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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter F—Security Servicing and Liquidations

[FHA Instruction 465.1]

PART 372—FARM OWNERSHIP LOANS

SUBPART A—GENERAL SECURITY SERVICING SALE OF FARM OUTSIDE THE PROGRAM

Section 372.9 in Title 6 of the Code of Federal Regulations (13 F. R. 9461), regarding sales outside the program of farms securing direct Farm Ownership loans, was superseded by § 366.2 of said Title 6 (20 F. R. 321) and is revoked accordingly.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1))

Issued this 13th day of April 1955.

[SEAL]

R. B. McLEAISH,
*Administrator,
Farmers Home Administration.*

[F. R. Doc. 55-3166; Filed, Apr. 18, 1955;
8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1023 (Peanuts-55)-1, Amdt. 1]

PART 729—PEANUTS

DETERMINATION OF ADJUSTED ACREAGE

Basis and purpose. The amendment herein is issued under the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, for the purpose of increasing the amount of acreage which State committees may make available to county committees for upward adjustment of old farm peanut acreage allotments.

Peanuts will be planted at a very early date in several areas of the United States and it is necessary that the amendment set forth herein be made effective at the earliest possible date in order that the county committees may make adjustment prior to the planting of peanuts. Accordingly, it is hereby determined and found that compliance

with the notice, public procedure and effective date requirements of Section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Subparagraph (5) of § 729.617 (b) of the Marketing Quota Regulations for the 1955 Crop of Peanuts (19 F. R. 6134) is amended as follows:

By striking the period at the end of the subparagraph and inserting in lieu thereof a colon and adding the following: "Provided further, That any State committee, which has available from its share of the national acreage allotment, unused acreage in sufficient quantity, and after first using the entire five percent of peanut acreage allotted to all old farms in the State in 1954 for upward adjustment of allotments as provided by this subparagraph, may make an additional acreage available to county committees for upward adjustment (under the standards of this subparagraph), but the total acreage used for adjustments under this subparagraph shall not exceed ten percent of the 1954 State peanut acreage allotment."

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 358, 55 Stat. 88, as amended; 7 U. S. C. 1358)

Done at Washington, D. C., this 14th day of April 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-3203; Filed, Apr. 18, 1955;
8:53 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter I—Determination of Prices

[Sugar Determination 876.7]

PART 876—HAWAII

1955 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as

(Continued on p. 2549)

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FEDERAL REGISTER

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provided in sugarcane purchase agreements between the processor and producers which were effective for the 1954 crop or as otherwise specified in the price determination applicable to that crop; except, that the price for sugarcane under independent grower purchase agreements negotiated by the Hutchinson Sugar Plantation Company for the 1955 crop shall be not less than that provided in such agreements; that the price for sugarcane processed by Olaa Sugar Company harvested under unusual conditions resulting from earthquake or volcanic actions, may be as agreed upon between the processor and producer, and this processor may charge producers for total overhead costs on labor, services, or materials furnished by him on the basis of agreements as may be negotiated between the parties, and in the event the parties are unable to agree as to the price for such sugarcane or as to any charge, either party may request the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C., to determine the appropriate price or charge and his decision shall be final insofar as payments under the act are concerned.

(b) *Toll agreements.* The rate for sugarcane processed under toll agreements shall be not less than that provided in the agreements between the processor and producers which were effective for the 1954 crop.

(c) *Reporting requirements.* If a purchase agreement provides that payment for sugarcane is to be based on net returns, the processor shall submit for approval to the Hawaiian Area Agricultural Stabilization and Conservation Office, Honolulu, Hawaii (referred to in this part as "Area Office") a certified statement of the average gross proceeds realized from the sale of sugar and molasses and deductible selling and delivery expenses actually incurred. Such expenses shall be limited to those items specifically enumerated by the processor and approved by the Director of the Area office for the 1954 crop: *Provided, however,* That if the processor actually incurs additional selling and delivery expenses because of conditions which the Director of the Area Office determines justify the incurrence of such expenses under the circumstances, such expenses also shall be deductible.

(d) *Subterfuge.* The processor shall not reduce returns to the producer below those determined in this section through any subterfuge or device whatsoever.

STATEMENT OF BASIS AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes fair and reasonable prices to be paid for sugarcane of the 1955 crop by a producer who processes sugarcane grown by other producers. It establishes the minimum requirements with respect to prices for sugarcane which must be met as one of the conditions for payment under the act.

(b) *Requirements of the act.* Section 301 (c) (2) of the act provides that the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or con-

tracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1955 price determination.* This determination provides generally that prices for sugarcane of the 1955 crop shall be not less than the prices payable under agreements effective for the 1954 crop or as otherwise specified in the determination applicable to that crop. The price for sugarcane provided in a new independent grower agreement negotiated with producers by Hutchinson Sugar Plantation Company has been adopted. It also provides that Olaa Sugar Company and producers may agree upon the price for sugarcane harvested and processed on a salvage basis and upon recovery of full costs for overhead charges.

