation lines must comply with these regulations.

(e) An astray shipment of dangerous articles or a shipment made in violation of these regulations without the knowledge of the carrier, must be forwarded promptly to destination, if known, provided a careful inspection shows the package to be in proper condition for safe transportation.

(f) Unauthorized persons must not be allowed to have access to dangerous articles in transit at any time while such articles are in the custody of the carrier.

707. *Reporting violations and accidents or fires.* Serious violations of these regulations, facts relating to leaking or broken containers, and accidents or fires in connection with the transportation or storage on railway property of explosives or other dangerous articles, must be reported promptly by the rail carrier in baggage service to the Bureau of Explosives, 30 Vesey Street, New York, N. Y.

Superseding and amending Part 7 of Interstate Commerce Commission Regulations for Transportation of Explosives and Other Dangerous Articles made effective January 7, 1941, by order of Division 3, dated August 16, 1940, and Part 7 of Interstate Commerce Commission Motor Carrier Safety Regulations, Revised, effective June 15, 1940, and all effective amendments thereto, contained in reports and orders of the Commission and Division 3 dated April 1, June 10, and December 18, 1940, and March 31, 1941, except provisions applying to safety of operation and equipment, to be continued in effect, as amended, in Motor Carrier Safety Regulations.

PART 85—REGULATIONS APPLYING TO SHIPMENTS MADE BY WAY OF COMMON AND CONTRACT CARRIERS BY PUBLIC HIGHWAY*†

*Secs. 85.800 to 85.850 issued under authority in secs. 232-236, 41 Stat. 1444, 1445; 18 U.S.C. 382-386 for common carriers by motor vehicle, and sec. 204 (U. S. Code, title 49, sec. 304), (a) (2), Part II Interstate Commerce Act, for contract carriers by motor vehicle, superseding and amending 49 CFR Part 197.

†The source of secs. 85.800 to 85.850, inclusive, is Regulations for transportation of explosives and other dangerous articles by land and water in rail freight, express, and baggage services, and by motor vehicle (highway), and water, including specifications for shipping containers, Part 7 (regulations applying to shipments by way of common and contract carriers by public highway), revised August 16, 1940, effective January 7, 1941, as amended February 1, 1942. Regulations in Part 85 transferred from 49 CFR Part 197.

GENERAL INFORMATION AND REGULATIONS

800. *Purpose of regulations.* To promote the uniform enforcement of law and to minimize the dangers to life and property incident to the transportation

of explosives and other dangerous articles, by common and contract carriers by motor vehicle engaged in interstate or foreign commerce, these regulations are prescribed to define these articles for motor vehicle transportation purposes, and to state the precautions that must be observed by the carrier in handling them while in transit. It is the duty of each such carrier to make the prescribed regulations effective and to thoroughly instruct employees in relation thereto.

801. *Scope and application of regulations.* Explosives and other dangerous articles, except such as may not be accepted and transported under these regulations, may be accepted and transported by common and contract carriers by motor vehicle engaged in interstate or foreign commerce, provided they are in proper condition for transportation and are certified as being in compliance with these regulations, and provided the method of manufacture, packing, and storage, so far as they affect safety in transportation, are open to inspection by a duly authorized representative of the initial carrier or of the Bureau of Explosives. Shipments that do not comply with these regulations must not be accepted for transportation or transported.

802. (a) These regulations apply to all common and contract carriers by motor vehicle transporting explosives and/or other dangerous articles as defined by Interstate Commerce Commission "Regulations for Transportation of Explosives and Other Dangerous Articles by Land and Water in Rail Freight, Express and Baggage Services and by Motor Vehicle (Highway) and Water." When shipments are accepted by motor vehicle for further transportation by rail express (see also paragraph (c)), rail baggage (see also paragraph (d)), rail freight or by water on board vessel, they must, in addition to these regulations, comply with the applicable regulations for the service via which they are to be transported.

(b) The regulations of the Secretary of Commerce governing the transportation of "Explosives and Other Dangerous Articles on Board Vessels" also include combustible liquids and hazardous articles.

(c) The fifth column of the Commodity List indicates the maximum quantity of an article that may be accepted for transportation by rail express or that the article is not acceptable for transportation by rail express.

(d) The mark # preceding an article in the Commodity List indicates that the article may be accepted for rail baggage transportation. All articles not so marked are not acceptable for rail baggage transportation.

803. (a) *Import shipments via domestic carriers by motor vehicle.* Import shipments of explosives and other dangerous articles offered in the United States in original packages for transportation by carriers by motor vehicle must comply

with all requirements of these regulations. The importer must furnish with the order to the foreign shipper, and also to the forwarding agent at the port of entry, full and complete information as to the packing, marking, labeling, and other requirements, as prescribed herein. The forwarding agent must file with the initial carrier in the United States a properly certified shipping order or other shipping paper as prescribed herein.

(b) *Import shipments transferred in port areas by motor vehicle.* These requirements do not apply to such transportation by motor vehicle as may be necessary to effect transfer of import shipments from place of discharge to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors); further transportation of such import shipments by connecting water carrier shall be subject to the regulations of the Secretary of Commerce.

804. (a) *Export shipments via domestic carriers by motor vehicle.* Explosives and other dangerous articles authorized to be exported from the United States when packed, marked, labeled, and described, in accordance with rules and regulations in force at destination ports, must not be offered to any common or contract carrier by motor vehicle for domestic transportation unless in full accordance with the regulations herein.

(b) *Export shipments transferred in port areas by motor vehicle.* These requirements do not apply to such transportation by motor vehicle as may be necessary to effect transfer of export shipments from place of shipment to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors); further transportation of such export shipments by connecting water carrier shall be subject to the regulations of the Secretary of Commerce.

805. *Canadian shipments.* Explosives or other dangerous articles which are packed, marked, labeled, and loaded, in conformity with the regulations of the Board of Transport Commissioners for Canada, may be accepted and carried by carriers from point of entry in the United States to their destination in the United States or through the United States en route to a point in Canada.

806. *U. S. Government shipments.* Shipments of explosives or other dangerous articles offered by or consigned to the War or Navy Department of the United States Government must be packed, including limitations of weight, in accordance with Interstate Commerce Commission regulations for the transportation of explosives and other dangerous articles or as required by their regulations.

807. (a) *Emergency shipments.* For the protection of the public against fire, explosion, or other or further hazard, with respect to shipments of explosives or other dangerous articles offered for transportation or in transit by any com-

mon or contract carrier by motor vehicle, such carrier shall make immediate report to the Bureau of Explosives, 30 Vesey Street, New York, N. Y., for handling, any of the following emergency matters coming to their attention (see also sections 826, 827, 828 and 850 for handling shipments in transit):

(b) Instances of packages of explosives or other dangerous articles discovered in transit not properly prepared for transportation in accordance with applicable regulations herein.

(c) Motor carrier accidents involving damage to container of explosives or other dangerous articles to such a degree as to necessitate repacking of the articles.

(d) Other like emergencies in which any common or contract carrier by motor vehicle is or is likely to become involved, or may offer aid at its command.

(e) This section shall in no respect excuse either shipper or carrier by motor vehicle for failure to exercise due care to prevent any departure from any regulation prescribed herein.

808. *Connecting carrier shipments.* Shipments of explosives or other dangerous articles offered by connecting transportation lines must comply with these regulations.

809. *Carrier's material and supplies.* These regulations apply to all shipments of explosives and other dangerous articles, including carrier's material and supplies.

810. *Vehicular tunnels.* Nothing contained in these regulations shall be so construed as to nullify or supersede regulations established and published under authority of State statute or municipal ordinance regarding the kind, character, or quantity of any explosive or other dangerous article permitted by such regulations to be transported through any urban vehicular tunnel used for mass transportation.

811. *Astray shipments.* Any astray shipment of dangerous articles other than explosives must be forwarded promptly to destination, if known, provided a careful inspection shows the package to be in proper condition for safe transportation. If the package is not labeled and the exact nature of the contents is unknown, the red label must be applied.

812. *Containers required.* Containers required for explosives and other dangerous articles are prescribed in "Part 3—Regulations Applying to Shippers."

813. *Inefficient containers.* The results of experience gained by examination of broken or leaking containers must be recorded by the Bureau of Explosives to the end that further use of any particular kind of container shown by experience to be inefficient, may be prohibited by the Commission.

814. (Sec. 800 of regulations effective January 7, 1941) *Accidents to be reported.* Accidents, fires, or explosions occurring in connection with the transportation, or storage on carrier's prop-

erty, of explosives or other dangerous articles, resulting in leaking, broken, or seriously damaged containers, must be reported promptly by the highway carrier to the Bureau of Explosives, 30 Vesey Street, New York, N. Y. These reports are required to the end that further use of containers shown by experience to be inefficient may be prohibited by the Commission.

815. *Labels.* (See sec. 404 (e) to (r) for description of labels.) Labels prescribed by the Commission's regulations, Part 3, must have been applied to shipments, unless exempt from these regulations, and in addition the shipper must have certified to compliance with the regulations by writing, stamping, or printing his name underneath the certificate printed thereon or on the shipping papers.

(b) Labels are not required on shipments forwarded in truckload quantities when such shipments are to be unloaded by the consignee. This exemption does not apply to class A and class C poisons.

(c) When it is known that subsequent shipments of these packages in less-than-truckload quantities will probably be made by the consignee, labels should be attached to the packages as would be required for less-than-truckload shipments.

(d) Carriers must keep on hand an adequate supply of labels. Lost or detached labels must be replaced from information given on waybill, manifest, memorandum, or other shipping paper.

(e) Samples will be furnished, on request, by the Bureau of Explosives, 30 Vesey Street, New York, N. Y.

(f) The carrier's name and stationery form number may be printed on the labels, in type not larger than 10 point, if placed within the red or black-line border and in the upper or lower corner of the diamond.

(g) Additional shipping information not inconsistent with these rules and regulations may be shown by the shipper on a container of dangerous articles other than explosives if so desired, but no label or marking may be of a design, or form, or size, as may be confused with the label or marking required by these regulations.

816. *Marking on containers.* Each package of explosives or other dangerous articles must show the name and address of the consignee. Whenever the transportation of any explosive or other dangerous article is to be exclusively by motor vehicle between points between which the articles are not to be transferred from one motor carrier to another, in either truckload or less-than-truckload lots, the individual packages need not be marked with the consignee's name and address.

817. *Shipping papers.* Every driver of a motor vehicle transporting explosives or other dangerous articles shall have in his possession a manifest, memorandum

receipt, bill of lading, shipping order, shipping paper, or other memorandum setting forth the following information for each class of such article being transported: The shipping name, the total quantity by weight, volume, or otherwise as appropriate of each kind of explosive or other dangerous article, and the prescribed label when required for the outside container of such article.

818. (a) *Receipts.* A receipt upon the form prescribed by the originating express carrier must be issued to the shipper for each express shipment of explosives or other dangerous articles accepted for transportation. Before a receipt is issued, the shipper must have applied the label prescribed herein with written or stamped signature, to each package containing any article covered by these regulations.

(b) Each receipt must show the proper and definite name of commodity as listed in these regulations, and the color of the label affixed to the package if any is required.

819. *Certification of packages.* Except as provided herein below, no motor carrier may accept for transportation or transport any class A or class B explosive, blasting caps or electric blasting caps in any quantity, or any dangerous article requiring label as prescribed by these regulations, unless it be certified to him by the shipper's name inserted in the certificate on the label or by the following facsimile signature of the shipper or his duly authorized agent in the lower left-hand corner of the manifest, memorandum receipt, bill of lading, shipping order, shipping paper, or other memorandum.

