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Washington, Tuesday, March 24, 1936

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

**ESTABLISHING KELLYS SLOUGH MIGRATORY WATERFOWL REFUGE
NORTH DAKOTA**

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 2275 of November 30, 1915, and No. 2385 of May 22, 1916, temporarily withdrawing the following-described public lands in North Dakota for military purposes, are hereby revoked:

FIFTH PRINCIPAL MERIDIAN

T. 152 N., R. 52 W., sec. 14, S $\frac{1}{2}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$;
sec. 15, E $\frac{1}{2}$ SE $\frac{1}{4}$;
sec. 22, E $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$;
sec. 23, N $\frac{1}{2}$ SW $\frac{1}{4}$;
sec. 27, W $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
aggregating 680 acres.

And by virtue of and pursuant to the authority vested in me by the said act of June 25, 1910, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that, subject to valid existing rights, the above-described lands be, and they are hereby, withdrawn from settlement, location, sale, entry, or other form of appropriation under the public-land laws and reserved and set apart for the use of the Department of Agriculture as a refuge and breeding ground for migratory birds and other wildlife.

This refuge shall be known as the Kellys Slough Migratory Waterfowl Refuge.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
March 19, 1936.

[No. 7320]

[Filed, March 21, 1936; 10:00 a. m.]

THE WHITE HOUSE,
Washington, March 20, 1936.

MY DEAR MR. SECRETARY: With reference to my letter addressed to you on February 1, 1936, and particularly to section one of that letter, concerning the application of the duties proclaimed in the trade agreements with Honduras, Switzerland, the Netherlands, Canada, Brazil, Sweden, Haiti, and the Belgo-Luxemburg Economic Union, I hereby direct that such duties shall continue to be applied in respect of articles the growth, produce or manufacture of France (including Algeria) and its assimilated colonies, namely, Indochina, Madagascar, Reunion, Guadeloupe, Martinique and Guiana, until May 15, 1936.

Section one of my letter of February 1 above mentioned is modified accordingly, and you will please cause notice of

this modification to be published in an early issue of the weekly *Treasury Decisions*.

Sincerely yours,

FRANKLIN D. ROOSEVELT

The Honorable HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[Filed, March 23, 1936; 9:42 a. m.]

TREASURY DEPARTMENT.

Federal Alcohol Administration Division.

**NOTICE OF HEARING WITH REFERENCE TO PROPOSED AMENDMENT
TO REGULATIONS NO. 4, RELATING TO LABELING AND ADVERTISING OF WINE**

MARCH 18, 1936.

Pursuant to the provisions of Section 5 of the Federal Alcohol Administration Act, approved August 29, 1935:

Notice is hereby given of a public hearing to be held on Friday, May 1, 1936, at 10:00 A. M., at Mayflower Hotel, Connecticut Avenue and De Sales Street, Washington, D. C., with reference to the proposed amendment of Article II, Section 21, Class 2 (b), and Article III, Section 34 (c), of Regulations No. 4, Relating to the Labeling and Advertising of Wine.

It is the purpose of the Federal Alcohol Administration, upon the basis of the evidence submitted at the hearing, to determine whether the regulations aforesaid should be amended so as to authorize sparkling wine produced by fermentation in bulk to be designated as "Champagne."

W. S. ALEXANDER, Administrator.

[Filed, March 21, 1936; 11:37 a. m.]

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

GENERAL ORDER NO. 17

**AN ORDER APPROVING STANDARDS OF CLASSIFICATION OF COALS,
METHODS OF APPLYING SUCH STANDARDS, AND RULES OF PROCEDURE
IN CLASSIFICATION OF COALS UNDER SECTION 4, PART II OF
THE ACT FOR APPLICATION TO ALL DISTRICTS**

The Commission having heretofore adopted and promulgated its General Orders No. 12 and 13, requiring all District Boards to classify coals and to adopt standards of coal classification, methods of applying such standards, and rules of procedure for making classifications; and such District Boards having adopted and filed with the Commission their respective proposed classification of coals, methods of applying such standards, and rules of procedure for making such classifications; and the Commission at public hearings having heard evidence in connection therewith, and having considered all of such evidence and such proposals and other public documents; and being fully advised in the premises having heretofore filed its Opinion in Docket No. 21, now therefore,



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Pursuant to authority contained in an Act of Congress entitled "Bituminous Coal Conservation Act of 1935", it is hereby ordered by the Commission in regular meeting assembled, as follows:

1. The standards of classification of coals, methods of applying such standards, and rules of procedure in classification of coals for all Districts, shall be as follows:

"A. STANDARDS OF CLASSIFICATION

"In making classification of coals, all pertinent factors, including those set forth below, shall be given due consideration by the District Boards:

"1. Proximate analyses; namely, moisture, ash, volatile matter, fixed carbon, and sulphur, B. t. u.'s and ash softening temperature, analysis of ash and ultimate analysis of coal.

- "2. Physical characteristics.
- "3. Plant performance characteristics.
- "4. Market history and sales experience.