At the public hearing a representative of the members of the Hawaiian Sugar Planters Association who purchase sugarcane from adherent planters and independent growers, made a general statement regarding sugarcane pricing problems which were common to all such processors. He asked that the recommendations to be made by representatives of the individual processors be adopted for the 1955 crop. He also recommended that consideration be given to the prices payable under cane purchase agreements as currently negotiated, that total returns be distributed on the basis of the relative costs of producing and processing sugarcane, and that returns be divided so that both parties would realize a profit. The witness also stated that with respect to independent grower agreements the processors should receive a fair profit on services and materials furnished to producers.

Most processor spokesmen testified that under present purchase agreements, producers receive more than a fair and reasonable return for sugarcane, but recommended that such agreements be effective for the 1955 crop. The representative of Hutchinson Sugar Plantation Company recommended the approval of the pricing provisions of a new independent grower agreement which had been negotiated with producers. The representative of Laupahoehoe Sugar Company recommended the approval of the price payable under the independent grower agreement which had been offered to planters in 1954. Several processor spokesmen also recommended that charges to producers for services and materials include a reasonable profit to the processor and that depreciation charges on equipment furnished to producers be based on replacement value instead of cost.

Representatives of producer associations opposed any reduction in prices payable for sugarcane as provided in existing purchase agreements. One group of producers recommended an increase in the price of sugarcane because of higher costs of labor, fertilizer, and raw sugar transportation costs. The latter is one of the marketing costs which

amended (herein referred to as "act"), after investigation, and due consideration of the evidence obtained at the public hearing held in Hilo, Hawaii, on September 30 and October 1, 1954, the following determination is hereby issued:

§ 876.7 *Fair and reasonable prices for the 1955 crop of Hawaiian sugarcane.* A producer of sugarcane in Hawaii who is also a processor of sugarcane (referred to in this part as "processor") shall have paid, or contracted to pay, for sugarcane of the 1955 crop grown by other producers and processed by him in accordance with the following requirements:

(a) *Purchase agreements.* The price for sugarcane shall be not less than that

affect net returns upon which payments for sugarcane are based. Another group recommended that returns to producers under an independent grower agreement be no less than returns received under the adherent planter agreement. A third group called attention to the fact that arbitration of the pricing arrangements of the 1946 contract between adherent planters and four processors which began in 1951, had not been concluded and asked that the Department intervene to effect a prompt settlement.

An amendment to the cane purchase agreement applicable only to the 1954 crop was negotiated by producers and Olaa Sugar Company to recognize the transition from hand to mechanical harvesting of sugarcane. The processor representative recommended that this amendment be continued for the 1955 crop since the transition to mechanical harvesting of producer cane would require another year. This representative pointed out the problems encountered in processing mechanically harvested cane in 1954 which resulted in a less satisfactory operation than had been anticipated. He also stated that additional capital investment in equipment would be required to obtain a more efficient operation with respect to the 1955 crop. The producer representative recommended that the amendment be modified to reflect interest, amortized cost of land leveling, and road building which would be required in adapting their lands to mechanical harvesting equipment. This spokesman pointed out that a revision of the cane purchase agreement was desirable to reflect normal costs of production and processing under machine harvesting methods and to change the point of delivery for sugarcane. Although additional negotiations were carried on between the parties subsequent to the hearing, no agreement for the purchase of sugarcane was reached.

Consideration has been given to recommendations made at the public hearing, to the results of studies and investigations of the economic position of producers and processors and to other pertinent factors. Analysis of the returns, costs, and profits of producing and processing sugarcane obtained by survey in 1953 and restated in terms of prospective price and production conditions for the 1955 crop indicates that producers will receive on the average a favorable share of returns in relation to their costs of production. Under these conditions, the prices provided in the negotiated agreements or as otherwise specified in this determination, are deemed to be fair and reasonable.

The recommendations of processors that replacement value rather than cost be used in computing depreciation charges to producers and that a profit be charged by processors for services and materials furnished to producers have not been adopted. Under current agreements processors may charge producers for direct costs of services and materials furnished and related overhead costs which include interest. Each processor representative stated that there would be no change in 1955 in the elements of overhead expenses charged to producers.

The recommendation that the Department intervene in the arbitration of the 1946 adherent planter agreements with certain processors has not been adopted because this is deemed to be a matter entirely within the jurisdiction of the parties to the agreement. This determination continues the pricing arrangement as provided in the previous determination for the processors involved.

An independent grower agreement was submitted by a representative of the Hutchinson Sugar Plantation Company. This agreement was negotiated with adherent planters and provides that producers will receive 61 percent of the net returns from the sugar manufactured from their sugarcane. Analysis of the agreement indicates that the pricing provisions will result in a fair and reasonable division of the net returns.