This is to certify that the above articles are properly described by name and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission.

NOTE. For the relief of shippers from multiplicity of certifications required for packages which may move by carriers by water (including shipments of combustible liquids or hazardous articles as defined by regulations of the Secretary of Commerce), and pending further consideration and order of the Commission, such shipments may be certified for motor vehicle transportation, as follows:

This is to certify that the above articles are properly described by name and are packed and marked and are in proper condition for transportation according to the applicable regulations prescribed by the Interstate Commerce Commission and the Secretary of Commerce.

820. *Waybills, manifests, etc.* The waybill, manifest, memorandum receipt, bill of lading, transfer sheet, or interchange record, when prepared for shipments and used for transferring such shipments to a connecting carrier, must properly describe the articles by name as shown in these regulations, and show color of label applied.

Explosives or Other Dangerous Articles Forbidden or Limited for Transportation

821. (a) *Nitroglycerin forbidden to common carriers.* Liquid nitroglycerin may not be accepted for transportation or be transported by any common carrier by motor vehicle.

(b) *Rejection of leaking containers of liquid nitroglycerin.* Any individual container used for the transportation of liquid nitroglycerin, or any boat used therewith, found in such a condition as to permit leakage, shall be discarded and shall not thereafter be repaired for further use.

(c) *Explosives or other dangerous articles forbidden or limited for transportation.* No motor carrier may accept for transportation or transport any explosive or other dangerous article listed in Commodity List as forbidden for transportation by all motor carriers; nor, if there be any prohibition or limitation regarding the transportation of any particular explosive or other dangerous article by a particular kind of motor carrier, may any such article be accepted for transportation or be transported by that kind of carrier, except as indicated herein (see section 850).

(d) *Leaking or damaged packages of high explosive must not be accepted for transportation or transported.* Should any package of high explosive when offered for shipment show excessive dampness or be moldy or show outward signs of any oily stain or other indication that absorption of the liquid part of the explosive is not perfect, or that the amount of the liquid part is greater than the absorbent can carry, the package must be refused in every instance. The shipper must substantiate any claim that a stain is due to contact with material other than the liquid explosive ingredient of the explosive. In case of doubt the package must be rejected.

(e) *Condemned or leaking dynamite; repacking.* Condemned or leaking dynamite must not be repacked and offered for shipment unless the repacking is done by a competent person in the presence of or with the written consent of an inspector, or with the written authority of the chief inspector, of the Bureau of Explosives.

Acceptable Articles

822. (a) *Acceptable packages.* Any motor carrier may accept for transportation or transport any acceptable explosive or other dangerous article listed in the Commodity List, Part 2, of these regulations: *Provided, however,* That no provision of this section shall be so construed as to permit the acceptance or transportation of liquid nitroglycerine by any common carrier.

(b) *Liquid nitroglycerin.* Liquid nitroglycerin may be transported only by motor carriers other than common car-

riers in containers complying with specification MC 200. No form of trailer may be attached.

Marking on Motor Vehicles

823 (a) *Marking on motor vehicles and trailers other than tank motor vehicles.* Every motor vehicle transporting any quantity of dangerous explosives, class A, or poison gas, class A, and every motor vehicle transporting 2,500 pounds or more of explosives, class B, inflammable liquids, corrosive liquids, compressed gas and tear gas, or 5,000 pounds or more of two or more articles of these groups shall be marked or placarded on each side and rear with a placard or lettering, in letters not less than 3 inches high on a contrasting background, as follows:

Explosives, class A, "Explosives".¹
Explosives, class B, "Dangerous".¹
Inflammable liquid, "Dangerous".¹
Corrosive liquid, "Dangerous".¹
Compressed gas, "Compressed gas".¹
Poison gas, class A, "Poison Gas".¹
Tear gas, "Dangerous".¹

(b) (1) *Tank motor vehicles.* Every tank motor vehicle used for the transportation of any *inflammable liquid*, regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and the rear thereof, in letters at least 3 inches high on a background of sharply contrasting color, optionally, as follows:

(b) (2) With a sign or lettering on the motor vehicle, with the word "Inflammable": or

(b) (3) With the common name of the inflammable liquid being transported, or

(b) (4) With the name of the carrier or his trademark, when and only when such name or mark plainly indicates the inflammable nature of the cargo.

(c) (1) *Tank motor vehicles.* Every tank motor vehicle used for the transportation of any *corrosive liquid*, regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and the rear thereof, in letters at least 3 inches high on a background of sharply contrasting color, optionally, as follows:

(c) (2) The common name of the corrosive liquid being transported, or

(c) (3) A sign or lettering on the motor vehicle, with the word "Acid," or, when transporting corrosive liquids other than acids, the words "Corrosive Liquid."

(d) (1) *Tank motor vehicles.* Every tank motor vehicle used for the transportation of any *compressed gas*, regardless of the quantity being transported, or whether loaded or empty shall be conspicuously and legibly marked on each side and the rear thereof, in letters at least 3 inches high on a background of sharply contrasting color, optionally, as follows:

(d) (2) With a sign or lettering on the motor vehicle with the words "Compressed Gas," "Inflammable Compressed Gas," or "Chlorine," as appropriate; or

(d) (3) With the common name of the compressed gas being transported; or

(d) (4) Except as regards the marking "Chlorine," with the name of the carrier or his trademark, when and only when such name or mark plainly indicates the nature of the cargo.

(e) (1) *Tank motor vehicles.* Every tank motor vehicle used for the transportation of any *less dangerous poison, class B*, regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and the rear thereof, in letters at least 3 inches high, on a background of a sharply contrasting color, optionally, as follows:

(e) (2) With a sign or lettering on the motor vehicle with the word "Poison"; or

(e) (3) With the common name of the class B poison being transported.

(f) *Removal of signs or lettering.* Every sign or lettering required by section 823 (a) shall be removed from or covered on any motor vehicle to which it is attached or affixed when such motor vehicle is not transporting the article for which the sign is appropriate, except that no such sign or lettering is required to be removed or covered when such motor vehicle is used exclusively in the transportation of any article for which the sign or lettering is appropriate.

(g) *Only one marking required.* Whenever any motor vehicle is transporting more than one class of dangerous article for which signs or placards are required to be lettered on or affixed to any such motor vehicle, no more than one kind of sign, lettering, or placard need be displayed. The sign, lettering, or placard used shall be the one which, in the judgment of the motor carrier, designates the most dangerous article being transported.

LOADING AND UNLOADING

[For prohibited loading and storage of explosives and other dangerous articles, see section 825.]

General

824. (a) (1) *Containers secured in vehicle.* Any tank, barrel, drum, or cylinder, not designed to be permanently attached to a motor vehicle, containing any inflammable liquid, compressed gas, corrosive liquid, or poisonous article, shall be reasonably secured against movement within the motor vehicle by which it is being transported.

(a) (2) *No explosives or other dangerous articles on pole trailers.* No explosive or other dangerous article may be loaded into or on or transported in or on any pole trailer.

Precautions During Loading and Unloading

(a) (3) *No smoking while loading or unloading.* Smoking on or about any

motor vehicle while loading or unloading any explosive inflammable liquid, inflammable solid, oxidizing material, or inflammable compressed gas is forbidden.

(a) (4) *Keep fire away, loading and unloading.* Extreme care shall be taken in the loading or unloading of any explosive, inflammable liquid, inflammable solid, oxidizing material, or inflammable compressed gas into or from any motor vehicle to keep fire away and to prevent persons in the vicinity from smoking, lighting matches, or carrying any flame or lighted cigar, pipe, or cigarette.

(a) (5) *Handbrake set while loading and unloading.* No explosive or other dangerous article shall be loaded into or on, or unloaded from, any motor vehicle unless the handbrake be securely set and all other reasonable precautions be taken to prevent motion of the motor vehicle during such loading or unloading process.

(a) (6) *Use of tools, loading and unloading.* No tools which are likely to damage the effectiveness of the closure of any package or other container, or likely adversely to affect such package or container, shall be used for the loading or unloading of any explosive or other dangerous article.

(a) (7) *Prevent relative motion between containers.* Containers of inflammable liquid, inflammable solids, oxidizing materials, corrosive liquids, acids, compressed gases, and poisonous liquids or gases, must be so braced as to prevent relative motion thereof while in transit. Containers having valves or other fittings must be so loaded that there will be the minimum likelihood of damage thereto during transportation.

(a) (8) *Precautions concerning containers in transit; fueling road units.* Reasonable care should be taken to prevent undue rise in temperature of containers and their contents during transit. There must be no tampering with such container or the contents thereof nor any discharge of the contents of any container between point of origin and point of billed destination. Discharge of contents of any container, other than a cargo tank, must not be made prior to removal from the motor vehicle. Nothing contained in this regulation shall be so construed as to prohibit the fueling of machinery or vehicles used in road construction or maintenance.

(a) (9) *Tank motor vehicles attended, loading and unloading.* Under no circumstances shall a tank motor vehicle be left unattended during the loading or unloading process. For the purpose of this regulation, the delivery hose, when attached to the motor vehicle, shall be deemed a part thereof.

(a) (10) *Prohibited loading combinations.* In any single driven motor vehicle or in any single unit of a combination of motor vehicles, explosives and other dangerous articles shall not be loaded together if prohibited by loading and storage table, page 106 of these regulations. This section shall not be so construed as to forbid the carrying of ma-

¹Placards complying with previous requirements, which are on hand on the effective date of these regulations, may be used until further order of the Commission.

materials essential to safe operation of motor vehicles (see Motor Carrier Safety Regulations).

(a) (11) *Access to mixed loadings.* Inflammable solids, oxidizing materials, or corrosive liquids, when transported on a motor vehicle with other lading not otherwise forbidden, shall be so loaded as to provide ready access thereto for shifting or removal.

Explosives

(b) (1) (See also section 824 (a) (1) to (a) (11)) *Engine stopped.* No explosive shall be loaded into or on or be unloaded from any motor vehicle with the engine running.

(b) (2) *Care in loading, unloading, or other handling of explosives.* No bale hooks or other metal tools shall be used for the loading, unloading, or other handling of explosives, nor shall any package or other container of explosives be rolled, thrown, or dropped during such process. Special care shall be exercised to the end that packages or other containers containing explosives shall not catch fire from sparks or hot gases from the exhaust tailpipe.

(b) (3) *Explosives on trucks or semitrailers; no other trailer.* Any explosive other than liquid nitroglycerin and forbidden explosives may be loaded into and transported on any truck or any semitrailer attached to a tractor, to which no form of trailer may be attached when so loaded.

(b) (4) *Explosives forbidden on full or pole trailers.* No explosives may be loaded into or transported on any full or pole trailer. (See sec. 824 (a) (2).)

(b) (5) *No sharp projections inside body of vehicles.* No motor vehicle transporting any kind of explosive shall have on the interior of the body in which the explosives are contained, any inwardly projecting bolts, screws, nails, or other inwardly projecting parts likely to produce damage to any package or container of explosives during the loading or unloading process or in transit.

(b) (6) *Explosives vehicles, floors tight and lined.* Motor vehicles used exclusively for the transportation of explosives shall have tight floors and lining such as wood or other nonsparking material which shall cover any projections or metal which may come into contact with packages of explosives.

(b) (7) *No detonators in same motor vehicle with other explosives.* Except as provided in section 824 (b) (13), no blasting caps or other materials designed and used for detonating charges of explosives may be transported in or on a motor vehicle with any high explosive, nor may any explosive projectile be transported with detonating fuze assembled in place, unless shipped by, for, or to the War or Navy Department of the United States Government, or unless of a type approved by the Bureau of Explosives.