"B. METHOD OF APPLYING STANDARDS

"All necessary and ascertainable information concerning the standards set forth above shall be given consideration by the District Boards with respect to the various kinds, qualities, and sizes of coal mined and shipped from the various producing fields within said Districts and said coal shall then be classified to the end that no Code member will be unduly prejudiced or preferred as between and among producers in said District; so as to 'reflect, as nearly as possible, the relative market value of the various kinds, qualities, and sizes of coal'; so as to be 'just and equitable as between producers within the district'; so as to give 'due regard to the interests of the consuming public'; and so as to afford all producers 'substantially the same opportunity to dispose of their coals upon a competitive basis as has heretofore existed'."

"C. RULES OF PROCEDURE IN MAKING CLASSIFICATION OF COALS

"1. All Code members having mines within each District shall, when requested, submit to the District Board appropriate information concerning the kinds, qualities, and sizes of coal produced by them, and all other information pertinent to the standards of classification set forth above. This information shall be held confidential except as it may be required to be disclosed in carrying out the provisions of the Act and the orders of the Commission.

"2. Each District Board shall cause each mine in its District to be classified in accordance with the standards and the methods of applying same hereinbefore set forth and shall notify all Code members of the classification of each mine in the District and shall set a date for a hearing upon reasonable notice, at which Code members may appear and be heard in relation to all matters involved in the classification of coal.

"3. In the event any Code member is dissatisfied with the class or classes in which his coal or coals, or coals of other Code members, have been placed, he shall have the right to protest to the District Board, which protest shall be in writing, addressed to the Secretary of the District Board, and shall set forth the classification claimed by such Code member, together with the reasons why the classification should be changed and detailed data in support thereof. The Secretary of the District Board thereupon shall fix a date for a hearing and shall notify all known interested Code members of such protest and the date assigned for hearing same. The date of hearing shall be not more than five (5) days after receipt of protest by the Secretary, except where analyses are required to be considered, in which case the date of hearing shall be fixed not more than five (5) days after analyses are made available.

"4. The District Board shall hear the protest at the date assigned and shall make its decision in writing (which shall include the reasons on which the decision is based) not later than the fifth day following the conclusion of the hearing. The District Board, in lieu of hearing the protest, may appoint a committee to conduct said hearing, to hear the evidence and to make a decision, which decision shall be subject to the approval of the District Board.

"5. All parties appearing at the hearing shall have the right to offer testimony of witnesses and to file exhibits and briefs in support of their respective positions. A stenographic record of all testimony offered shall be made and transcribed and shall be retained in the files of the District Board and shall be made available to the Commission, upon its request, in the event an appeal is taken from a decision of the District Boards. Expenses in connection with the attendance of witnesses shall be paid by the party in whose behalf they appear. All other expenses in connection with the hearing, except usual expenses of members of the District Board and the expense of sampling and analysis, shall follow the decision of the District Board.

"6. Decisions of the District Board as to classification of coals shall be furnished to all Code members within the Dis-

tract except that where a protest is denied and no change is made in classification, the District Board shall be required to notify only the protestant and other parties represented at the hearing. Changes in classification shall become effective forthwith, subject, however, to the pertinent provisions of the regulations for the coordination of minimum prices as and when the same may be approved by the Commission. Pending final disposition of any protest and upon reasonable showing of necessity therefor, the District Board may make such preliminary or temporary finding as in its judgment may be appropriate and not inconsistent with the Bituminous Coal Conservation Act of 1935 or orders of the National Bituminous Coal Commission.

"7. Complete schedules of classifications made by the District Board, revised whenever changes are made therein, shall be kept on file at the principal office of the District Board, subject to inspection by any Code member during business hours.

"8. Code members dissatisfied with the decision of the District Board may appeal to the Commission, as provided in subsection (d) of Section 4, Part II, of the Act.

"9. All Code members shall permit the taking of samples and inspection of coal being loaded at time of sampling by duly accredited representatives of the District Board at any reasonable time for the purpose of securing analysis of the coal. Sampling shall be done in accordance with the standards set forth in Bureau of Mines Technical Paper No. 133, dated 1933, and titled "Directions for Sampling Coal for Shipment or Delivery." Where required by the District Board, three separate tippie samples of coal as shipped shall be taken at the mine on three consecutive working days or as nearly thereto as practicable. Each day's sample, as well as a composite of the entire three days' samples, shall be forwarded to the laboratory for analysis and the Code member shall be entitled to receive, upon request, a sufficient portion of said samples for analysis: *Provided, however,* that District Boards, for purposes of intra-district classification only, may require seam samples in lieu of samples for shipment or delivery, in which case the method of sampling shall be in accordance with the latest revision of the Bureau of Mines Technical Paper No. 1. This proviso, however, shall be subject to the pertinent provisions of the rules governing inter-district coordination of minimum prices as and when same shall be approved by the Commission.

"10. Sampling for screen tests, both for purposes of determining tolerance and for determining size consist, shall be done in accordance with "Proposed Tentative Method of Test for Screen Analysis of Coal", A. S. T. M., Designation (D 410-35T), issued 1935.

