

be informed that this privilege is entirely at the option of the Postal Service and may be curtailed or discontinued at any time without notice.

(3) *Samples of merchandise.* Dispose of undeliverable samples of merchandise sent for advertising purposes, which do not bear the words "Return Postage Guaranteed", as follows:

(i) Remove and destroy wrappers if that is practicable and can be accomplished without additional expense, and deliver impartially to charitable or reformatory institutions that promise their free distribution.

(ii) Dispose of, as waste, samples not suitable for distribution indicated in subdivision (i) of this subparagraph except that anything of sufficient value to warrant the expense of transportation and handling must be sent to the proper dead parcel post branch without listing or recording.

(iii) Treat packages of foods, drugs, and cosmetics in accordance with paragraph (h) if this section.

NOTE: The corresponding Postal Manual section is 158.29.

The following amendments delete § 158.3 (transferred to § 123.3, see amendment above); redesignate succeeding sections; and change references set out in the latter. Accordingly:

§ 158.3 [Deleted]

a. Section 158.3 *Return address*, is deleted.

§ 158.3-158.7 [Redesignated]

b. Sections 158.4 through 158.8 are redesignated as §§ 158.3 through 158.7, respectively.

§ 158.3 [Amended]

c. In § 158.3 *Retention periods*, as redesignated next above, the reference in paragraph (a) (1) (ii) to "§ 158.3(b)" is changed to "§ 123.3(b)".

§ 158.4 [Amended]

d. In § 158.4 *Disposal of undeliverable mail*, as redesignated above, the reference in paragraph (c) to "§ 158.4" is changed to "§ 158.3"; and the reference in paragraph (1) to "§ 158.7(b) (1)" is changed to "§ 158.6(b) (1)".

§ 158.6 [Amended]

e. In § 158.6 *Dead mail*, as redesignated above, the references in paragraph (b) (1) to "§§ 158.4" and "158.5" are changed to "§§ 158.3" and "158.4", respectively.

NOTE: The corresponding Postal Manual sections are 158.3-158.8.

PART 164—PAYMENT FOR LOSSES

§ 164.6 [Amended]

In § 164.6 *Official mailings*, paragraph (a), the last sentence therein (dealing with a reference) is deleted as being obsolete.

NOTE: The corresponding Postal Manual section is 164.61.

PART 171—MONEY ORDERS

§ 171.3 [Amended]

In § 171.3 *Cashing money orders*, paragraph (1) *Cashing money orders issued*

by foreign countries, is amended by adding thereto the following: "Canadian domestic money orders may be paid only if they show a U.S. office of payment and the amount is expressed in U.S. funds."

NOTE: The corresponding Postal Manual section is 171.39.

(5 U.S.C. 301, 39 U.S.C. 501, 4101-4110, 4358, 4359, 4369, 4421, 4555, 5005, 5103)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-10280; Filed, Aug. 28, 1969; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-21; Amdt. 173-13]

PART 173—SHIPPERS

Electric Storage Batteries; Exemption

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to expand an exemption for shipments of electric storage batteries containing electrolyte or battery fluid by highway.

On April 12, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, docket HM-21; notice No. 69-9 (34 F.R. 6444), which proposed an amendment of 49 CFR 173.260(e) that would expand an exemption concerned with the shipping of electric storage batteries by highway. Materials other than hazardous materials which are not permitted under the existing exemption would be permitted to be carried in the same motor vehicle with batteries under certain conditions.

Interested persons were afforded an opportunity to participate in this rule making. Of the comments received no objection was taken to the provisions of the basic proposal except that one commenter believes the exemption extension is discriminatory because rail transportation was not included. The Board will consider this comment as a petition for further rule making since such a proposal was not made by the Board in the notice.

In consideration of the foregoing, paragraph (e) of § 173.260 of title 49 of the Code of Federal Regulations is amended to read as follows:

§ 173.260 Electric storage batteries, wet.

* * * * *

(e) Electric storage batteries containing electrolyte or battery fluid are exempt from Parts 170-189 of this chapter, and Part 397 of Chapter III of this title, for carriage by highway or rail if—

(1) For shipments by rail, the batteries (either wet or dry) constitute the only commodity being transported and are loaded or braced to prevent damage in transit and short circuits.

(2) For shipments by highway,
(i) No other hazardous materials are transported in the same vehicle, and

(ii) the batteries are loaded or braced so as to prevent damage and short circuits in transit,

(iii) any other material loaded in the same vehicle is blocked, braced, or otherwise secured to prevent contact with or damage to the batteries, and

(iv) the transport vehicle is carrying no material shipped by any person other than the shipper of the batteries.

* * * * *

This amendment is effective December 30, 1969. However, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831-835, title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657))

Issued in Washington, D.C., on August 25, 1969.

E. H. HOLMES,
Acting Administrator,
Federal Highway Administration.

[F.R. Doc. 69-10367; Filed, Aug. 28, 1969; 8:48 a.m.]

[Docket No. HM-20; Amdt. 173-12]

PART 173—SHIPPERS

Hydrofluoric Acid

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to authorize shipments of hydrofluoric acid in specifications 2S and 2SL polyethylene liners inside specification 37M cylindrical steel overpacks.