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

section 824 (b) (7), (b) (11) and (b) (13), dealing with the transportation of liquid nitroglycerin, all of that portion of the lading of any motor vehicle which consists of explosives shall be contained entirely within the body of the motor vehicle, and if such motor vehicle has a tailboard or tailgate, it shall be closed and secured in place during such transportation. Every motor vehicle transporting explosives must either have a closed body or have the body thereof covered with a tarpaulin, and in either event care must be taken to protect the load from moisture and sparks.

(b) (9) *Explosives to be protected against damage by other lading.* No motor vehicle transporting any explosive may transport as a part of its load any metal or other articles or materials likely to damage such explosive or any package in which it is contained, unless the different parts of such load be so segregated or secured in place in or on the motor vehicle and separated by bulkheads or other suitable means as to prevent such damage.

(b) (10) *Transfer of explosives en route.* No dangerous or less dangerous explosive shall be transferred from one container to another, or from one motor vehicle to another vehicle, or from another vehicle to a motor vehicle, on any public highway, street, or road, except in case of emergency. In such cases flares (pot torches) fuses, red electric lanterns, or flags shall be set out in the manner prescribed for disabled or stopped motor vehicles in Motor Carrier Safety Regulations. In any event, all practicable means, in addition to those hereinbefore prescribed, shall be taken to protect and warn other users of the highway against the hazard involved in any such transfer or against the hazard occasioned by the emergency making such transfer necessary.

Nitroglycerin by Other Than Common Carrier

(b) (11) *Loading requirements for liquid nitroglycerin.* Liquid nitroglycerin may be accepted for transportation and transported only by motor carriers other than common carriers if it be loaded into or on a truck having the type of body specified in specification MC 200. No liquid nitroglycerin may be loaded directly above any other explosive, or in any quantity in excess of 900 quarts on one motor vehicle or 10 quarts in any one individual container. Additional quantities of explosives, other than nitroglycerin, excepting any type of blasting or percussion cap or other detonating device, may be carried on such motor vehicle in a closed or covered bed or body which shall be firmly bolted or fastened above the lid of the compartment containing the nitroglycerin. In no case shall the net load be more than 7,500 pounds. (See section 824 (b) (13) and specification MC 201.)

(b) (12) *Separation of tools and supplies for preparing charges.* Motor

vehicles transporting liquid nitroglycerin may also transport the tools and supplies necessary for preparing and firing charges thereof, provided that such tools and supplies be properly secured in place so as to prevent their coming in contact with the body above specified.

(b) (13) *Caps or other explosives.* Any explosive other than liquid nitroglycerin transported on any motor vehicle transporting liquid nitroglycerin shall be segregated, each kind from every other kind, and from tools or other supplies. Any percussion caps, detonators, blasting caps, or electric blasting caps, shall be carried either in a cloth container having individual pockets for each such cap, or by at least equally safe means. No greater number of any such caps shall be carried in the manner described than is necessary for use on any particular trip.

Nonexplosive Material

(c) (1) No restrictions are prescribed herein for the packing, handling, and transportation of the following:

(c) (2) Material relating to ammunition for cannon, but containing no explosive or other dangerous article, such as cartridge cases, "dummy" or "drill" cartridges, etc., sand-loaded projectiles, sand-loaded bombs, empty projectiles, empty mines, empty bombs, solid projectiles, or empty torpedoes. Rotating bands should be protected against deformation by method of packing or loading.

Inflammable Liquids

(d) (1) (See also section 824 (a) (1) to (a) (11)) *Engine stopped.* Unless the engine of the motor vehicle is to be used for the operation of a pump, no inflammable liquid shall be loaded into or on or unloaded from any other motor vehicle than a tank motor vehicle with the engine running; and in any event care should be exercised to prevent ignition of the vapors from any such liquid.

(d) (2) *Bonding or grounding containers prior to and during transfer.* For containers which are not in metallic contact with each other, either metallic bonds or ground conductors shall be provided for the neutralization of possible static charges prior to and during transfers of inflammable liquids between such containers. Such bonding shall be made by first connecting an electric conductor to the container to be filled and subsequently connecting the conductor to the container from which the liquid is to come, and not in any other order. To provide against ignition of vapors by discharge of static electricity, the latter connection shall be made at a point well removed from the opening from which the inflammable liquid is to be discharged.

Inflammable Solids and Oxidizing Materials

(e) (1) (See also section 824 (a) (1) to (a) (11)) *Lading within body or covered; tailgate closed; pick-up and delivery.*

All of that portion of the lading of any motor vehicle transporting inflammable solids or oxidizing materials shall be contained entirely within the body of the motor vehicle and shall be covered by such body, by tarpaulins, or other suitable means, and if such motor vehicle has a tailboard or tailgate, it shall be closed and secured in place during such transportation: *Provided, however,* That the provisions of this paragraph need not apply to "pick-up and delivery" motor vehicles when such motor vehicles are used in no other transportation than in and about cities, towns, or villages.

(e) (2) *Articles to be kept dry.* Special care shall be taken in the loading of any motor vehicle with inflammable solids or oxidizing materials which are likely to become hazardous to transport when wet, to keep them from being wetted during the loading process and to keep them dry during transit. Special care shall also be taken in the loading of any motor vehicle with inflammable solids or oxidizing materials, which are likely to become more hazardous to transport by wetting, to keep them from being wetted during the loading process and to keep them dry during transit. Examples of such dangerous materials are charcoal screenings, ground, crushed, or pulverized charcoal, and lump charcoal.

(e) (3) *Lading ventilation, precautions against spontaneous combustion.* Whenever a motor carrier has knowledge concerning the hazards of spontaneous combustion or heating of any article to be loaded on a motor vehicle, such article shall be so loaded as to afford sufficient ventilation of the load to provide reasonable assurance against fire from this cause; and in such a case the motor vehicle shall be unloaded as soon as practicable after reaching its destination. Charcoal screenings, or ground, crushed, granulated, or pulverized charcoal, in bags, shall be so loaded that the bags are laid horizontally in the motor vehicle, and so piled that there will be spaces for effective air circulation, which spaces shall not be less than 4 inches wide; and air spaces shall be maintained between rows of bags. Bags shall not be piled closer than 6 inches from the top of any motor vehicle with a closed body.

(e) (4) *Loose or baled nitrate of soda bags.* Loose or baled, unwashed, empty bags, having contained nitrate of soda, may be transported in truckload lots only in motor vehicles, and such motor vehicles must have closed or covered bodies lined with paper; such shipments are required to be loaded by the shipper and to be unloaded by the consignee.

(e) (5) *Staying or blocking of packages of matches.* Special care shall be exercised in the loading of packages containing "strike-anywhere" matches to prevent the shifting or jamming of any such package during transit. To this end, the packages shall be compactly loaded with the strongest dimensions of each box or other container loaded lengthwise of the motor vehicle.

(e) (6) *Smooth vehicle interior for matches.* Unless strike-anywhere matches are contained in wooden outside boxes, special care shall be taken to provide that the inside surfaces of any motor vehicle into which such matches are to be loaded and with which surfaces the containers might come in contact, shall be smooth, without protrusions of any sort, such as bolts, nuts, sharp edges, or corners, etc., and there shall be provided for this purpose smooth wooden inner linings, if the interior of the motor vehicle is not otherwise smooth in accordance with this requirement.

(e) (7) *Matches not loaded next to red label articles.* Matches of whatever character shall not be loaded next to packages protected by the red caution label.

Corrosive Liquids

(f) (1) (See also section 824 (a) (1) to (a) (11)) *Nitric acid.* In addition to the requirements set forth in section 824 (f) (2), no carboy or other container of nitric acid shall be loaded above any container containing any other kind of material. The loading of carboys or other containers of nitric acid shall be limited to two tiers high.

(f) (2) *Carboys and frangible containers.* In general, individual carboys and frangible containers of acids or other corrosive liquids, including charged electric storage batteries, shall, when loaded by hand, be individually loaded into and unloaded from any motor vehicle in which they are to be, or have been, transported. All reasonable precautions shall be taken to prevent, by all practicable means, the dropping of any such containers or batteries containing corrosive liquids. No such container or battery shall be loaded into a motor vehicle having an uneven floor surface. It shall be permissible to load on or transport in any motor vehicle any authorized carboys or frangible shipping containers, containing acids or other corrosive liquids, more than one tier high above any floor only if such carboys or other containers are boxed or crated, or are in barrels or kegs, as required by these regulations, and only if such containers are so stacked that the weight of each tier above the first is entirely supported by the boxes, crates, barrels, kegs, or other authorized means of enclosing the carboys or frangible containers. Only so many tiers as may adequately be so supported without danger of crushing or breaking, shall be permitted. Means shall be provided to prevent by all practicable means, in all cases, the shifting of containers or batteries during transit. Nothing contained in this section shall be so construed as to prevent the use of cleats or other retaining means for the purpose of preventing shifting of containers or batteries. For the purposes of this section a false floor or platform, secured against relative motion within the body of the motor vehicle, shall be deemed to be a floor. (For recommendations for handling leaking or broken packages, see section 828 (d) (1).)

(f) (3) *Storage batteries.* In addition to the requirements set forth in section 824 (f) (2), all storage batteries containing any electrolyte shall be so loaded, if loaded with other lading, that all such batteries will be protected against other lading falling onto or against them; and adequate means shall be provided in all cases for the protection and insulation of battery terminals against short circuits. When any such electric storage batteries are loaded more than one tier high, adequate provision shall be made for the support of each tier of such batteries. No such support for any tier of electric storage batteries will be deemed to be adequate when any part of the weight of the batteries in such tier is transmitted to any other batteries.

Compressed Gases

(g) (1) (See also section 824 (a) (1) to (a) (11)) *Floors or platforms essentially flat.* Cylinders containing compressed gases shall not be loaded onto any part of the floor or platform of any motor vehicle which is not essentially flat; cylinders containing compressed gases may be loaded onto any motor vehicle not having a floor or platform only if such motor vehicle be equipped with suitable racks having adequate means for securing such cylinders in place therein. Nothing contained in this section shall be so construed as to prohibit the loading of such cylinders on any motor vehicle having a floor or platform and racks as hereinbefore described.

(g) (2) *Cylinders horizontal.* Cylinders containing compressed gases shall be loaded in a horizontal position unless packed in boxes or crates of such dimensions as to prevent their overturning, or unless loaded into racks securely attached to the motor vehicle, or unless so securely lashed in an upright position as to prevent their overturning.

(g) (3) Tanks complying with specification 106A500 containing sulfur dioxide or dichlorodifluoromethane may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary.

The term "tanks" as here used means the commonly known one-ton containers, and no transportation therein is authorized except to and from rail cars, and then only in connection with tank car shipments by rail, to be handled in conformity with section 560 (b) (2) of current regulations governing rail freight shipments.