"11. Analyses of coal shall be made by recognized commercial laboratories selected by the District Board or by laboratories established by the District Board, and in the event of disputes or differences in analytical results of different laboratories, the determination of the United States Bureau of Mines shall be taken as standard.

"12. District Boards shall have the right to reclassify the coals of any Code member upon affording due notice and opportunity to be heard to him and other known interested Code members of the District, and Code members shall have the right to apply for reclassification but not within ninety days of a hearing on the classification of coal involved unless such Code member can produce new evidence which was not available at the time of the previous hearing."

2. All District Boards are hereby ordered and directed to modify their standards of classification, methods of applying such standards and rules of procedure in classification of coals, as previously adopted by them, so as to conform to the provisions of this Order.

Dated this 17 day of March 1936.

[SEAL] NATIONAL BITUMINOUS COAL COMMISSION,
By C. F. HOSFORD, JR., *Chairman*,
GEORGE EDWARD ACRET,
WALTER H. MALONEY,
C. E. SMITH,
PERCY TETLOW,
Commissioners.

[Filed, March 20, 1936; 4:22 p. m.]

DEPARTMENT OF AGRICULTURE.

Food and Drug Administration.

SERVICE AND REGULATORY ANNOUNCEMENTS

[Food and Drug No. 4, Third Revision, Supplement No. 1]

Under the authority conferred by the amendment of July 8, 1930, to the Federal Food and Drugs Act (sec. 8, par. 5, in the case of food), there is hereby promulgated, to become effective 90 days from date, a standard for fill of container for canned mushrooms.

H. A. WALLACE,
Secretary of Agriculture.

WASHINGTON, D. C., March 21, 1936.

The following paragraphs are inserted after paragraph 79 of S. R. A., F. D. No. 4, Revision 3:

CANNED MUSHROOMS

Standard Requirement for Fill of Container

[Amount of packing medium]

80. Canned mushrooms are of standard fill with respect to packing medium when the drained weight of mushrooms equals or exceeds the following amounts:

Over-all Dimensions Sealed Can		Trade Designation	Drained Mushrooms
Diameter	Height		
<i>Inches</i>	<i>Inches</i>		<i>Ounces</i>
2 1/4	2 1/4	202 x 204	2
2 1/2	2	208 x 200	2.4
2 3/4	2 1/4	211 x 212	4
2 3/4	3 1/4	211 x 304	4.9
2 3/4	4	211 x 400	6.1
2 3/4	4 1/2	215 x 408	8.5
3	4	300 x 400	8
3	4 1/2	300 x 407	8.8
3 1/4	4 1/2	307 x 408	11.8
3 1/4	4 3/4	307 x 409	12

Pending the issuance of standard fill requirements for cans of less usual sizes, mushrooms in cans of a size not mentioned above will be regarded as of standard fill with respect to packing medium when the drained weight of mushrooms equals or exceeds 1 ounce for each 3 cubic inches inside capacity of the container. Drained weight is determined by draining the contents of the container 2 minutes on an 8-mesh sieve, with the sieve tilted as much as possible without shifting of the mushrooms. The solids remaining on the sieve are transferred to a dish and their weight determined.

Substandard Fill Statement

81. Canned mushrooms which fail to meet the above requirement shall bear the substandard statement in the form and manner prescribed in paragraph 10 (2).¹

Note on Declaration of Weight on Canned Mushrooms

82. The prevailing custom of declaring quantity of contents of canned mushrooms is in terms of drained weight. This being at variance with the usual practice of declaring total net contents of canned foods with an edible packing medium, declaration should be made in such form as to leave no possibility of consumer deception or confusion. "Drained Mushrooms ——— oz." is regarded as a satisfactory type of statement.

10. Canned foods which fail to meet the above standard shall bear the substandard statement, in the form and manner prescribed in paragraph 1. The first line of the legend shall be "Below U. S. Standard." The explanatory statement shall be:

(1) In the case of excess head space only:
"SLACK FILL"

¹ General Form of Statement Required on Canned Foods of Substandard Fill.

(2) In the case of excess packing medium, whether or not the head space is excessive, the two-line statement:

"SLACK FILL
CONTAINS EXCESS ADDED LIQUID"
[Filed, March 23, 1936; 12:16 p. m.]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE SAN DIEGO MARKETING AREA

Whereas, under the Agricultural Adjustment Act, as amended, notice of hearing is required in connection with a proposed marketing agreement, and the General Regulations, Series A, No. 1, of the Agricultural Adjustment Administration, provide for such notice; and

Whereas, the majority of producers and handlers have filed written applications requesting the Secretary to call a hearing on a proposed marketing agreement for the consideration of the producers and the handlers of milk in the San Diego Marketing Area, said agreement to be executed pursuant to section 8b of the act, as amended;

Now, therefore, pursuant to the said act and said general regulations, notice is hereby given of a hearing to be held on a proposed marketing agreement regulating the handling of milk in the San Diego Marketing Area, in the Chamber of Commerce Auditorium, San Diego, California, on April 8, 1936, at 9:30 a. m., and thereafter until concluded.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement should contain.