A representative of the Laupahoehoe Sugar Company submitted an independent grower agreement, the pricing provisions of which had not been negotiated with producers. The processor representative recommended a pricing factor of \$1.16 per ton of sugarcane for each 1 cent of the net returns from sugar and molasses. There appears to be no basis for changing the pricing factor of \$1.20 which was specified in the 1954 price determination. In establishing that pricing factor, recognition was given to the level of pricing factors negotiated by other processors and producers and to other pertinent factors. The recommendation of the producer group for the same level of returns under the independent grower agreement as they received under the adherent planter agreement has not been adopted because such recommendation does not recognize the significant changes which have occurred in the distribution of costs between producers and processors during recent years.

The Olaa Sugar Company and independent growers negotiated a temporary amendment to the cane purchase agreement applicable to the 1954 crop. That amendment provided for a charge of \$2.87 per ton for mechanically harvesting producers' sugarcane and it tended to equalize hand and mechanical harvesting costs among all producers. It was recognized that the actual cost of mechanical harvesting would be less than the charge to the producer, but it was also recognized that there would be increased cost to the processor because of the large capital investment for equipment, as well as increased milling cost. It was contemplated that this charge would be effective only for the 1954 crop, and that thereafter it would be reduced so that producers and the processor would participate in the economies resulting from this operation. However, only a small quantity of producers' sugarcane was mechanically harvested in 1954 because unexpected difficulties developed in cleaning and processing mechanically harvested sugarcane. It is understood that the conversion to mechanical harvesting of producers' sugarcane will be continued during 1955 and that the processor will need to make additional capital investment for equipment. Recently a field investigation was conducted with respect to this processor's operation for 1954. A detailed

analysis indicates that substantial losses were sustained by the processor in converting to mechanical harvesting methods, primarily because of difficulties encountered in milling mechanically harvested sugarcane which contains additional foreign matter. It is anticipated that these operations will improve in 1955, although the degree of improvement cannot be accurately forecast. Furthermore, recent volcanic eruptions have destroyed or damaged large areas planted to sugarcane and the harvesting of sugarcane in other areas has been seriously impaired. The extent to which such sugarcane may have to be harvested and processed on a salvage basis cannot be determined. This determination continues the pricing arrangements as provided for in the independent grower agreement, as amended, applicable to the 1954 crop. However, it also provides the flexibility needed to meet situations as they may arise by permitting the processor and producers to agree on the price for sugarcane harvested under unusual conditions. Analysis of available data disclosed that producers generally were in a more favorable position with respect to the 1954 operations than was this processor. Provision has been made for this processor to recover from producers full overhead charges for labor, services, or materials furnished by him through agreement with producers even though he may not have recovered all of such charges heretofore. Upon failure of the parties to agree with respect to the price for sugarcane or any overhead charge, the matter may be submitted to the Director of the Sugar Division for adjudication.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended. (Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. 1131)

Issued this 14th day of April 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-3204; Filed, Apr. 18, 1955;
8:53 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 584, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available informa-

tion, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.691 (Lemon Regulation 584; 20 F. R. 2301) are hereby amended to read as follows:

(ii) District 2: 346 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 14, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3200; Filed, Apr. 18, 1955; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 63775]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

ENTRY AND CLEARANCE OF VESSELS

Under the provisions of applicable laws and regulations, masters (or in their stead licensed deck officers or pursers) of vessels are required to make formal entry, to obtain clearance, and to secure permits to proceed at the customhouse incidental to certain voyages between American and foreign ports and, in some cases, between American ports. The masters or other authorized officers are thus made responsible for performance of the required acts, including execution of the necessary papers, and any such papers must be filed or produced at the customhouse, but it has been concluded that the personal appearance at the customhouse, as now generally required in all cases, need not be required. The following amendments to the Customs Regulations are accordingly promulgated in order to relieve the master or other authorized officer of the necessity of appearing in person at the customhouse to consummate the entry or clearance of his vessel in any case in which the requisite oaths, related documents, and other papers properly executed by the master or other authorized

officer may be delivered by his personal representative without prejudice to the entry or clearance requirements. Nothing herein shall be deemed to relieve the master of any penalty or liability prescribed by statute relating to the entry or clearance of vessels (see 46 U. S. C. 91a).

1. Section 4.9 is amended by deleting the parenthetical matter at the end thereof and by inserting a new paragraph (e) to read as follows:

§ 4.9 *Formal entry.* * * *

(e) The master, licensed deck officer, or purser may appear in person at the customhouse to enter the vessel or the required oaths, related documents, and other papers properly executed by the master or other proper officer may be delivered at the customhouse by the vessel agent or other personal representative of the master.

(Secs. 434, 435, 46 Stat. 711, as amended, sec. 366, 58 Stat. 705; 19 U. S. C. 1434, 1435, 42 U. S. C. 269)

2. Section 4.61 (a) is amended to read as follows:

§ 4.61 *Requirements for clearance.*

(a) Application for clearance for a vessel intending to depart for a foreign port shall be made orally by or on behalf of the master at the customhouse. The master, licensed deck officer, or purser may appear in person to clear the vessel or the required oaths, related documents, and other papers properly executed by the master or other proper officer may be delivered at the customhouse by the vessel agent or other personal representative of the master. Clearance shall be granted on customs Form 1378.