(g) (4) *Engine to be stopped in tank motor vehicles, except for transfer pump.* No inflammable compressed gas shall be loaded into or on or unloaded from any tank motor vehicle with the engine running unless the engine is used for the operation of the transfer pump of the vehicle. Unless the delivery hose is

LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES—Continued

The following table shows the explosives and other dangerous articles which must not be loaded or stored together. The letter X at an intersection of horizontal and vertical columns shows that these packages must not be loaded or stored together, for example: Blasting Caps (d) horizontal column must not be loaded or stored with High Explosives (b) vertical column]

	a	b	c	d	e	f	g	1	2	3	4	5	6	7	8	9	10	11	12	13
	Low Explosives or Black Powder	High Explosives	Initiating or Priming Explosives: Wet: Diacetylphenol, Fulminate of Mercury, Guanyl Nitrosamine, Guanylidene Nitro Mannite, Nitroguanidine, Tetrazene	Blasting Caps, with or without safety fuse (including Electric Blasting Caps)	Ammunition for Cannon with Explosive Projectiles, Gas Projectiles, Smoke Projectiles or Incendiary Projectiles, Ammunition for Small Arms with explosive bullets	Explosive Projectiles, Bombs, Torpedoes or Mines; Rifle or Hand Grenades (explosive)	Detonating Fuzes, Boosters (explosive)	Ammunition for Cannon with empty, sand loaded or solid projectiles, or without projectiles	Smokeless Powder for Cannon or Smokeless Powder for Small Arms	Fireworks	Small Arms Ammunition	Primers for Cannon or Small Arms, Empty Cartridge Cases—Black Powder Igniters, Empty Cartridge Cases, primed, Empty Grenades, primed, Combination Primers or Percussion Caps, Toy Caps	Percussion Fuzes or Tracer Fuzes	Time or Combination Fuzes	Cordeau Detonant, Safety Squibs, Fuse Lighters, Fuse Igniters, Delay Electric Lighters, Electric Squibs, or Instantaneous Fuse	Inflammable Liquids or Compressed Inflammable Gases, Red Label	Inflammable Solids or Oxidizing Materials, Yellow Label	Acids or Corrosive Liquids, White Label	Compressed Noninflammable Gases, Green Label	Poisonous Gases or Liquids, in cylinders, Poison Gas Label
Less Dangerous Explosives:																				
Ammunition for Cannon with empty, sand loaded or solid projectiles, or without projectiles																				
Smokeless Powder for Cannon or Smokeless Powder for Small Arms	X		X																	
Fireworks		X	X																	
Small Arms Ammunition			X																	
Primers for Cannon or Small Arms, Empty Cartridge Cases—Black Powder Igniters, Empty Cartridge Cases, primed, Empty Grenades, primed, Combination Primers or Percussion Caps, Toy Caps			X																	
Percussion Fuzes or Tracer Fuzes			X																	
Time or Combination Fuzes			X																	
Cordeau Detonant, Safety Squibs, Fuse Lighters, Fuse Igniters, Delay Electric Lighters, Electric Squibs, or Instantaneous Fuse			X																	
Other Dangerous Articles:																				
Inflammable Liquids or Compressed Inflammable Gases, Red Label	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Inflammable Solids or Oxidizing Materials, Yellow Label	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Acids or Corrosive Liquids, White Label	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Compressed Noninflammable Gases, Green Label	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Poisonous Gases or Liquids, in cylinders, Poison Gas Label	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

^a Blasting caps or electric blasting caps in quantities not exceeding 1,000 caps may also be loaded and transported with all articles named except those in columns b, c, e and f. Certain small quantities of blasting caps may be transported with high explosives under the loading and packing requirements set forth in these regulations.
^b Acids or other corrosive liquids, white label, must not be loaded above or adjacent to inflammable solids or oxidizing materials, yellow label, ammunition for cannon with or without projectiles, or smokeless powder.
^c Blasting caps or electric blasting caps in quantities not exceeding 1,000 caps may also be loaded and transported with all articles named except those in columns b, c, e and f. Certain small quantities of blasting caps may be transported with high explosives under the loading and packing requirements set forth in these regulations.
^d Projectiles, bombs, grenades, or other forms of ammunition, containing incendiary charges, either with or without bursting charges, must not be loaded or stored with any dangerous explosive, class A, or less dangerous explosive, class B.
^e Cyanides or cyanide mixtures must not be loaded or stored with corrosive liquids.
^f Projectiles, bombs, grenades, or other forms of ammunition, containing incendiary charges, either with or without bursting charges, must not be loaded or stored with any dangerous explosive, class A, or less dangerous explosive, class B.
NOTE.—Charged electric storage batteries must not be loaded in the same vehicle with dangerous explosives, class A.

*Vehicles and Shipments in Transit;
Accidents*

[See sec. 807 for emergency shipments.]

826. (a) *No unnecessary delay in movement of shipments.* All shipments of explosives or other dangerous articles shall be transported without unnecessary delay, from and including the time of commencement of the loading of the cargo until its final discharge at destination.

(b) *Delivery at destination.* Shipments of explosives and other dangerous articles which are refused by the consignees, or which can not be delivered within 48 hours after arrival at destination, must be promptly disposed of (1) by return to the shipper, if in proper shipping condition, or (2) by storage, provided a suitable storage place for such articles is available, or (3) by sale, or (4) when necessary to safety, by destruction: *Provided*, That charged electric batteries may be held for 30 days after arrival at destination, pending delivery or disposition.

(c) *Delivery to authorized person, or magazine.* Every shipment of dangerous explosives by motor vehicle shall be delivered only to someone authorized to receive it, except such explosives shipments as are placed in magazines which are immediately thereafter locked.

Disabled Vehicles and Broken or Leaking Packages; Repairs

827. (a) (See also Forbidden Articles, section 821) *Care of lading explosives or other dangerous articles.* In the event of disablement of a motor vehicle transporting any explosive or other dangerous article, special care shall be taken to guard the vehicle and its load or to take such steps as may be necessary to provide against hazard. Special effort shall be made to remove the motor vehicle to a place where the hazards of the materials being transported may be provided against.

(b) *Disposition of containers found broken or leaking in transit.* When leaks occur in packages or containers during the course of transportation, subsequent to initial loading, disposition of such package or container shall be made by the safest practical means afforded under section 827 (c), (d) and (e).

(c) *Repairing packages.* Packages may be repaired when safe and practicable, such repairing to be in accordance with the best and safest practice known and available.

(d) (1) *Transportation of repaired packages.* Any package repaired in accordance with the requirements of section 827 (c), except as provided in sections 828 (a) (3), 828 (b) (3) and 828 (d) (2), may be transported to the nearest place at which it may safely be disposed of only in compliance with the following requirements:

(d) (2) The package must be safe for transportation.

(d) (3) The repair of the package must be adequate to prevent contamination of or hazardous admixture with other lading transported on the same motor vehicle therewith.

(d) (4) If the carrier is not himself the shipper, the consignee's name and address must be plainly marked on the repaired package.

(e) *Disposition of unsafe broken packages.* In the event any leaking package or container cannot be safely and adequately repaired for transportation or transported, it shall be stored pending proper disposition in the safest and most expeditious manner possible.

(f) (1) *Disabled vehicles; other dangerous articles.* Whenever any motor vehicle transporting inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, or poisons, is disabled upon the traveled portion of any highway, or a shoulder next thereto, the following requirements shall be complied with during the period of such stop:

(f) (2) For motor vehicles other than cargo tanks, flares (pot torches), fuses, red electric lanterns, and flags shall be displayed as required under rules 2.23 and 2.24 Motor Carrier Safety Regulations, Part 2.

(f) (3) For tank motor vehicles used for the transportation of inflammable liquids or inflammable compressed gases, whether loaded or empty, red electric lanterns and flags shall be displayed as required in rules 2.232 and 2.234 and under rule 2.24 of Part 2 of Motor Carrier Safety Regulations.

(g) *Repairs to disabled vehicles.* No repairs shall be made on any motor vehicle containing explosives or other dangerous articles except in case such repairs may be made without hazard; nor shall any such loaded motor vehicle be repaired in a closed garage.

Accidents—Explosives

828. (a) (1) *Vehicle disabled; warning of nearby persons; removal of explosives.* In the event of an accident involving any motor vehicle transporting any explosive, every available means shall be employed to prevent individuals, other than those employed in the protection of persons or property or in the removal of hazards or wreckage, from congregating in the vicinity; such means shall also be employed to prevent smoking, to keep flame away, and to safeguard against the aggravation of the hazard present, and to warn other users of the highway. In the event that any motor vehicle laden with or carrying dangerous explosives is entangled with another or with any other object or structure, following an accident, no attempt shall be made to disentangle either vehicle, or the laden vehicle from the object or structure, until the lading, together with any fragments thereof, be removed to a place at least 200 feet from the vehicle (and preferably 200 feet from

any habitation). In the event of fire, involving a motor vehicle laden with any explosive, every practicable effort shall be made to give warning of danger of explosion to habitants in the vicinity and to other users of the highway.

(a) (2) *Disposition of spilled or leaking explosives.* In the event of any accident involving any motor vehicle transporting any explosive in which packages are broken, all unbroken packages and as much of any broken packages as possible shall be carefully gathered and removed to a place of safety, in order to prevent fire or explosion. In clearing any wreck in which a motor vehicle containing any explosive is involved, care shall be exercised not to produce sparks with tools or by other means in moving of or working about the wreckage, so as to avoid as far as possible fires or explosions.

(a) (3) *Explosives packages in transit capable of repair.* Any package of explosives found injured or broken in transit may be repaired or recovered when this is evidently practicable and not dangerous. When a box that contains any explosive is so damaged that it cannot be repaired it should be reinforced by stout wrapping paper and twine, placed in another strong box, and surrounded by dry, fine sawdust, or dry and clean cotton waste, or elastic wads made from dry newspapers. The box cover should then be securely attached. A ruptured can or keg should be inclosed in a grain bag of good quality, and boxed. Injured packages thus protected, and properly marked with name of contents and consignee's name and address, may be carried to destination: *Provided, however*, That the motor carrier, if himself the shipper, need not mark his own name and address on the package.

(a) (4) *Liquid nitroglycerin.* When any liquid nitroglycerin has been spilled on any portion of any motor vehicle it shall be washed with a suitable neutralizing agent until all of any such spillage shall have become completely neutralized.

(a) (5) *Explosives other than liquid nitroglycerin.* When particles of any explosive composition other than liquid nitroglycerin have escaped from a damaged container to the floor of the body of the carrier's motor vehicle, the floor shall be thoroughly swept and any absorbed portion removed.

(a) (6) *Unrepairable explosives packages.* When any package of explosives in transit is found to be leaking or damaged and cannot be recovered, it may not be transported beyond the minimum distance necessary to reach a place where the explosive may be disposed of with safety, except as provided in sections 827 (e) and 828 (a) (3).

Inflammable Liquids

(b) (1) *Accident to vehicle; warnings; no sparks or flame.* In the event of an accident involving any motor vehicle transporting any inflammable liquid

every available means shall be employed to prevent individuals, other than those employed in the protection of persons or property or in the removal of hazards or wreckage, from congregating in the vicinity; such means shall also be employed to prevent smoking, to keep fires or flame away, to safeguard against the hazard present, and to warn other users of the highway. (See also section 814 (800).)

(b) (2) *Prevent leakage from spreading.* Whenever any inflammable liquid is escaping from a container, all practical means shall be taken to prevent such liquid from spreading over a wide area, from flowing into sewers and streams, and from becoming ignited.

(b) (3) *Disposition of contents of cargo tank when unsafe to continue.* In the event of a leak in a cargo tank of such a character as to make further transportation unsafe, the leaking vehicle should be removed from the traveled portion of the highway; and every available means employed for the safe disposal of the leaking liquid by preventing, so far as practicable, its spread over a wide area, such as by digging trenches to drain to a hole or depression in the ground, diverting the liquid away from streams or sewers if possible, or catching the liquid in containers if practicable. Smoking and the lighting of cigarettes, cigars, or pipes in the vicinity is prohibited, and fires or flames in the vicinity of the leaking cargo tank must be extinguished.