The proposed marketing agreement provides for the regulation of the handling of milk in the San Diego Marketing Area, as defined in said agreement, and among other things, provision is made for: (a) appointment of a market administrator, (b) classification of milk, (c) minimum price schedule, (d) equalization of the cost of milk among producers, (e) deductions for administrative expenses, and (f) reports of handlers.

Copies of the proposed marketing agreement may be inspected in or procured from the office of the Hearing Clerk, Room 4725, South Building, United States Department of Agriculture, Washington, D. C.

H. A. WALLACE,
Secretary of Agriculture.

WASHINGTON, D. C., March 23, 1936.

[Filed, March 23, 1936; 12:15 p. m.]

INTERSTATE COMMERCE COMMISSION.

ORDER NO. 3666

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

Present: Frank McManamy, 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;

And it appearing, That upon motion of the Commission and 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 upon investigation 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 May 12, 1930, Apr. 7, 1931, June 27, 1931, Oct. 14, 1932, Jan. 13, 1934, Aug. 24, 1934, Nov. 1, 1934,

Nov. 6, 1934, July 23, 1935, and Dec. 10, 1935, be and they are hereby superseded and amended as follows, effective June 20, 1936:

Freight

Further amending pages 6 to 11 of regulations, *dangerous articles list*, as follows:

Name of article	Classed as—	Sec.	Page
[Add] Ammunition for small arms with explosive bullets.	Dangerous explosive.....	2	19
[Add] Nitro carbo nitrate.....	Oxidizing material.....	3	49
[Add] Pentaerythrite tetranitrate, wet.....	Dangerous explosive.....	2	19
[Add] Tear gas material, liquid or solid, n. o. s., class C.	Poison.....	3	49

Amending order May 12, 1930, as follows (*forbidden explosives*):

[Add] 51. (s) Pentaerythrite tetranitrate in a dry condition, except as a component of manufactured articles the transportation of which is not forbidden herein.

Amending par. 52, order May 12, 1930, as follows (*acceptable explosives*):

Article	Class	Definition	Preparation, etc.	Marking
[Add] Ammunition for small arms with explosive bullets.....	A	72A	72B	72C
[Add] Pentaerythrite tetranitrate, wet.....	A	69V	69W	69X

Superseding and amending par. 56 (a), order May 12, 1930, to read as follows (*packing dynamite*):

56. (a) *Packing*.—Dynamite must be made into cartridges consisting of a column of explosive completely inclosed in a shell made of strong paraffined paper. The size of such cartridge must not exceed 8 inches in diameter or 30 inches in length for dynamite containing not more than 30 per cent nitroglycerin or other liquid explosive ingredient, nor 4 inches in diameter or 8 inches in length for dynamite containing more than 30 per cent nitroglycerin or other liquid explosive ingredient.

Amending order May 12, 1930, as follows (*packing and marking P. E. T. N.*):

Pentaerythrite Tetranitrate

[Add] 69V. Pentaerythrite tetranitrate in bulk form is that not made up into percussion caps, detonators, blasting caps, exploders, fuse, or bullets.

[Add] 69W. *Packing and weight*.—Pentaerythrite tetranitrate in bulk form must be packed wet with not less than 30 percent by weight of water. The packing must be the same as that described in paragraph 68 for fulminate of mercury, except that the dry weight of pentaerythrite tetranitrate in one container must not exceed 100 pounds.

[Add] 69X. *Marking*.—Each barrel and keg must be plainly marked "WET PENTAERYTHRITE TETRANITRATE—DANGEROUS."

Amending order May 12, 1930, as follows (*packing and marking ammunition for small arms with explosive bullets*):

Ammunition for Small Arms with Explosive Bullets

[Add] 72A. Ammunition for small arms with explosive bullets includes fixed ammunition to be used in machine guns or similar firearms and consists of a metallic cartridge case, the primer and the propelling charge, with explosive bullet with or without detonating fuze, the component parts necessary for one firing being all in one assembly.

[Add] 72B. *Packing and weight*.—Ammunition for small arms with explosive bullets must be well packed and properly secured in strong wooden or metal containers. The gross weight of the outside package must not exceed 150 pounds.

[Add] 72C. *Marking*.—Each outside package must be plainly marked "AMMUNITION FOR SMALL ARMS WITH EXPLOSIVE BULLETS."

Amending par. 86 (a), order May 12, 1930, as follows (*shipping names for dangerous explosives*):

[Add] Ammunition for small arms with explosive bullets.
[Add] Wet pentaerythrite tetranitrate.

Amending par. 114 (m), order Jan. 13, 1934, as follows (*packing railway fuses*):

[Add] Or in mailing tubes, specification 29, provided the penetration of the spikes of fuses (flares or highway signals), through

the outside container is prevented by one of the methods specified for fiberboard boxes, specification 23B or 24B in this paragraph. Gross weight of mailing tube must not exceed 5 pounds.

Amending par. 235 (a), order May 12, 1930, as follows (*packing inflammable liquids*):

[Add] No. 5J.—Metal drums (single-trip). Not permitted for casinghead gasoline or natural gasoline.