On April 12, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, docket HM-20; notice No. 69-8 (34 F.R. 6444), which proposed to authorize additional inside liners 2S and 2SL with specification 37M steel overpacks for hydrofluoric acid. It was proposed to cancel § 173.264 (a)(18) and combine the provisions thereof with paragraph (a)(17) of that section. Interested persons were afforded an opportunity to participate in this rule making.

Several comments were received concerning the notice. One commenter raised the point that the proposal would have the effect of permitting the use of specification 37M overpacks having capacities up to 55 gallons and doubted that it was the intent of the proposal to so provide. This commenter indicated that its experience would not justify a capacity of 55 gallons in a drum of 20 gauge thickness. Another commenter raised the question of disposal of "single-trip drums" in this service. Since the 37M drum is a nonreusable drum rather than a "single-trip" drum, it is assumed that the commenter meant to refer to the former.

Authorizing the use of specifications 2S and 2SL liners inside specification 37M overpacks would permit the composite package to have capacities up to 55 gallons. This was the intent of the notice, and of the petition on which the notice was based. The Board believes that this change is justified in view of the satisfactory experience gained under the terms of special permits. The specification 2T liner will continue to be limited to 13 gallons capacity. As indicated

[Docket No. HM-24; Admt. 177-6]

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY**Explosives on Vehicles in Combination**

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to authorize the transportation of Class A explosives on one vehicle of a combination of motor vehicles when certain other hazardous materials, heretofore restricted, are transported in another vehicle of the same combination.

On May 8, 1969, the Hazardous Materials Regulations Board issued a notice of proposed rule making, docket No. HM-24; notice No. 69-13 (34 F.R. 7457), which proposed to amend 49 CFR 177.835(c) to relax the application of § 177.848 to a combination of vehicles where one or more vehicle contains hazardous materials.

Interested persons were afforded an opportunity to participate in this rule making. Comments were received from several parties most of which favored the proposal. One commenter objected to the proposed change on the grounds that it would increase the hazard to the public. This commenter gave no basis for its conclusion other than that it did not feel that the reasons stated in the notice were persuasive. For the reasons stated in the notice and as discussed herein, the Board believes that the proposed change is justified.

One commenter suggested there is a tendency to consider blasting caps as initiating explosives, and that inasmuch as proposed § 177.835(c)(4)(i) names "initiating explosive" it could be construed to prohibit blasting caps. Blasting caps are used to initiate explosives but are not classed as or considered "initiating explosives" for regulatory purposes. The requirements applicable to the transportation of blasting caps are separate and distinct from the requirements applicable to shipments of initiating

explosives. Therefore, the end result sought by this comment is achieved without any change in the proposed language. For clarification in paragraph (c)(4) the word "type" is deleted and the word "contains" is substituted for the word "loaded."

In consideration of the foregoing, Part 177 of Title 49 of the Code of Federal Regulations is amended by amending paragraph (c) of § 177.835 to read as follows:

§ 177.835 Explosives.

* * * * *

(c) *Explosives on vehicles in combination.* Class A explosives may not be loaded into or carried on any vehicle of a combination of vehicles if:

(1) More than two cargo carrying vehicles are in the combination;

(2) Any full trailer in the combination has a wheel base of less than 184 inches;

(3) Any vehicle in the combination is a tank motor vehicle which is required to be marked or placarded under § 177.823; or

(4) The other vehicle in the combination contains any:

- (i) Initiating explosive,
- (ii) Packages of radioactive materials bearing "Yellow III" labels,
- (iii) Class A or B poisons, or
- (iv) Hazardous materials in a portable tank or a DOT specification 106A or 110A tank.

* * * * *

This amendment is effective December 30, 1969. However, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831-835, title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657))

Issued in Washington, D.C., on August 25, 1969.

E. H. HOLMES,
Acting Administrator,
Federal Highway Administration.

[F.R. Doc. 69-10368; Filed, Aug. 28, 1969; 8:48 a.m.]

above, the specification 37M is a non-reuseable drum. It is not within the purview of the Hazardous Materials Regulations to require users of materials shipped in these drums to dispose of containers in any particular manner so long as transportation is not involved.

In consideration of the foregoing, 49 CFR Part 173 is amended as follows:

In § 173.264 paragraph (a)(17) is amended; paragraph (a)(18) is canceled as follows:

§ 173.264 Hydrofluoric acid.

(a) * * *

(17) Specification 6D (§ 178.102 of this chapter) or 37M (nonreuseable) (§ 178.134 of this chapter) cylindrical steel overpacks with inside specifications 2S, 2SL, or 2T (§§ 178.35, 178.35a, 178.21 of this chapter) polyethylene liners. Specification 37M overpack of over 15-gallon capacity must be constructed of at least 20-gauge steel. Authorized only for acid of not over 70 percent strength.

(18) [Canceled]

* * * * *

This amendment is effective December 30, 1969. However, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831-835, title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657); title VI, sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h)))

Issued in Washington, D.C., on August 25, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

E. H. HOLMES,
Acting Administrator,
Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the
Federal Aviation Administration.

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