(b) (4) *Transfer of inflammable liquids en route.* No inflammable liquid shall be transferred from one container to another, or from one motor vehicle to another vehicle, or from another vehicle to a motor vehicle, on any public highway, street, or road, except in case of emergency. In such cases red electric lanterns or flags shall be set out in the manner prescribed for disabled or stopped motor vehicles in Motor Carrier Safety Regulations. In any event, all practicable means, in addition to those hereinbefore prescribed, shall be taken to protect and warn other users of the highway against the hazard involved in any such transfer, or against the hazard occasioned by the emergency making such transfer necessary. Nothing contained in this rule shall be so construed as to prohibit the fueling of machinery or vehicles used in road construction and maintenance.

(b) (5) *Transportation of leaking cargo tanks.* A leaking cargo tank may only be transported the minimum distance necessary to reach a place where the contents of the tank or compartment may be disposed of with safety. Every available means must be utilized to prevent the leakage or spillage of the liquid upon the highway.

Inflammable Solids and Oxidizing Materials

(c) (1) *Dangerous articles spilled; warning of nearby persons.* In the

event of any accident involving any motor vehicle in which any inflammable solid or oxidizing material may have become spilled, every practicable and available means shall be taken to warn all approaching persons of the hazard of fire.

(c) (2) *Prevent spread of fire where possible.* Care shall be exercised in the event of damage to packages of inflammable solids or oxidizing materials which either have been or may be on fire, to limit the spread of the fire.

(c) (3) *Disposition of spilled or leaking materials.* In the event of any accident involving any motor vehicle transporting any inflammable solid or oxidizing material in which packages are broken, as much as possible of any broken packages shall be carefully gathered and removed to a place of safety, and if the removal of unbroken packages from the motor vehicle would decrease the hazard of fire or other hazard, they shall be removed. The handling of any such materials not contained in packages shall be such as to promote the greatest safety to other users of the highway.

(c) (4) *Reloading of damaged packages of matches; repairs.* In the event of damage to matches or packages of matches by fire or by water in extinguishing a fire in transit, they shall be reloaded in accordance with the applicable requirements for the packing and loading of matches. Great care shall be taken, however, first to examine and repair any damage to outside containers before reloading, and all loose matches shall be destroyed. Smoking boxes of matches shall not be opened in the vicinity of the remainder of the lading. Such boxes shall be destroyed at a safe distance from the motor vehicle, preferably by burning, and shall not be left, either smoking or burning.

Corrosive Liquids

(d) (1) *Accident to vehicle; other lading damaged; vehicle washed.* In the event of any accident involving any motor vehicle transporting corrosive liquids in which has been involved the breakage, spillage, or leakage of containers of such liquids, care shall be exercised in the handling of any other lading which may have become damaged thereby so as to minimize the hazard in handling such damaged lading during the unloading process; and the interior of any other part of the motor vehicle upon which the corrosive liquid may have become spilled shall be thoroughly washed with water as soon after the unloading process as feasible and prior, in any event, to the subsequent reloading of the motor vehicle. (See also section 814 (800).)

(d) (2) (a) *Leaking cargo tanks.* In the event of leakage of liquid from any cargo tank or any compartment thereof used for the transportation of corrosive liquids, which develops or is discovered subsequent to the commencement of transportation, any one of the following means, or any means in addition to those herein prescribed, equally or more effec-

tive, shall be employed to minimize further hazard:

(d) (2) (b) Further to transport the cargo tank only the minimum distance to reach a place where the contents of the tank or compartment which is leaking may be disposed of with safety, meanwhile employing every available means to prevent the spillage or leaking of any liquid on the highway.

(d) (2) (c) In the event the leak is of such a character as to make further transportation of the cargo tank unsafe, to draw off the traveled portion of the highway, and to employ every available means for the safe disposal of the leaking liquid by preventing, so far as practicable, its spread over a wide area, as by absorbing by means of the use of non-combustible absorbent material, such as fine ashes, sand, earth, etc., or by any other practicable means; by digging trenches to drain to a hole or depression in the ground; by diverting the liquid away from streams or sewers if possible; or by catching the liquid in containers if practicable. So far as practicable, every available means shall be employed to prevent the congregation of spectators and to prevent them from coming in contact with the liquid or its fumes. All available means shall be taken to prevent injury or damage to other users of the highway, or to livestock or farm animals, which might be occasioned by the unloading of the corrosive liquid.

Compressed Gases

(e) (1) *Accident to vehicle; warnings; keep fire away.* In the event of an accident involving any motor vehicle transporting any compressed gas, the release of which would constitute a hazard to other users of the highway, due care shall be taken that only persons employed in the removal of hazards or wreckage shall be allowed in proximity to the motor vehicle, and the shipper should be notified. In such cases, every practicable and available means shall be taken to warn all approaching persons of the danger involved and to caution them against the use of matches or flame-producing devices, if the gas is inflammable.

(e) (2) *Transfer of inflammable gas en route; no flame or sparks.* No inflammable compressed gas shall be transferred from one container to another, or from one tank motor vehicle to another tank vehicle, or from another tank vehicle to a tank motor vehicle, on any public highway, street, or road, except in case of emergency. In such cases every precaution shall be taken to prevent the escape of gas. Red electric lanterns or flags shall be set out in the manner prescribed in Motor Carrier Safety Regulations. All cargo tanks involved in such transfer shall be grounded. The transfer shall be made only during daylight, unless the emergency occurs at night or extends into hours of darkness and the hazard would be increased by waiting until daylight. In any such event, all practicable means, in addition

to those hereinbefore prescribed, shall be taken to protect and warn other users of the highway against the hazard involved in any such transfer, or against the hazard occasioned by the emergency making such transfer necessary. Every precaution shall be taken to prevent the ignition of any inflammable compressed gas from any source; and when it is possible to prevent the congregation of persons not directly concerned with the emergency, this shall be done. Every practicable precaution shall be taken to keep flames or fire away from the scene of the emergency and to prevent smoking or the lighting of pipes, cigars, or cigarettes. Similarly, special care shall be exercised in the operation of any engine, whether of the motor vehicles involved or any other, and where the operation of any such engine would be likely to produce ignition of the inflammable compressed gas, the transfer shall be accomplished by other means, if possible. Nothing contained in these regulations shall be so construed as to prohibit the fueling of machinery or vehicles used in road construction and maintenance.

Poisons

(f) (1) *Accident to vehicle; warnings; no sparks or flame.* In the event of an accident involving any motor vehicle transporting any poison which is inflammable, noxious, or toxic, every available means shall be employed in the protection of persons or property or in the removal of hazards or wreckage, from congregating in the vicinity; such means shall also be employed to prevent smoking, to keep flame away, to safeguard against the aggravation of the hazard present, and to warn other users of the highway. Care shall also be taken to prevent any poison, whether inflammable or noninflammable, from contaminating streams or flowing or being spilled into sewers, and poison in powdered form from being scattered by wind. (See also section 814 (800).)

(f) (2) *Leaking cargo tanks.* In the event of leakage of liquid from any cargo tank or any compartment thereof used for the transportation of any poison which is also inflammable, or which would come also within the definition of an inflammable liquid, or of any gas or combination of gas and liquid, or any poison which would come within the definition of a compressed gas, the requirements shall be the same as those set forth for inflammable liquids and compressed gases. In addition, all possible care shall be taken to warn bystanders or other users of the highway against the hazard of inhaling vapors or coming in contact with the poison.

Regulations Applying to Explosives or Other Dangerous Articles on Motor Vehicles Carrying Passengers for Hire

850. (a) *Vehicles transporting passengers and property.* In addition to the

foregoing regulations, the following requirements shall apply to vehicles transporting passengers and property.

(b) *No explosives or other dangerous articles on passenger-carrying vehicles, exceptions.* No explosives or other dangerous articles except small-arms ammunition, emergency shipments of drugs, chemicals and hospital supplies, and the accompanying munitions of war of the Military and Naval forces, are authorized by these regulations to be transported on motor vehicles carrying passengers for hire where other practicable means of transportation is available.

(c) *Explosives in passenger-carrying space forbidden.* No explosive, except small-arms ammunition, may be carried in the passenger carrying space of any motor vehicle transporting passengers for hire.

(d) *Explosives and other dangerous articles on passenger-carrying vehicles; quantity.* Where no other practicable means of transportation is available the following articles in the quantities as shown may be transported in motor vehicles carrying passengers for hire in a space other than that provided for passengers: Not to exceed 100 pounds gross weight of any or all of the kinds of explosives permitted to be transported by rail express or rail baggage services, may be transported on a motor vehicle transporting passengers: *Provided, however,* That samples of explosives for laboratory examination, not exceeding a net weight of one-half pound each, and not exceeding 20 samples or not to exceed a total of 100 blasting caps at one time in a single motor vehicle, may be transported in a motor vehicle transporting passengers. (See Commodity List, column 5.)

(e) *Articles other than explosives on passenger-carrying vehicles.* The gross weight of any given class of dangerous article other than explosives shall not exceed 100 pounds, and the aggregate weight of all such other dangerous articles shall not exceed 500 pounds. This provision does not apply to nontoxic noninflammable refrigerants, when such refrigerant is for servicing operations of a motor carrier on whose motor vehicles the refrigerant is used. A cylinder secured against movement while in transit and not exceeding 250 pounds gross weight may be transported.

(f) *Poisons on passenger-carrying vehicles.* No motor carrier may transport any extremely dangerous poison, class A, any tear gas or irritating substance, class C, any less dangerous poison, class B, which is a liquid, or any paranitraniline, in any amount, in or on any bus while engaged in the transportation of passengers; or any less dangerous poison, class B, which is other than a liquid, in any amount exceeding an aggregate of 100 pounds gross weight in or on any such bus.

[F. R. Doc. 41-9081; Filed, December 2, 1941; 12:54 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W-398-qm-10857: O. I. #798]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: FORD MOTOR COMPANY, DEARBORN, MICHIGAN

Contract for: Trucks * * * various bodies.

Amount: \$2,362,628.70.

Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 4th day of September, 1941.

Scope of this contract. The contractor shall furnish and deliver Trucks, * * *, various bodies for the consideration stated \$2,362,628.70 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Terms of payment: Discount will be allowed for prompt payment as follows: 30 calendar days \$ * * * per vehicle.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authorities

QM 1801 P 37-30 A 0525.003-2
 QM 1431 P 63-07 A 0525.003-2
 ORD 32 P 96-13 A 1005-2
 DDS 741 P 70-09 A 0400-2
 QM 3329 P 15-30 A 1805-2

the available balances of which are sufficient to cover cost of same.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-9086; Filed, December 3, 1941;
9:37 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-110]

IN THE MATTER OF WILLIAM BURK, CHARLES BURK AND HOWARD WILLIAMS, INDIVIDUALLY AND AS COPARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF FRANCIS E. BURK & SONS AND HOWARD WILLIAMS, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 16, 1941, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 9, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 323, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before

the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above-named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendants, William Burk, Charles Burk, Howard Williams and Francis E. Burk & Sons and Howard Williams, copartnership, whose addresses are R. D. No. 5, Somerset, Pennsylvania, during the period of October 1, 1940 to December 31, 1940, both dates inclusive, (a) sold a substantial quantity of mine run coal, Size Group 3, produced at their Burk and Williams Mine (Mine Index No. 2298), located in Somerset County, Pennsylvania, Subdistrict 37 of District No. 1 to various persons at prices of approximately \$1.75 to \$2.25 per net ton f. o. b. the mine for truck shipment, whereas the applicable minimum price for said coal was \$2.40 per net ton f. o. b. the mine as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipment, and (b) sold a substantial quantity of 1½" screenings, Size Group 4, produced at the aforesaid mine to various persons at a price of \$2.00 per net ton f. o. b. said mine for which coal no price was listed in the above-named schedule and therefore such size should have been priced at the price and classification applicable to Size Group 3, the next largest size, or \$2.40 per net ton f. o. b. said mine as set forth and required in Price Instruction No. 4 of the above-mentioned schedule, and (c) failed to report the change in method of mining or preparation of coal produced at said mine, said

change being from run of mine to 1½" screenings, in violation of Order No. 288 dated December 8, 1939. The sales of coal hereinabove described were in violation of section 4 Part II (e) of the Act and Part II (e) of the Code and to the pertinent sections of the Act, the Code, and orders, rules and regulations promulgated thereunder.