Amending list, par. 277 (c), order May 12, 1930, as follows:

Article	Group	Exemption	Packing
Add] Nitro carbo nitrate.....	Oxidizing material.....	278, 328	279 to 282, 319.

Superseding and amending par. 278 (g), order May 12, 1930, to read as follows (*exemption from regulations*):

278. (g) Ammonium nitrate, barium nitrate, lead nitrate, potassium nitrate, sodium nitrate (nitrate of soda), strontium nitrate, nitro carbo nitrate, or other inorganic nitrates, in wooden boxes, kegs, barrels, metal cans, or drums; or calcium nitrate in bags.

Superseding and amending par. 230, order May 12, 1930, to read as follows (*loading charcoal in bags*):

290. Charcoal screenings, or ground, crushed, granulated, or pulverized charcoal, in bags, must be so loaded that the bags are laid horizontally in the car, and so piled that there will be spaces for efficient air circulation. These spaces must not be less than 4 inches wide. If the bags are not compactly filled and closed so as to avoid free space within, transverse wooden strips must be laid between the bags and extending the full width of the car; these strips should be approximately 2 feet apart vertically and longitudinally. The bags must not be piled closer than 6 inches from the top of the car, and no more than 26,000 pounds of screenings, ground, granulated, crushed, or pulverized charcoal, shall be loaded in a 36-foot 6-inch car, 27,000 pounds in a 37-foot 6-inch car, 28,000 pounds in a 38-foot 6-inch car, 29,000 pounds in a 39-foot 6-inch car, 36,000 pounds in a 40-foot 6-inch car, and 40,000 pounds in a 50-foot 6-inch car. A tight car must be used, and any loose material must be swept up and removed from the doorway of the car before completing the loading. On recommendation of the Bureau of Explosives, other methods of loading shown to be at least equally efficient in securing the necessary ventilation will be authorized. (No change in Note.)

Superseding and amending 3rd subpar., par 319 (a), order May 12, 1930, to read as follows (*packing nitrates*):

Or in bulk in tight cars.

Superseding and amending Note to par. 319 (a), order Apr. 7, 1931, to read as follows (*loading nitrate of soda*):

NOTE.—Nitrate of soda in bulk and in bags may be shipped in the same car.

Amending order May 12, 1930, as follows (*loading nitrates*):

Cancel paragraph 319 (b).

Amending par. 323, order July 23, as follows (*packing lacquer base or lacquer chips, dry*):

[Add] Or in metal barrels or drums, specification 5E or 6D (single-trip containers).

Superseding and amending par. 347 (b), order May 12, 1930, to read as follows (*exemption from regulations*):

347. (b) Carload shipments of electric storage batteries containing electrolyte or battery fluid, loaded or braced to prevent damage in transit and short circuits.

Superseding and amending par. 354, order Oct. 14, 1932, to read as follows (*packing electric storage batteries*):

354. Electric storage batteries containing electrolyte or corrosive battery fluid when shipped must be completely protected so that short circuits will be prevented; they must not be packed with other articles except portable electric search lights properly cushioned. They must be packed as follows (see paragraph 347 (b) for carload exemptions):

In wooden boxes, specification 15D or 16B.
Exception: Single batteries of weight not over 75 pounds each and with battery case of impregnated rubber, asphaltum composition, wooden-battery-box type, or steel-case type, may be shipped without boxing; for two or more such batteries in the same outside container, wooden boxes, specification 15D or 16B, are required.

Superseding and amending 2d subpar., par. 366, order Dec. 10, 1935, to read as follows (*packing chlorosulphonic acid*):

In metal barrels or drums, specification 5A or 5C, with only one opening which must be located in the body of the drum.

Amending list par. 461 (c), order May 12, 1930, as follows:

Article	Class	Exemption	Packing
[Add] Tear-gas material, liquid or solid, n. o. s., class C.	C	No exemption.....	510 to 513.

Amending par. 462 (c), order June 27, 1931, as follows (*exemption from regulations*):

[Add] Cyanides in tightly closed glass, earthenware, or metal inside containers, securely cushioned when necessary to prevent breakage, and packed in outside wooden or fiberboard boxes or in wooden barrels. Net weight of cyanides in any outside container, not over 5 pounds.

Superseding and amending 5th subpar., par. 488, order Nov. 1, 1934, to read as follows (*packing motor fuel anti-knock compound*):

Or in tank cars, specification 105A300, stenciled on both sides of the tanks "For Motor Fuel Antiknock Compound Only."

Superseding and amending last line par. 499, order May 12, 1930, to read as follows (*packing poisonous solids, class B*):

No. 103 or 103A.—Tank cars.

Amending order May 12, 1930, as follows (*forbidden explosives*):

[Add] 601. (z) Pentaerythrite tetranitrate in dry condition, except as a component of manufactured articles the transportation of which is not forbidden herein.

Amending par. 620 (a), order May 12, 1930, as follows (*shipping names for dangerous explosives*):

[Add] Ammunition for small arms with explosive bullets.
[Add] Wet pentaerythrite tetranitrate.