3. Section 4.81 is amended by deleting the parenthetical matter at the end thereof and by inserting a new paragraph (g) to read as follows:

§ 4.81 *Reports of arrivals and departures in coastwise trade.* * * *

(g) The master, licensed deck officer, or purser who enters or clears a vessel under the provisions of this section or of §§ 4.82, 4.84, 4.85, 4.87, 4.89, or 4.91 may appear in person at the customhouse for that purpose or the required oaths, related documents, and other papers properly executed by the master or other proper officer may be delivered at the customhouse by the vessel agent or other personal representative of the master.

(Secs. 433, 439, 442, 443, 444, 486, 46 Stat. 711, 712, as amended, 713, 725, as amended, R. S. 4132, as amended, R. S. 4311, as amended, R. S. 4367, 4368, sec. 27, 41 Stat. 999, as amended; 19 U. S. C. 1433, 1439, 1442, 1443, 1444, 1486, 46 U. S. C. 11, 251, 313, 314, 883)

(R. S. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: April 12, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-3192; Filed, Apr. 18, 1955; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

OPTIONAL ADDITION OF VITAMIN SUBSTANCES TO PENICILLIN TABLETS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for the certification of penicillin and penicillin-containing drugs (21 CFR, 1953 Supp., Part 146a; 19 F. R. 1141, 2140, 5985) are amended as indicated below.

1. In § 146a.27 *Penicillin tablets*, paragraph (a) *Standards of identity* * * * is amended by inserting in the first sentence, preceding the words "buffer substances", the words "vitamin substances".

2. Section 146a.27 (c) (1) (vi) is changed to read as follows:

§ 146a.27 *Penicillin tablets.* * * *

(c) *Labeling.* * * *

(1) * * *

(vi) The statement "Expiration date _____," the blank being filled in, if crystalline penicillin, procaine penicillin, benzathine penicillin G, or crystalline penicillin O is not used, with the date that is 12 months; or if crystalline penicillin, procaine penicillin, benzathine penicillin G, or crystalline penicillin O is used, with the date that is 18 months (if it contains a vitamin substance), or 36 months (if it does not contain a vitamin substance) after the month during which the batch was certified, except that the blank may be filled in with the date that is 24 months or 36 months (if it contains a vitamin substance), or with the date that is 48 months or 60 months (if it does not contain a vitamin substance) after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup. 357)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER,

since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: April 13, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-3169; Filed, Apr. 18, 1955;
8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

REVISION OF PART

Because of the number of outstanding amendments to Part 41, it has been decided to issue a revision of this part incorporating all amendments thereto in effect on April 15, 1955. Attention is also called to the following minor changes which have been made:

(1) Paragraph (e) of § 41.20 has been deleted.

(2) Paragraph (f) of § 41.20 has been redesignated as paragraph (e) and obsolete dates and references in subparagraphs (1), (2), and (3) have been deleted and the remaining references in these subparagraphs have been incorporated into paragraph (e).

(3) Provisos containing references to obsolete compliance dates have been deleted in §§ 41.24, 41.24a, 41.24b, 41.36, and 41.48 (c).

(4) Cross-references in § 41.25 (e) have been brought up to date.

(5) Section 41.26 has been changed to read substantially the same as Part 40. This involves no substantive change but incorporates dates in the regulations which are applicable at the present time.

(6) Provisos in effect during and immediately after World War II have been deleted from §§ 41.54 (d) and (e), 41.55 (c) and (d), and 41.56 (d).

(7) References to dates no longer applicable have been deleted in §§ 41.69, 41.73, and 41.74.

(8) All definitions in § 41.137 have been arranged alphabetically, without paragraph letters.

Since the changes effected by this revision are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and the revised part may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby revises Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) as attached hereto, effective on April 15, 1955.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

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41.137 Definitions.

AUTHORITY: §§ 41.0 to 41.137 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 604, 52 Stat.

1007, as amended, 1008, 1010; 49 U. S. C. 551, 552, 554.

CERTIFICATE

§ 41.0 *General.* The regulations in this part are prescribed for scheduled air transportation operations conducted by air carriers between a place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States; or between any place in a Territory or possession and a place in any other Territory or possession of the United States; or between places in a Territory or possession; or between any place in the United States and any place outside thereof; or between any two places outside the United States.

§ 41.1 *Issuance.* An air carrier operating certificate prescribing the type of operation, the routes over which such operation may be conducted, the airports which may be used, and such other specifications and restrictions as may be reasonably required in the interest of safety shall be issued by the Administrator to an applicant who demonstrates that he is capable of conducting the proposed operations in accordance with the applicable regulations specified in this part.

(a) *Alaskan air carriers.* Whenever, upon investigation, the Administrator finds that the general standards of safety required for air carrier operations within the Territory of Alaska require or permit a deviation from any specific requirement of this part for a particular operation or a class of operations for which an application for an air carrier operating certificate has been made, he may issue an air carrier operating certificate with appropriate changes, specifying therein the period during which such deviations may be permitted. The Administrator shall promptly notify the Board of any deviations included in the air carrier operating certificates and the reasons therefor.