Dated: December 2, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9087; Filed, December 3, 1941;
11:04 a. m.]

[Docket No. A-1137]

PETITION OF WAPENOH COAL COMPANY FOR CHANGE IN SHIPPING POINT OF ITS McBRIDE MINE, MINE INDEX NO. 2152, IN DISTRICT NO. 2, FOR ALL SHIPMENTS EXCEPT TRUCK

NOTICE OF AND ORDER FOR HEARING AND GRANTING TEMPORARY RELIEF

An original petition and amendment thereto, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

District Board No. 8 having filed a petition of intervention in the above-entitled matter;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 6, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these pro-

ceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 2, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Wapenoh Coal Company, a code member in District No. 2, that the price classifications and minimum prices effective for the coals of its McBride Mine, Mine Index No. 2152, for rail shipments, shall be applicable only for shipments on Montour Railroad from Boggs Siding, and shall no longer be applicable for shipments on Pennsylvania Railroad from Midway (Pigear), Pennsylvania.

It is further ordered. That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the McBride Mine, Mine Index No. 2152, of Wapenoh Coal Company, for rail shipments, shall be applicable only for shipments on Montour Railroad from Boggs Siding, Pennsylvania, and shall no longer be applicable for shipments on Pennsylvania Railroad from Midway (Pigear), Pennsylvania. All allowances or adjustments required or permitted mines in Freight Origin Group No. 72 shall be applicable to all shipments of the coals of the McBride Mine, Mine Index No. 2152, of Wapenoh Coal Company from Boggs Siding on Montour Railroad.

It is further ordered. That applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: December 1, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9088; Filed, December 3, 1941; 11:04 a. m.]

[Docket No. A-1102]

PETITION OF DISTRICT BOARD NO. 7 FOR THE REVISION IN SIZE GROUP NO. 1 OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES ESTABLISHED FOR THE COALS OF THE SEMOCO MINE (MINE INDEX NO. 164) OF SHOCKLEY CREEK COAL COMPANY, A CODE MEMBER IN DISTRICT 7

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

This proceeding was instituted upon petition filed with the Bituminous Coal Division by District Board 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests that the effective price classification and minimum prices established for the coal in Size Group 1 produced at the Semoco Mine (Mine Index No. 164) of Shockley Creek Coal Company, a code member in District 7, be reduced from "B" to "D" for all shipments except truck. The petition contained a prayer for temporary relief.

Pursuant to an Order of the Director and after due notice to interested persons, a hearing in this matter was held on November 24, 1941 before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner appeared. At the conclusion of the hearing, the petitioner renewed its request for temporary relief.

Evidence was presented on behalf of the petitioner to the following effect: The Semoco Mine of the Shockley Creek Coal Company is operating in the Sewell Seam in the Winding Gulf Subdistrict of District 7 from which extremely friable coal is produced. The mine has two loading tracks and can produce only two sizes of coal simultaneously. Prior to the suspension of operations in April 1941, most of the coal produced at the mine was mine run, either domestic or straight, and resultant screenings. After closing in April, operations were not resumed at the mine until July 1941, after a contract had been entered into by the producer with the New England Coal & Coke Company to supply it with 2,500 tons of 1 1/4" screenings per month. In producing 1 1/4" screenings, the mine also produces 1 1/4" lump (Size Group 1). In order for the mine to supply the screenings under its contract, it must be able to market its lump coal. From the latter part of July to the first of September 1941 the lump coal was shipped to inland markets, but owing to the excessive friability of the coal and its consequent degradation in transit, complaints were received from many purchasers, some of whom requested adjustments, with the result that the inland markets were lost. The price at which the coal was shipped inland was \$3.00 per ton, which, considering the sea-

sonal discounts, was slightly above the established minimum price. However, Shockley has since been able to sell only one car of lump coal inland, at the established minimum price of \$3.05 per ton.

It was further stated that during September and October 1941 the producer sold the lump coal in the tidewater market for export and bunker fuel at \$2.50 and \$2.55 per ton, thus enabling it to produce sufficient screenings to fulfill its contract requirements for those months. The producer feels that the tidewater market is uncertain and that it was fortunate is being able to ship its lump coal to this market during September and October but anticipates that, unless temporary relief is granted, it may not have a market for the lump coal during November and succeeding months and, therefore, will be unable to supply screenings in accordance with its contract. The producer is of the opinion that it will be able to sell the lump coal inland at the requested minimum price of \$2.80 per ton.

Further evidence was presented by the petitioner to indicate that the lump coal produced at the Semoco Mine is more nearly comparable in size stability and in slack and ash content to the coals of District 7 which have a "D" classification for this size than it is to the coals of that district with which it is presently classified.

John A. Luse, executive secretary of District Board 7, expressed the belief that both the market history and the structural quality of the Semoco Mine coal justifies the relief requested, and that to grant this relief would not disturb the competitive opportunities of other producers. He stated that a copy of the petition had been served upon all other code members of the District and that no protests, either oral or written, have been received from any of them.

The undersigned is of the opinion that the petitioner has made a reasonable showing of the necessity for the granting of the temporary relief prayed for in the petition, and that no adequate showing has been made that the granting of such relief will prejudice other producers.

Now, therefore, it is hereby ordered. That, pending final disposition of the petition herein, the Schedule of Effective Minimum Prices for District No. 7 for All Shipments Except Truck be, and it hereby is, temporarily amended by reducing the classification established for the Size Group 1 coal produced at the Semoco Mine (Mine Index No. 164) of the Shockley Creek Coal Co. from "B" to "D".

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to Sec-

tion 4 II (d) of the Bituminous Coal Act of 1937.

Nothing contained herein shall be construed to constitute an expression of opinion regarding the granting of final or permanent relief in this proceeding.

Dated: December 1, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9089; Filed, December 3, 1941;
11:04 a. m.]

[Docket No. A-1129]

PETITION OF SOMERSET RETAIL COAL DEALER'S ASSOCIATION AND THE CODE MEMBERS REPRESENTED BY IT FOR THE ESTABLISHMENT OF MINIMUM PRICES BASED UPON TRUCK TRANSPORTATION CHARGES FOR TRUCK SHIPMENT IN SOMERSET TOWNSHIP, SOMERSET COUNTY, PENNSYLVANIA

MEMORANDUM OPINION AND ORDER DENYING TEMPORARY RELIEF

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division by the Somerset Retail Coal Dealer's Association (the "Association") on behalf of ten code members in District 1 represented by it, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests the establishment of reasonable truck transportation charges for the delivery of coal to Somerset Township (the "Township"), Somerset County, Pennsylvania, in District 1.

Pursuant to the request for temporary relief, an informal conference was held on November 6, 1941, in accordance with § 301.106 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act, upon notice to the petitioner, the Bituminous Coal Consumers' Counsel ("Consumers' Counsel") and District Boards 1, 2 and 3. Represented at the conference were the petitioner, the Consumers' Counsel, and District Boards 1 and 2, all of whom were afforded full opportunity to express their views.

The basis of petitioner's request for relief as shown by the representations made on its behalf at the conference is as follows: The Somerset Retail Coal Dealer's Association is composed of some ten producers in District 1 who sell coal in Somerset Township and of certain independent truckers who deliver coal to this township. In the past, coal has been delivered into Somerset Township at various prices, and in some instances, at practically the same prices that are established for the coal f. o. b. the mine. The Association was organized in September 1941, and its members agreed on a price at which they would deliver their coal to Somerset Township. At the present time, however, coal is being delivered into the township by other producers,

or by independent truckers, who do not add proper transportation charges to the f. o. b. mine prices as provided in Price Instruction No. 6 of the District 1 Schedule for Truck Shipments. The failure of the other producers to comply with the price instruction has resulted in loss of business to the members of the Association. The petitioner requests that the Division remedy this condition by the establishment of a minimum truck transportation charge of \$1.00 per ton for all coal sold and delivered into the Township. The members of the Association feel that the average cost of the various producers in transporting coal to the Township would be \$1.00 per ton.

A representative of District Board 1 expressed the opinion that the temporary relief requested was proper, although admitting that no exact figures were given by which reasonable trucking costs for deliveries to the Township could be determined. Consumers' Counsel opposed the granting of the relief on the grounds that there was no adequate showing of the necessity for such relief and that the statements made on petitioner's behalf do not warrant the granting of any relief.

After considering the representations made at the conference, the Acting Director is of the opinion that no adequate showing has been made of the necessity for the granting of the temporary relief requested. Moreover, the record contains no definite statements of fact regarding the location of the producers shipping coal to the Township, the exact distances over which the coal is trucked, and the costs of making the deliveries. It further appears that the members of the Association constitute only a small percentage of the producers who sell coal in the Township and that the other producers delivering coal into this area were not notified of the informal conference, although they would be vitally affected if the requested relief were granted. In view of these facts, the Acting Director is of the opinion that the request for temporary relief should be denied.

Accordingly, it is so ordered.

Dated: December 1, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9090; Filed, December 3, 1941;
11:04 a. m.]

[Docket Nos. 1682-FD, 1683-FD, 1685-FD,
1687-FD]

IN THE MATTERS OF C. T. NORMAN, ED SHEELOR, K. D. ABNEY, LONG & EARLY, DEFENDANTS

ORDER RESCHEDULING HEARINGS AND REDESIGNATING EXAMINER

The above-entitled matters having been scheduled for hearings at Birmingham, Alabama, on October 16, 1941, by Orders of the Acting Director dated July

28, 1941, and subsequently having been postponed by Orders of the Director dated September 12, 1941, to dates and hearing rooms to be thereafter designated by appropriate orders; and

It appearing to the Acting Director that the place and date of said hearings should now be designated;

Now, therefore, it is ordered, That hearings in the above-entitled matters be held at Birmingham, Alabama, on January 12, 1942, in a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama;

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division designated for that purpose shall preside at the hearings in such matters; and

It is further ordered, That the Notices of and Orders for Hearings herein dated July 28, 1941, shall in all other respects remain in full force and effect.

Dated: December 2, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9091; Filed, December 3, 1941;
11:06 a. m.]

[Docket No. B-3]

IN THE MATTER OF C. E. WERNER, JR., REGISTERED DISTRIBUTOR, REGISTRATION No. 9584, RESPONDENT

ORDER RESCHEDULING HEARING AND REDESIGNATING EXAMINER

The above-entitled matter having been scheduled for hearing at Nashville, Tennessee, on December 3, 1941, pursuant to the Order of the Director dated October 9, 1941, as amended by Order of the Director dated November 4, 1941, and subsequently postponed pursuant to the Order of the Director dated November 22, 1941, to a date and a hearing room to be thereafter designated by an appropriate order;

And it appearing to the Acting Director that the place and date of said hearing should now be designated;

Now, therefore, it is ordered, That a hearing in the above-entitled matter be held on January 21, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Chancery Court Room, 7th and Georgia Ave., Chattanooga, Tenn.; and

It is further ordered, That Travis Williams be and he is hereby designated to preside at such hearing vice Charles S. Mitchell; and

It is further ordered, That the Notice of and Order for Hearing herein dated October 9, 1941, as amended by Order dated November 4, 1941, shall in all other respects remain in full force and effect.