Superseding and amending headline and sideline (e), *loading chart*, to read as follows:

Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, or incendiary projectiles. Ammunition for small arms with explosive bullets.

Express

Further amending pages 191 to 193 of regulations, *dangerous articles list*, as follows:

Name of article	Classed as—	Sec.	Page
[Add] Nitro carbo nitrate.....	Oxidizing material.....	3	204
[Add] Tear-gas material, liquid or solid, n. o. s., class C.	Poison.....	3	204

Amending par. 42 (m), order Jan. 13, 1934, as follows (*packing railway fuses*):

[Add] Or in mailing tubes, specification 29, provided the penetration of the spikes of fuses (flares or highway signals) through the outside container is prevented by one of the methods specified for fiberboard boxes, specification 23B or 24B, in this paragraph. Gross weight of mailing tube must not exceed 5 pounds.

Amending par. 136 (c), order May 12, 1930, as follows:

Article	Group	Max. quantity	Packing; marking (pars.)
[Add] Nitro-carbo nitrate.....	Oxidizing material.....	100 pounds.....	14, 165, 166

Amending par. 166, order May 12, 1930, as follows (*packing inflammable solids and oxidizing materials*):

[Add] No. 6E: Metal barrels or drums (single-trip), not over 100 pounds capacity each.

Superseding and amending par. 177, order May 12, 1930, to read as follows (*exemption from regulations*):

177. The following articles are exempt from these regulations: (a) Fire-extinguisher charges consisting of sulphuric acid in strong 8-fluid-ounce or smaller bottles, securely closed and packed with bicarbonate of soda.

(b) Carload shipments of electric storage batteries containing electrolyte or battery fluid, loaded or braced to prevent damage in transit and short circuits.

Superseding and amending par. 186, order Nov. 1, 1934, to read as follows (*packing electric storage batteries*):

186. Electric storage batteries containing electrolyte or corrosive battery fluid when shipped must be completely protected so that short circuits will be prevented; they must not be packed with other articles except portable electric searchlights properly cushioned. They must be packed as follows (see par. 177 (b) for carload exemptions):

In wooden boxes, specification 15D or 16B.

Exception: Single batteries of weight not over 75 pounds each and with battery case of impregnated rubber, asphaltum composition, wooden-battery-box type, or steel-case type, may be shipped without boxing; for two or more such batteries in the same outside container, wooden boxes, specification 15D or 16B, are required.

Amending par. 237 (c), order May 12, 1930, as follows (*poisonous articles*):

Article	Label	Max. quantity	Packing, marking (pars.)
[Add] Tear gas material, liquid or solid, n. o. s., class C.	Tear gas.....	75 pounds.....	14, 250

Shipping Container Specifications

Amending par. 20 (b), specification 3A, order May 12, 1930, as follows:

[Add] NOTE.—Upon the recommendation of the Bureau of Explosives, the ratio of elastic limit to ultimate strength will be given further consideration with respect to the use of special alloy steels of definite composition that will give equal or better physical properties than steels herein specified.

Amending par. 22, specification 3A, order May 12, 1930, as follows:

[Add] NOTE.—For cylinders of not over 2 inches outside diameter, markings of not less than 1/8 inch size and "lot" numbers (not over 500 cylinders in each lot), instead of serial numbers, are acceptable.

Amending par. 22, specification 4A, order May 12, 1930, as follows:

[Add] NOTE.—For cylinders of not over 2 inches outside diameter, markings of not less than 1/8 inch size and "lot" numbers (not over 500 cylinders in each lot), instead of serial numbers, are acceptable.

Amending specification 5E, order May 12, 1930, as follows:

[Add] 8. Drums of 25 gallons or greater capacity must be made with heads convex (crowned), but not extending beyond the level of the chimes. The minimum convexity of heads must be 3/8 inch for drums of capacity 25 to 35 gallons, inclusive, and 3/4 inch for larger drums.

Article	Properties	Label	Outside containers, etc.	Stowage, etc.
[Add] Ammunition for small arms with explosive bullets.	Dangerous explosive.....	.....	Metal or wooden containers.....	Freight vessels, explosives restrictions, magazines.
Hydrogen peroxide (hydrogen dioxide) containing over 7.41 per cent (25 volume) H ₂ O ₂ .	Corrosive liquid.....	White.....	Wooden boxes, carboys, aluminum drums.	A or B.
[Add] Nitro carbo-nitrate.....	Oxidizing material.....	Yellow.....	Bags, boxes, barrels, metal cans, or in bulk. For exemption see par. 278 (g).	E, keep dry and separate from acids and combustible material.
[Add] Pentaerythrite tetranitrate, wet. (See Wet pentaerythrite tetranitrate.)	Forbidden article.....	.....	.....	Prohibited.
[Add] Pentaerythrite tetranitrate, dry, as described (see par. 51 (5)).	Forbidden article.....	.....	.....	Prohibited.
[Add] Tear-gas material, liquid or solid, n. o. s., class C.	Tear gas, liquid or solid.....	Tear gas.....	Wooden boxes.....	B.
[Add] Wet pentaerythrite tetranitrate.....	Dangerous explosive.....	.....	Wooden barrels or kegs, metal barrels or drums.	Freight vessels, explosives restrictions, magazines.