§ 41.2 *Compliance.* All operations shall be conducted in accordance with the specifications of the air carrier operating certificate and the rules contained in this part.

§ 41.3 *Duration.* An air carrier operating certificate will continue in effect until canceled, suspended, or revoked, after which it shall be surrendered to any officer or employee of the Administrator upon request.

§ 41.4 *Display.* The air carrier operating certificate shall be available at the appropriate operations office for inspection by any authorized representative of the Administrator or Board.

§ 41.5 *Inspection.* An authorized representative of the Administrator shall be permitted at any time and place to make inspections or examinations to determine the operator's compliance with the appropriate requirements of the regulations in this subchapter and the Civil Aeronautics Act of 1938, as amended.

PASSENGER OPERATION RULES ROUTE REQUIREMENTS

§ 41.10 *Airport spacing.* In the case of operations employing aircraft having

two engines, airports adequate for the aircraft used shall be located so that the aircraft, when flying along the route, will at no time be at a greater distance therefrom than 45 minutes flying at normal cruising speed, except where the Administrator finds that because of the character of the terrain, the type of operation, and the performance of aircraft used adequate safety will be provided with airports spaced at greater distances.

§ 41.11 *Communications facilities.* A two-way ground-to-aircraft radio communications system shall be available at such points as are necessary to insure adequate communication between plane and ground over the entire route.

§ 41.12 *Weather reporting services.* Weather reporting services shall be available at such points along the route as are necessary to insure sufficient weather reports prepared from observations made and released by a source acceptable to the Administrator.

§ 41.13 *Navigational facilities—(a) Short distance operation.* Except in the case of a day contact operation where the characteristics of the terrain are such that navigation can be accomplished by reference to landmarks, each route shall be equipped with radio navigational facilities so located as to permit navigation by such facilities over the entire route. For instrument operation a facility shall be so located with respect to each scheduled stop and required alternate airport as to provide adequate means for making an instrument approach. In day instrument operation such a facility is not required at an alternate used only when the weather conditions are as good as or better than: broken clouds, ceiling 1,000 feet, visibility 2 miles, with conditions stable or improving.

(b) *Long distance operation.* Each route shall be equipped with radio navigational facilities so located as to permit the obtaining of reliable radio bearings when within 200 miles of any regular or approved alternate airport and a facility shall be so located with respect to each such airport as to provide adequate means for making an instrument approach: *Provided,* That the Administrator, at particular airports, may approve facilities which provide less coverage than that required in this section if he finds that adequate safety is provided.

§ 41.14 *Airport lighting facilities.* For night operation each scheduled stop and required alternate airport shall be equipped with adequate lighting facilities.

AIRCRAFT REQUIREMENTS

§ 41.20 *General.* (a) Aircraft shall be certificated and equipped in accordance with the airworthiness requirements of this subchapter applicable to the type of operation conducted.

(b) Airplanes not certificated under the transport category requirements shall have such characteristics as to permit safe operation over the routes on which such airplanes will be operated.

(c) Land aircraft operated over water beyond gliding distance from shore

without the aid of power shall be equipped with retractable landing gear.

(d) Multiengine airplanes shall be so equipped that engine rotation may be promptly stopped during flight.

(e) Irrespective of the basis for certification, all aircraft possessing engine(s) rated at more than 600 h. p. (each) for maximum continuous operation shall comply with the following, except that, if the Administrator finds that in particular types of existing aircraft literal compliance with specific items of these requirements might be extremely difficult of accomplishment and that such compliance would not contribute materially to the objective sought, he may accept such measures of compliance as he finds will effectively accomplish the basic objectives of this part: Sections 4b.58, 4b.442, 4b.445, 4b.447, 4b.448 (b) and (c), 4b.478, 4b.484, 4b.503, 4b.516 through 4b.518, 4b.556, 4b.557, 4b.560, 4b.561, 4b.586, 4b.621 through 4b.624, 4b.651 through 4b.655, 4b.661 (a) and (c), and 4b.662 through 4b.676 of this subchapter.

NOTE: All references in this section to sections of Part 4b of this subchapter are those sections in effect on October 1, 1949 (14 F. R. 4102, July 16, 1949).

Instruments and Equipment

§ 41.21 *Radio equipment; short distance operation.* (a) For day contact operations over routes on which navigation can be accomplished by visual reference to landmarks, each aircraft shall be equipped with such radio facilities as are necessary to accomplish the following:

(1) Transmit communications and meteorological information to at least one ground station from any point on the route and transmit, from a distance of not less than 25 miles, to airport traffic control towers located at airports approved for the route;

(2) Receive communications at any point on the route;

(3) By either of two independent means, receive meteorological information at any point on the route and receive instructions from airport traffic control towers located at airports approved for the route.