Dated: December 2, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9092; Filed, December 3, 1941;
11:06 a. m.]

[Docket No. A-804]

PETITION OF C. W. DOBBS (MINE INDEX No. 2474) A PRODUCER IN DISTRICT No. 8, FOR A REDUCTION OF EFFECTIVE MINIMUM PRICES FOR TRUCK SHIPMENT TO MARKET AREA No. 101

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND DENYING RELIEF

This proceeding was instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by C. W. Dobbs, a code member in District 8, operator of the Dobbs Mine (Mine Index No. 2474), seeking a reduction in the effective minimum f. o. b. mine prices on his mine run coal from \$2.20 to \$1.70 per ton for shipment by truck to the Belle Alkali Company of Belle, West Virginia.

Pursuant to an order of the Director and after due notice to all interested persons, a hearing in this matter was held before Scott A. Dahlquist, at a hearing room of the Division in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Appearances were entered on behalf of the petitioner and District Board No. 8.

The Examiner on October 28, 1941, submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations, recommending that the relief requested herein be denied. He found that, while it appears that the petitioner's business with the Belle Alkali Company has fallen off sharply since the incidence of effective minimum prices, the evidence did not show that this has been due to the improper coordination of petitioner's coals with those of his competitors. He also found that the evidence did not indicate that the coals sold by his competitors, the Kanawha By-Products Coal Company and the Garbett Coal Company, had displaced the petitioner's business in any way. The latter company has been temporarily granted an f. o. b. mine price of \$1.70 (the price sought by the petitioner) on its mine run coal for shipment to Belle Alkali Company at Belle, West Virginia.¹ But the Examiner found no evidence to indicate that the Garbett Coal Company has been using its \$1.70 price. However, he did find that the petitioner has sold his mine run coals at prices above the effective minimum prices.

An opportunity was afforded to all parties to file exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner and supporting briefs. No exceptions or supporting briefs have been filed.

¹ See Order of the Director Granting Temporary Relief, dated January 15, 1941, in Docket No. A-534.

The undersigned has determined that the Proposed Findings of Fact, and Proposed Conclusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and they hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That the prayers for relief contained in the petition filed herein be, and they hereby are, denied.

Dated: December 1, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9093; Filed, December 3, 1941;
11:06 a. m.]

[Docket No. A-1103]

PETITION OF CARR COAL COMPANY, A CODE MEMBER IN DISTRICT No. 2, FOR ADDITIONAL LOADING POINTS FOR ITS CARR MINE, MINE INDEX No. 313

ORDER DISMISSING PETITION

The original petitioner having moved that the proceedings in the above-entitled matter be dismissed without prejudice; and there having been no opposition thereto;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be, and the same hereby is, dismissed, without prejudice.

Dated: December 1, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9094; Filed, December 3, 1941;
11:06 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under Section 6 of the Act are issued under section 14 thereof and part 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective December 4, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of oppor-

tunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Mr. Harry King, Beebe, Arkansas; Hooked Rug Patterns; 2 learners; 4 weeks for any one learner; 25 cents per hour; Stamper and Finisher of Hooked Rug Patterns; January 15, 1942.

Signed at Washington, D. C., this 3d day of December 1941.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-9101; Filed, December 3, 1941;
11:59 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under Section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 4, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Acme Clothing Company, 126 Shove Street, Fall River, Massachusetts; Boys' Clothing; 5 percent (T); December 4, 1942.

Braeburn Manufacturing Company, 302 West 9th Street, Kansas City, Missouri; Ladies' Sportswear; 3 learners (T); December 4, 1942.

Carolina Handkerchief Company, Inc., West End, North Carolina; Handkerchiefs; 5 learners (T); December 4, 1942.

Custom Canvas Front Company, Inc., 487 Atlantic Street, Stamford, Connecticut; Canvas Fronts for Men's Clothing; 3 learners (T); December 4, 1942.

H. B. Glover Company, 480-498 Iowa Street, Dubuque, Iowa; Sport Coats, Jackets, Ski Pants; 5 learners (T); December 4, 1942.

Louis Goldsmith, Inc., Belmont and Erie Avenues, Quakertown, Pennsylvania; Trousers; 5 percent (T); December 4, 1942.

Herrmann Handkerchief Company, 661-663 N. 8th Street, Lebanon, Pennsylvania; Handkerchiefs; 30 learners (E); March 23, 1942. (This certificate replaces one issued bearing effective date of November 3, 1941.)

Pennsburg Clothing Manufacturing Company, 301 Fourth Street, Pennsburg, Pennsylvania; Men's Trousers; 5 percent (T); December 4, 1942.

Utica Knitting Company, Mill No. 8, 1712 Erie Street, Utica, New York; Lastex and Gabardine Swim Trunks; 20 learners (E); April 2, 1942.

Single Pants, Shirts and Allied Garments and Women's Apparel

Amco Manufacturing Company, 837 Mission Street, San Francisco, California; Ladies' Slips and Gowns; 8 learners (T); December 4, 1942.

Aronson-Caplin Company, Inc., 659 North 13th Street, Easton, Pennsylvania; Women's Underwear; 10 percent (T); December 4, 1942.

Betty Brooks Company, 6031 Maywood Avenue, Huntington Park, California; Washable Service Apparel; 10 percent (T); December 4, 1942. (This certificate replaces one issued bearing expiration date of January 6, 1942.)

Bobby Dress Company, 94 Main Street, Dickson City, Pennsylvania; Dresses; 10 percent (T); December 4, 1942.

Bo-Peep Manufacturing Company, Inc., 64 West 36th Street, New York, New York; Infants' and children's suits and dresses (cotton); 10 percent (T); March 19, 1942.

The Brockbank Apparel Company, 222 South West Temple Street, Salt Lake City, Utah; Nurses' Uniforms, Dresses, Blouses; 4 learners (T); December 4, 1942.

Buddy Boy Suit Company, 552 West Broadway, New York, New York; Boys' Wash Suits; 5 learners (T); March 19, 1942.

Cleveland Nurses Apparel, 1104 Prospect Avenue, Cleveland, Ohio; Nurses' Uniforms; 4 learners (T); March 19, 1942.

Delight Foundation Garments, Inc., 224 Eleanor Street, Kalamazoo, Michigan; Corsets, Girdles, Corselettes and Brassieres; 10 percent (T); December 4, 1942.

Duncannon Dress Company, Duncannon, Pennsylvania; Ladies' Dresses; 10 percent (T); December 4, 1942.

Fine Pants Company, Inc., 137 North 7th Street, Philadelphia, Pennsylvania; Boys' Clothing, Cotton Pants; 10 percent (T); December 4, 1942.

I. Ginsberg and Brothers, Inc., 83 Fall Street, Seneca Falls, New York; Wash Dresses; 10 learners (T); December 4, 1942.

I. Ginsberg and Brothers, Inc., 27 East Genesee Street, Auburn, New York; Wash Dresses; 10 percent (T); December 4, 1942.

Herman I. Gottesman, 17 North Avenue, Beacon, New York; Pants; 8 learners (T); December 4, 1942.

Hanover Shirt Company, Inc., Ashland, Virginia; Men's Shirts; 10 learners (T); December 4, 1942.

Hegins Manufacturing Company, Maple Street, Hegins, Pennsylvania; Boys' Shirts; 10 percent (T); December 4, 1942.

F. Jacobson and Sons, Inc., Vine Street, Salisbury, Maryland; Men's Shirts; 10 percent (T); December 4, 1942.

F. Jacobson and Sons, Inc., Smith and Cornell Streets, Kingston, New York; Men's Shirts; 10 percent (T); December 4, 1942.

F. Jacobson and Sons, Inc., 127 Arch Street, Albany, New York; Men's Shirts and Pajamas; 10 percent (T); December 4, 1942.

F. Jacobson and Sons, Inc., Jay and River Street, Troy, New York; Men's Shirts and Pajamas; 10 percent (T); December 4, 1942.

Marvel Sportswear Company, 1 Junius Street, Brooklyn, New York; Washable Service Apparel, Infants' and Children's Outerwear; 10 learners (T); March 19, 1942.

Miller Manufacturing Company, Inc., Cherryvale, Kansas; Work Pants; 10 percent (T); December 4, 1942.

C. A. Neuberger Company, 908-916 South Main Street, Oshkosh, Wisconsin; Ladies' Wash Dresses, Housecoats, Waitress Uniforms; 10 percent (T); December 4, 1942.

Picayune Shirt Factory, Inc., Good-year Boulevard, Picayune, Mississippi; Shirts; 200 learners (E); June 4, 1942.

The Princess Underwear Company, 111 Summer Street, Boston, Massachusetts; Gowns and Pajamas; 3 learners (T); December 4, 1942.

Salant and Salant, Inc., South First Street, Union City, Tennessee; Cotton Work Shirts; 10 percent (T); December 4, 1942.

Swann Shirt Manufacturing Company, 215 West Pembroke Street, Dallas, Texas; Shirts; 1 learner (T); April 23, 1942.

I. Taitel and Son, Prettyman Street, Knox, Indiana; Men's & Boys' Longs, Boys' Jumpers; 10 percent (T); December 4, 1942.

Unity Shirt Company, 300 Seymour Avenue, Derby, Connecticut; Men's Dress Shirts; 10 percent (T); December 4, 1942.

Utica Knitting Company, Mill No. 8, 1712 Erie Street, Utica, New York; Lastex and Gabardine Swim Suits, Trunks; 10 learners (E); April 2, 1942.

Vesta Corset Company, 25 South Street, McGraw, New York; Corsets and Corselettes; 10 percent (T); December 4, 1942.

Gloves

Tennessee Glove Company, Inc., South Atlantic Street, Tullahoma, Tennessee; Work Gloves; 10 learners (T); December 4, 1942. (Replaces one expiring 11-27-42).

Hosiery

Adams-Millis Corporation, Mill No. 1, English Street, High Point, North Carolina; Seamless Hosiery; 5 percent (T); December 4, 1942.

Adams-Millis Corporation, Mill No. 2, Grimes Street, High Point, North Carolina; Seamless Hosiery; 5 percent (T); December 4, 1942.

Adams-Millis Corporation, Mill No. 3, Washington Street, High Point, North Carolina; Seamless Hosiery; 5 percent (T); December 4, 1942.

Adams-Millis Corporation, Mill No. 4, Bodenheimer Street, Kernersville, North Carolina; Seamless Hosiery; 5 percent (T); December 4, 1942.

Adams-Millis Corporation, Mill No. 7, English Street, High Point, North Carolina; Seamless Hosiery; 5 percent (T); December 4, 1942.

Adams-Millis Corporation, Mill No. 8, Tryon, North Carolina; Seamless Hosiery; 5 percent (T); December 4, 1942.

Admiral Hosiery Mills, 1023-1027 Race Street, Philadelphia, Pennsylvania; Full Fashioned Hosiery; 14 learners (T); August 1, 1942. (This certificate effective December 1, 1941, and omitted from FEDERAL REGISTER of that date.)

Cohen Hosiery Company, 108 North Davie Street, Greensboro, North Carolina; Seamless Hosiery; 5 learners (T); December 4, 1942.

Invincible Hosiery Mill, 213 Pearl Street, Reading, Pennsylvania; Seamless Hosiery; 1 learner (T); December 4, 1942.