Highway Regulations

Superseding and amending par. T130 order Nov. 6, 1934, to read as follows:

T130. Loading (see also par. T-75).—Cylinders of any compressed gas prepared in compliance with these regulations may be transported in and must be loaded into a truck or other vehicle in horizontal position, except when the vehicle is provided with high, solid, or slatted, not sectional, sides, and an efficient means

Amending order May 12, 1930, as follows:

[Add] SHIPPING CONTAINER SPECIFICATION 5J

STEEL BARRELS OR DRUMS

Single-Trip Container

1. Containers must comply with all provisions of specification 5A, except as follows (paragraph references are to specification 5A):

2. Restrictions in paragraph 6 (b), 6 (c), 7, and 10 (c) do not apply. Restrictions in paragraph 10 (b) do not apply, except that openings over 2.3 inches diameter are not permitted.

3. In place of table in paragraph 9 (a) the following:

Marked capacity not over (gallons)	Type of container	Minimum thickness in the blank (gage, U. S. standard)		Rolling hoops		
		Body sheet	Head sheet	Type	Minimum	
					Size (gage or inch)	Weight (pounds per foot)
5.....	Straight side.....	22	22	None	.....	.....
10.....	do.....	20	20	None	.....	.....
30.....	do.....	18	18	(1)	.....	.....
55.....	do.....	16	16	(1)	.....	.....

1 Rolled or swedged-in hoops.

4. Add to paragraph 13 the following:

(d) The markings S T C in letters at least 3 inches high for containers of over 30 gallons capacity and at least 2 inches high for containers of 30 gallons capacity and less. This must be applied immediately below the I C C marks to indicate "single-trip container."

5. Distance of drop under paragraph 15 (a) is reduced to 4 feet.

6. Pressure under paragraph 15 (b) is reduced to 40 pounds.

7. Drums of 25 gallons or greater capacity must be made with heads convex (crowned), but not extending beyond the level of the chimes. The minimum convexity of heads must be 3/8 inch for drums of capacity 25 to 35 gallons, inclusive, and 3/4 inch for larger drums.

Cancel par. 4 added to specification 23C by order Dec. 10, 1935.

Superseding and amending par. 3, specification 29, order May 12, 1930, to read as follows:

3. Inside container, if any, must fit closely in tube, or be properly cushioned to prevent breakage.

Superseding and amending par. 10, specification 106A500, order May 12, 1930, to read as follows:

10. Fixtures.—Siphon pipes and their couplings on the inside of the tank head and lugs on the outside of the tank head for attaching the valve protection housing may be fusion welded in place, provided they are properly heat treated in accordance with paragraph 5 (b) at the time the entire tank is heat treated. All other fixtures and appurtenances, except as provided for in paragraphs 6, 7, 8, and 9, are prohibited.

Water Regulations

Superseding and amending items of recommended stowage, order Aug. 24, 1934, as follows:

for securely holding the cylinders in an upright position, and except when the cylinders are packed in boxes or crates; and care should be exercised to prevent damage to valves or valve fittings. Cylinders must be so loaded that during transportation no pressure upon the valves from the outside will be possible.

Cylinders must be loaded with valves toward the forward end of the vehicle when vehicle is to be unloaded from the rear.

It is further ordered, That the aforesaid regulations as further amended herein shall be and remain in force on and

after June 20, 1936, 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 respondents 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 12th day of March, 1936.
By the Commission, Commissioner McManamy.

[SEAL] GEORGE B. MCGINTY, Secretary.

[Filed, March 21, 1936; 11:27 a. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 21st day of March, A. D. 1936.

IN THE MATTER OF FURTHER POSTPONEMENT OF THE TAKING EFFECT OF SECTIONS 216, 217, AND 218 OF THE MOTOR CARRIER ACT, 1935

It appearing. That by its orders of September 19, 1935, November 8, 1935, January 2, 1936, and February 21, 1936, the Commission, by Division 5, under authority vested in it by Section 227 (a) of the Motor Carrier Act, 1935, postponed the taking effect of the provisions of certain sections of said act, as follows: Section 216, entitled "Rates, Fares, and Charges of Common Carriers by Motor Vehicle"; section 217, entitled, "Tariffs of Common Carriers by Motor Vehicle"; and section 218, entitled, "Schedules of Contract Carriers by Motor Vehicle"; and that, under the terms of said orders, the provisions of said sections have not become effective at the date of this order;

It further appearing. That further postponement of the taking effect of said provisions, as herein ordered, is necessary and desirable in the public interest, and the Commission, on the date hereof, having so found;

It is ordered. That the taking effect of the provisions of section 216 (a), (b), and (c), and section 217 (a), (c), and (d) of said act, except in so far as it applies to the establishment of through routes and joint rates, fares, and charges with common carriers by railroad or with railroad owned or controlled common carriers by water and the publication and filing of tariffs showing such joint through rates, fares, and charges, be, and it is hereby, further postponed to the 31st day of March, A. D. 1936;

It is further ordered. That the taking effect of the provisions of section 218 (a) of said act be, and it is hereby, further postponed to the 31st day of March, A. D. 1936, except the following provision thereof, "No such carrier shall demand, charge, or collect a less compensation for such transportation than the charges filed in accordance with this paragraph, as affected by any rule, regulation, or practice so filed, or as may be prescribed by the Commission from time to time, and it shall be unlawful for any such carrier, by the furnishing of special services, facilities, or privileges, or by any other device whatsoever, to charge, accept, or receive less than the minimum charges so filed or prescribed."