If appropriate, one of the means provided for compliance with subparagraph (3) of this paragraph may be employed for compliance with subparagraph (2).

(b) For day contact operations over routes on which navigation cannot be accomplished by visual reference to landmarks and for night contact, day or night instrument operations, each aircraft shall be equipped with such radio facilities as are necessary to accomplish the following:

(1) Transmit communications and meteorological information to at least one ground station from any point on the route and transmit, from a distance of not less than 25 miles, to airport traffic control towers located at airports approved for the route;

(2) Receive communications at any point on the route;

(3) By either of two independent means, receive meteorological information at any point on the route and receive instructions from airport traffic

control towers located at airports approved for the route;

(4) By either of two independent means, satisfactorily receive radio navigational signals from any radio aid to navigation required by § 41.13 (a).

If appropriate, one of the means provided for compliance with subparagraph (3) of this paragraph may be employed for compliance with subparagraph (2) of this paragraph or the means provided for compliance with subparagraph (4) of this paragraph may be employed for compliance with subparagraph (3) of this paragraph.

§ 41.22 *Radio equipment; long distance operation.* Each aircraft shall be equipped with such radio facilities as are necessary to accomplish the following:

(a) By either of two independent means, transmit communications and meteorological information to at least one ground station from any point on the route and transmit, from a distance of not less than 25 miles, to airport traffic control towers located at airports approved for the route;

(b) By either of two independent means, receive communications at any point on the route;

(c) By either of two independent means, receive meteorological information at any point on the route and receive instructions from airport traffic control towers located at airports approved for the route;

(d) By either of two independent means, satisfactorily receive radio navigational signals from any radio aid to navigation required by § 41.13 (b).

If appropriate, equipment provided for compliance with paragraph (c) of this section may be employed for compliance with either paragraph (b) or this paragraph.

§ 41.23 *First-aid and emergency equipment.* Each aircraft shall be equipped with a conveniently accessible first-aid kit adequate for the type of operation involved. Aircraft scheduled over routes requiring flights for long distances over uninhabited terrain must carry such additional emergency equipment as the Administrator designates for the particular operation involved. All aircraft operated over water shall be equipped with life preservers or flotation devices readily available for each person aboard and with a Very pistol or equivalent signal equipment, except that this requirement will not apply when such operations consist only of landings, take-offs, or flights for short distances over water and the Administrator finds in each case that such equipment is not necessary. In addition, all aircraft operated for long distances over water shall be equipped with a sufficient number of life rafts to accommodate adequately all occupants and such additional emergency equipment as may be required by the Administrator.

§ 41.23a *Safety belts.* Aircraft shall have installed a safety belt for each occupant. Safety belts shall be of an approved type. In no case shall the rated strength of a safety belt be less than that corresponding with the ultimate load factors specified in the pertinent cur-

rently effective aircraft airworthiness parts of this subchapter, taking due account of the dimensional characteristics of the safety belt installation for the specific seat or berth arrangement. The webbing of safety belts shall be subject to periodic replacement as prescribed by the Administrator.

§ 41.24 *Supplemental oxygen.* Except where supplemental oxygen is provided in accordance with the requirements of § 41.24a, supplemental oxygen shall be furnished and used as set forth below. The amount of supplemental oxygen required for a particular operation to comply with the rules in this part shall be determined on the basis of flight altitudes and flight duration consistent with the operating procedures established for such operation and route. As used in the oxygen requirements hereinafter set forth, "altitude" shall mean the pressure altitude corresponding with the pressure in the cabin of the airplane, and "flight altitude" shall mean the altitude above sea level at which the airplane is operated.

(a) *Crew members.* (1) At altitudes above 10,000 feet to and including 12,000 feet oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crew members, during the portion of the flight in excess of 30 minutes within this range of altitudes.

(2) At altitudes above 12,000 feet oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crew members, during the entire flight time at such altitudes.

(b) *Passengers.* Each air carrier shall provide a supply of oxygen for passenger safety as approved by the Administrator in accordance with the following requirements:

(1) For flights of over 30-minute duration at altitudes above 8,000 feet to and including 14,000 feet a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried shall be required.

(2) For flights at altitudes above 14,000 feet to and including 15,000 feet a supply of oxygen sufficient to provide oxygen for the duration of the flight at such altitudes for 30 percent of the number of passengers carried shall generally be considered adequate.

(3) For flights at altitudes above 15,000 feet a supply of oxygen sufficient to provide oxygen for each passenger carried during the entire flight at such altitudes shall be required.

§ 41.24a *Supplemental oxygen requirements for pressurized cabin airplanes.* When operating pressurized cabin airplanes, the air carrier shall so equip such airplanes as to permit compliance with the following requirements in the event of cabin pressurization failure.

(a) *Crew members.* When operating such airplanes at flight altitudes above 10,000 feet, the air carrier shall provide sufficient oxygen for all crew members for the duration of the flight at such altitudes; *Provided*, That not less than a two-hour supply of oxygen shall be provided for the flight crew

members on flight deck duty. (The oxygen supply required by § 41.24c may be considered in determining the supplemental breathing supply required for flight crew members on flight deck duty in the event of cabin pressurization failure.)