Surry Hosiery Mills, Inc., 116 Willow Street, Mount Airy, North Carolina; Seamless Hosiery; 3 learners (T); December 4, 1942.

Independent Branch of the Telephone Industry

North Side Telephone Company, 3 RD Main Street, Parkville, Missouri; to employ learners as commercial switchboard operators at its 3 RD Main Street Exchange, Parkville, Missouri; until December 4, 1942.

Knitted Wear

Bennett Textile Company, Inc., 304 Ontario Street, Cohoes, New York; Knitted Underwear and Commercial Knitting; 5 learners (T); December 4, 1942.

Millinery

El Rita Trimmed Hat Company, Inc., 1027 Broadway, Kansas City, Missouri; Custom-Made Millinery; 2 learners (T); December 4, 1942.

Textile

Bally Ribbon Mills, Incorporated, Bally, Pennsylvania; Ribbons; 3 learners (T); December 4, 1942.

Echota Cotton Mills, Calhoun, Georgia; Cotton Yarn; 3 percent (T); December 4, 1942.

Radford Weaving Company, Nerwood Street, Radford, Virginia; Rayon Piece Goods; 3 percent (T); December 4, 1942.

Tifton Cotton Mills, Tifton, Georgia; Cotton Yarns; 3 percent (T); December 4, 1942.

Woolen

Merrimac Mills, Osgood Street, Methuen, Massachusetts; Worsted Yarns and Fabrics; 3 percent (T); December 4, 1942.

Signed at Washington, D. C., this 3rd day of December 1941.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-9100; Filed, December 3, 1941; 11:59 a. m.]

[Administrative Order No. 133]

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE NO. 37 FOR THE CIGAR INDUSTRY

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, Department of Labor,

Do hereby accept the resignations of Mr. R. E. Van Horn and Mr. Hoyte D. Woodbury from Industry Committee No. 37 for the Cigar Industry, and do hereby appoint in their stead Mr. John Levy, Tampa, Florida, as a representative of the employers in the industry and Mr. Prudencio Rivera Martinez, Washington, D. C., as a representative of the employees in the industry.

Signed at Washington, D. C., this 2d day of December 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-9099; Filed, December 3, 1941; 11:59 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-39]

IN THE MATTER OF NORTH AMERICAN LIGHT & POWER COMPANY HOLDING-COMPANY SYSTEM, AND, THE NORTH AMERICAN COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of December, A. D. 1941.

The Commission having examined the Report of its Public Utilities Division dated November 17, 1941, with respect to the applicability of section 11 (b) (2) of the Public Utility Holding Company Act of 1935 to the North American Light & Power Company holding-company system, said Report having been filed herewith and by this reference thereto made a part of this order; and

It appearing to the Commission on the basis of said Report that there are reasonable grounds to believe that:

1. The corporate structure and continued existence of North American Light & Power Company unduly and unnecessarily complicate the structure and unfairly and inequitably distribute voting power among the security holders of the holding-company system of which it is a part;

2. North American Light & Power Company and Illinois Traction Company, registered holding companies, each have a subsidiary company which itself has a subsidiary company which is a holding company;

3. The continued existence of Illinois Traction Company unduly and unnecessarily complicates the structure of the holding-company system of which it is a part;

4. The reserves for retirements and depreciation of plant and property owned by Missouri Power & Light Company and The Kansas Power and Light Company are inadequate.

It therefore appearing to the Commission on the basis of its examination as aforesaid, that proceedings should be instituted under sections 11 (b) (2), 15 (f) and 20 (a) of said Act with respect to said holding-company system to determine whether the facts are as stated in said Report, whether the conclusions contained in said Report should be adopted, modified or rejected, in whole or in part, by an appropriate order or orders entered pursuant to section 11 (b) (2) and other sections of the Act; and in all other respects to determine whether and what steps should be required to be taken by each of the companies consti-

tuting said North American Light & Power Company holding-company system to ensure that the corporate structure or continued existence of any company in the said holding-company system does not unduly or unnecessarily complicate the structure of said holding-company system, or unfairly or inequitably distribute voting power among the security holders of said holding-company system.

It is ordered, That a hearing shall be held at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., at 10:00 A. M. on the 22d day of December 1941 in such room as may be designated on such date by the hearing room clerk in room 1102; and that North American Light & Power Company, each of its following subsidiaries: The Kansas Power and Light Company, Missouri Power & Light Company, The Blue River Power Company, Illinois Traction Company, Northern Natural Gas Company, Argus Natural Gas Company, Inc., Peoples Natural Gas Company, Kewanee Public Service Company, Cahokia Manufacturers Gas Company, Western Illinois Ice Company, Illinois Iowa Power Company, The McPherson Oil & Gas Development Company and Power & Light Securities Company, and The North American Company, be and hereby are made Respondents herein.

It is further ordered, That at such hearing the Respondents and any other parties in interest shall be given an opportunity to be heard with respect to the accuracy of the alleged statements of fact contained in the aforesaid Report of the Public Utilities Division dated November 17, 1941, and said Respondents and all such persons shall have an opportunity and are invited to state at that time any differences which they may have with respect to any of the conclusions contained in said Report.

It is further ordered, That at such hearing, without limiting the scope of issues presented by this notice of and order for hearing, the following matters shall be determined:

(1) Whether an order should be entered requiring the winding up of North American Light & Power Company or Illinois Traction Company or both, and the distribution of their assets to their security-holders in accordance with a fair and equitable plan.

(2) The extent to which The North American Company shall participate in any such distribution of the assets of North American Light & Power Company, if such distribution be ordered.

(3) Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to require that Missouri Power & Light Company or The Kansas Power and Light Company, or both, restate their respective depreciation, retirement, surplus, or other accounts, pursuant to sections 15 (f) and 20 (a) of said Act.

(4) What steps, if any, the said Respondents should be required to take to revise and simplify the corporate struc-

tures of said companies (except The North American Company and Illinois Iowa Power Company) to effectuate the requirements of section 11 (b) (2) of said Act.

It is further ordered, That in the interest of expeditious procedure all evidence with respect to North American Light & Power Company and the subsidiaries thereof contained in the record of the proceedings entitled "In the Matter of The North American Company, et al., File No. 59-10" shall be incorporated in the record of the proceeding herein ordered, and shall be regarded as evidence adduced in the present proceedings subject to the same objections and exceptions preserved in the record of the proceeding in which first introduced: *And provided, however,* That the Respondents or any of them may move to strike such evidence from this record, and may move for leave to introduce other evidence in order to explain or modify such evidence.

It is further ordered, That the Secretary of the Commission shall serve notice of this hearing by mailing a copy of this order, together with a copy of said Report of the Public Utilities Division dated November 17, 1941, by registered mail to each of the Respondents herein not less than fifteen days prior to the date hereinbefore fixed as the date for the hearing; and that notice of said hearing is hereby given to all security holders of the said Respondents, to all consumers served by said Respondents, to all states, municipalities and political subdivisions of states within which are located any of the utility assets of the said North American Light & Power Company holding-company system, to all state commissions, state securities commissions and all agencies, authorities or instrumentalities of the United States, one or more states, municipalities or other political subdivisions having jurisdiction over the said Respondents, and to all other persons, such notice to be given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication in the FEDERAL REGISTER not later than fifteen days prior to the date hereinbefore fixed as the date of the hearing; and

It is further ordered, That any person proposing to intervene in these proceedings shall file with the Secretary of the Commission on or before the 16th day of December 1941, his application therefor as provided by Rule XVII of the Rules of Practice; and

It is further ordered, That jurisdiction be and is hereby reserved to separate, either for hearing, in whole or in part, or for disposition in whole or in part, any of the issues or questions which may arise in these proceedings, or to consolidate these proceedings or any portion thereof with the proceedings heretofore instituted under section 11 (b) (1) of said Act with respect to the aforesaid The North American Company and under section 11 (b) (2) of said Act with respect to Illinois Iowa Power Company,

and to take such other action as may appear conducive to an orderly, prompt and economic disposition of the matters involved.

It is further ordered, That the said Respondents may file with the Secretary of the Commission on or before December 16, 1941 their joint or several answers admitting, denying or otherwise replying to the allegations heretofore made in paragraphs (1) to (4) of this order and to the facts and conclusions stated in the aforesaid Report of the Public Utilities Division dated November 17, 1941. The answer of any Respondent may include a statement as to what action such Respondent proposes to take in order to comply with the requirements of section 11 (b) (2) of said Act and the time within which it proposes to take such action.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9097; Filed, December 3, 1941; 11:41 a. m.]

[File No. 70-428]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY, AND MOBILE GAS SERVICE CORPORATION

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of December, A. D. 1941.

Consolidated Electric and Gas Company, a registered holding company, and Mobile Gas Service Corporation, its subsidiary, having filed applications and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 and particularly sections 6 (b), 7, 10 (a), 12 (b) and 12 (c) thereof and Rules U-23, U-42, U-45 and U-50 thereunder regarding (a) the issue and sale by Mobile Gas Service Corporation of \$1,400,000 principal amount of First Mortgage Bonds due December 1, 1961 and 6,000 shares of 6% Cumulative Preferred Stock, \$100 par value, the proceeds therefrom to be used to redeem and retire \$867,700 principal amount of First Mortgage Bonds, 5% Series, due October 1, 1956; \$637,750 principal amount of First Mortgage Income Bonds, 9% Series A, due October 1, 1956; and \$236,950 principal amount of First Mortgage Income Bonds, 7% Series B, due October 1, 1956; all issued by Mobile Gas Service Corporation and presently outstanding, and to establish a construction fund of approximately \$75,000, the said Mobile Gas Service Corporation to publicly invite proposals for the purchase of the Bonds and Preferred Stock above-described in accordance with said Rule U-50, (b) the surrender by Consolidated Electric and Gas Company to Mobile Gas Service Corporation of \$39,800 principal amount of the First Mortgage Bonds, 5% Series, due October 1, 1956, and \$41,800 principal amount of the First Mortgage

Income Bonds, 9% Series A, due October 1, 1956, as a capital contribution and the acquisition and retirement of the same by Mobile Gas Service Corporation, and (c) a proposed transfer by Mobile Gas Service Corporation from its capital surplus account to its earned surplus account in order to eliminate a deficit therein; and

Said applications and declarations having been filed on November 7, 1941, and certain amendments having been filed thereto, the last of said amendments having been filed on November 28, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said applications and declarations, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above-named parties having requested that the said applications, as amended, be granted, and that the said declarations, as amended, become effective on or before November 29, 1941; and

The Commission finding with respect to the application, as amended, pursuant to section 6 (b) of the Act that the applicable provisions of said section 6 (b) have been satisfied and that Mobile Gas Service Corporation is entitled to an exemption from the provisions of section 6 (a) of the Act with respect to the issue and sale of the above-described securities; and finding with respect to the application, as amended, pursuant to section 10 (a) of the Act that no adverse findings are necessary under sections 10 (b) and 10 (c) (1) of the Act and that the transaction has the tendency required by section 10 (c) (2) of the Act; and finding with respect to the declarations, as amended, pursuant to section 7, 12 (b) and 12 (c) of the Act that the applicable provisions of sections 7 (e), 12 (b) and 12 (c), respectively, of the Act have been satisfied; and being satisfied that the date of granting said applications, as amended, and the effective date of said declarations, as amended, should be advanced;

It is hereby ordered, That said applications, as amended be and they hereby are granted forthwith and that said declarations be and they hereby are permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the following further condition:

That Mobile Gas Service Corporation report to the Commission the results of the public invitation of proposals as required by Rule U-50 (c) and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9098; Filed, December 3, 1941; 11:41 a. m.]