It is further ordered. That tariffs of common carriers by motor vehicles, except tariffs stating joint through rates, fares, and charges in connection with common carriers by railroad or with railroad owned or controlled common carriers by water, and schedules or copies of contracts stating the minimum charges of contract carriers by motor vehicle, required to be filed with the Commission by such carriers upon the taking effect of the provisions of sections 217 (a) and 218 (a) of said act, be so filed on or before the 31st day of March, A. D. 1936, and be made effective on April 1, 1936;

And it is further ordered. That notice of such postponement and of the requirements of the next preceding paragraph hereof be given motor carriers subject to said act and to the public by depositing a copy of this order in the office of the secretary of the Commission, at Washington, D. C.

By the Commission, Division 5.

[SEAL]

GEORGE B. MCGINTY, Secretary.

[Filed, March 23, 1936; 12:23 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[For immediate release Friday, March 20, 1936]

SECURITIES AND EXCHANGE ACT OF 1934

Release No. 539 (Class A)

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 3 (a) (12), 10 (b) and 23 (a) thereof, hereby amends paragraphs (a) and (b) of Rule AN7 by deleting from each of said paragraphs the date "March 31, 1936" and inserting in lieu thereof the date "May 15, 1936."

The rule, as amended, reads as follows:

RULE AN7. Temporary exemption from Sections 12 (a) and 7 (c) (2) of certain securities of foreign issuers and of American certificates therefor; prohibition of use of manipulative or deceptive devices or contrivances with respect thereto.—(a) To and including May 15, 1936, the following securities shall be exempt from the operation of Section 12 (a) of the Act: securities as to which temporary registration shall expire on June 30, 1935, and which are (1) obligations of any foreign government or of any political subdivision thereof, or (2) securities issued by a national of a foreign country other than a North American country or Cuba, or (3) bonds issued by a national of a North American country or Cuba, which are guaranteed by any foreign government, or (4) bonds or shares issued by any corporation or unincorporated association, foreign or domestic, which is directly or indirectly owned or controlled by any foreign government, or (5) American certificates issued against securities of foreign issuers deposited with an American depository; and securities issued by the same issuer in exchange for or resulting from a modification of any shares of capital stock exempted above.

(b) To and including May 15, 1936, any security exempted by paragraph (a) of this rule from the operation of Section 12 (a) of the Act, shall be exempt from the operation of Section 7 (c) (2) of the Act, to the extent necessary to render lawful any direct or indirect extension or maintenance of credit on such security or any direct or indirect arrangement therefor which would not have been unlawful if such security had been a security (other than an exempted security), registered on a national securities exchange.

(c) The term manipulative or deceptive device or contrivance, as used in Section 10 (b) of the Act, is hereby defined to include any act or omission to act with respect to any security exempted by paragraph (a) of this rule from the operation of Section 12 (a) of the Act which would have been unlawful under Section 9 (a) of the Act, or any rule or regulation heretofore or hereafter prescribed thereunder, if done or omitted to be done with respect to a security registered on a national securities exchange, and the use of any means or instrumentality of interstate commerce or of the mails or of any facility of any national securities exchange to use or employ any such device or contrivance in connection with the purchase or sale of any security exempted by paragraph (a) of this rule from the operation of Section 12 (a) of the Act is hereby prohibited.

The above amendment shall become effective March 19, 1936.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[Filed, March 21, 1936; 11:51 a. m.]

UNITED STATES OF AMERICA—BEFORE THE SECURITIES AND
EXCHANGE COMMISSION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of March, A. D. 1936.

Commissioners: James M. Landis, Chairman; George C. Mathews, Robert E. Healy, J. D. Ross, William O. Douglas.

File No. 32-9-1

In the Matter of the Application of Central Maine Power Company.

ORDER AUTHORIZING HEARING AND DESIGNATING OFFICER TO CON-
DUCT PROCEEDINGS

An application having been duly filed with this Commission, by Central Maine Power Company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935.

It is ordered, that the matter be set down for hearing on April 7, 1936, at ten o'clock in the forenoon of that day, at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

It is further ordered, that John H. Small, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that any interested state, state commission, state securities commission, municipality, or other political subdivision of a state, or any representative of interested consumers or security holders, or any other person desiring to be admitted as a party in this proceeding or to offer evidence in this matter, shall give notice of such intention to the Commission, such notice to be received by the Commission not later than April 2, 1936.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[Filed, March 23, 1936; 2:15 p. m.]