(b) *Passengers.* When operating such airplanes at flight altitudes above 8,000 feet, the air carrier shall provide the following amount of oxygen:

(1) Where an airplane is not flown at a flight altitude of over 25,000 feet a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried shall be considered adequate, if at any point along the route to be flown the airplane can safely descend to a flight altitude of 14,000 feet or less within 4 minutes.

(2) In the event that such airplane cannot descend to a flight altitude of 14,000 feet or less within 4 minutes, the following supply of oxygen shall be provided:

(i) For the duration of the flight in excess of 4 minutes at altitudes above 15,000 feet, a supply sufficient to comply with § 41.24 (b) (3);

(ii) For the duration of the flight at altitudes above 14,000 feet to and including 15,000 feet, a supply sufficient to comply with § 41.24 (b) (2); and

(iii) For flight at altitudes above 8,000 feet to and including 14,000 feet, a supply sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried.

(3) Where an airplane is flown at an altitude above 25,000 feet sufficient oxygen shall be furnished in accordance with the following requirements to permit the airplane to descend to an appropriate flight altitude at which the flight can be safely conducted. Sufficient oxygen shall be furnished to provide oxygen for 30 minutes to 10 percent of the number of passengers carried for the duration of the flight above 8,000 feet to and including 14,000 feet and to permit compliance with § 41.24 (b) (2) and (3) for flight above 14,000 feet.

(c) For purposes of this section it shall be assumed that the cabin pressurization failure will occur at a time during flight which is critical from the standpoint of oxygen need and that after such failure the airplane will descend, without exceeding its normal operating limitations, to altitudes permitting safe flight with respect to terrain clearance.

§ 41.24b *Equipment standards.* The oxygen apparatus, the minimum rates of oxygen flow, and the supply of oxygen necessary to comply with the requirements of § 41.24 shall meet the standards established in §§ 4b.831 and 4b.832 of this subchapter: *Provided*, That where full compliance with such standards is found by the Administrator to be impractical, he may authorize such changes in these standards as he finds will provide an equivalent level of safety.

NOTE: All references in this section to sections of Part 4b of this subchapter are those sections in effect on October 1, 1949 (14 F. R. 5307, Aug. 26, 1949).

§ 41.24c *Protective breathing equipment for the flight crew—(a) Pressurized cabin airplanes.* Each flight crew mem-

ber on flight deck duty shall have easily available at his station protective breathing equipment covering the eyes, nose, and mouth, or the nose and mouth where accessory equipment is provided to protect the eyes, to protect him from the effects of smoke, carbon dioxide, and other harmful gases.

(1) Not less than a 300-liter STPD supply of oxygen for each flight crew member on flight deck duty shall be provided for this purpose.

(b) *Nonpressurized cabin airplanes.* The requirement stated in paragraph (a) of this section shall apply to nonpressurized cabin airplanes, if the Administrator finds that it is possible to obtain a dangerous concentration of smoke, carbon dioxide, or other harmful gases in the flight crew compartments in any attitude of flight which might occur when the aircraft is flown in accordance with either the normal or emergency procedures approved by the Administrator.

§ 41.25 *Instruments and equipment required for continuance of flight.* If any required instrument or item of equipment in an aircraft becomes unserviceable in flight, a landing must be made at either the nearest suitable landing area or at the next point of intended landing whichever, in the opinion of the pilot, is the safer procedure, unless the equipment specified in this section for the type of operation indicated is in serviceable condition, in which case the flight may continue as scheduled to the nearest point where repairs or replacements can be made.

The items listed in this section are required for all types of operation unless otherwise specified:

(a) One air-speed indicator and one sensitive type altimeter (contact operation); two air-speed indicators and two sensitive type altimeters (instrument operation),

(b) One approved compass,

(c) A tachometer for one engine, one fuel pressure gauge with warning indicator, one oil pressure gauge with warning indicator, and one oil temperature or cylinder temperature gauge for each engine,

(d) A manifold pressure gauge for one engine,

(e) In addition to fire detecting and fire extinguishing equipment necessitated as a result of compliance with § 41.20 (e), a minimum of two hand fire extinguishers of an approved type with an approved extinguishing agent, one of which installed in the crew compartment, others readily accessible to the passengers. Such additional hand fire extinguishers as the Administrator finds necessary for compliance with § 41.20 (e),

(f) One landing gear position indicator or equivalent facility, if equipment includes a retractable landing gear,

(g) One or more storage batteries or other source of electrical supply sufficient to operate all radio and electrical equipment necessary for the flight,

(h) (1) Two of the following three units of radio equipment:

(i) One transmitter for two-way communication,

(ii) One receiver for two-way communication,

(iii) One receiver capable of receiving navigational signals.

(2) In addition to the instruments named in subparagraph (1) of this paragraph, one of the radio navigational systems required by § 41.21 (b), if navigational facilities on the route are required by § 41.13,

(i) All radio equipment required by these regulations (night and instrument operation),

(j) Forward position and tail lights, two landing lights, one set of instrument lights, and two landing flares each rated for at least 3-minute duration (night operation),

(k) Fuel quantity indicators indicating the amount of fuel in each tank to be used for the remainder of the flight, or, in the case of aircraft having a third flight crew member assigned as a member of the operating crew, an alternate means approved by the Administrator for determining the amount of fuel in each tank (night and instrument operation),

(l) An electrically heated pitot tube serving each pilot's air-speed indicator (night and instrument operation),

(m) One gyro rate-of-turn indicator combined with a bank indicator, one artificial horizon indicator, and one gyro direction indicator (night and instrument operation),

(n) One outside air temperature gauge with indicating dial in the pilot compartment and one carburetor air temperature indicator or equivalent approved device (night and instrument operation),

(o) If vacuum system is used, one vacuum gauge with warning indicator on the instrument panel installed in lines leading to the rate-of-turn and artificial horizon indicators and the gyro direction indicator (night and instrument operation),

(p) One clock with sweep second hand (night and instrument operation),

(q) Three spare fuses of each capacity, or 25 percent of the number of each capacity, whichever is the greater,

(r) After May 31, 1956, an approved anti-collision light for aircraft having a maximum certificated weight of more than 12,500 pounds; except that in the event of failure of such light, the aircraft may continue flight to the next stop where repairs or replacements can be made (Night),

(s) Effective September 1, 1955, a means shall be provided for each reversible propeller on airplanes equipped with reversible propellers, which will indicate to the pilots when the propeller is in reverse pitch. Such means may be actuated at any point in the reversing cycle between the normal low pitch stop position and full reverse pitch. No indication shall be given at or above the normal low pitch stop position. The source of indication shall be actuated by the propeller blade angle or be directly responsive to the propeller blade angle.

Limitations

§ 41.26 *Airplane certification requirements—(a) Airplanes certificated on or*

before June 30, 1942. Airplanes certificated as a basic type on or before June 30, 1942, shall either:

(1) Retain their present airworthiness certification status and meet the requirements of § 41.36, or

(2) Comply with either the performance requirements of §§ 4a.737-T through 4a.750-T of this subchapter or the performance requirements of §§ 4b.110 through 4b.125 of this subchapter and in addition shall meet the requirements of § 41.27. That should any type be so qualified, all airplanes of any one operator of the same or related types shall be similarly qualified and operated.

(b) *Airplanes certificated after June 30, 1942.* Airplanes certificated as a basic type after June 30, 1942, and used in passenger operation shall be certificated as transport category airplanes and shall meet the requirements of § 41.27.

§ 41.27 *Operating limitations upon airplanes certificated under transport category requirements.* When operating any airplane certificated in accordance with the provisions of Part 4b of this subchapter, or of §§ 4a.737-T through 4a.750-T of this subchapter, the provisions of §§ 41.28-41.35 shall apply unless deviations therefrom are specifically authorized by the Administrator when he finds that, due to a peculiarity of a specific case, such application is unnecessary for safety.

In determining compliance with these provisions the data obtained in testing the airplane for type certification may be applied, by interpolation or by computation of the effects of changes in specific variables, to conditions differing from those for which specific tests were made, where such interpolations or computations will give results substantially equalling in accuracy the results of a direct test.

§ 41.28 *General limitations.* (a) Airplanes shall be operated only from airports at altitudes within the altitude range for which maximum take-off weights have been determined and set forth in the airplane operating manual and shall be dispatched only to airports of intended destination, or to airports specified as alternates, which are at altitudes within the range for which maximum landing weights have been determined and set forth in the airplane operating manual.

(b) The weight of an airplane at take-off shall not exceed the certificated maximum take-off weight for the altitude of the airport from which the take-off is made.

(c) The weight at take-off shall be such that, allowing for the consumption of the amount of fuel and oil which would normally be consumed in flight to the intended destination, the weight on arrival at the destination will not exceed the certificated maximum landing weight for the altitude of the airport of intended destination.

(d) No airplane shall be taken off at a weight which exceeds the allowable weight for the runway being used as determined in accordance with the take-off

runway limitations of the transport category operating rules, after taking into account the temperature operating correction factors required by § 4a.749a-T or § 4b.117 of this subchapter, and set forth in the Airplane Flight Manual for the airplane.

§ 41.29 *Take-off limitations to provide for engine failure.* Take-off shall be made only from such airports, in such directions, and under such weight limitations that the following conditions are fulfilled as shown by the performance data determined under § 4a.747-T or § 4b.91 of this subchapter and set forth in the airplane operating manual:

(a) From any point on the take-off up to the time of attaining the critical-engine-failure speed set forth in the airplane operating manual it shall be possible to bring the airplane to a safe stop within the landing area, as shown by the accelerate-and-stop distance data.

(b) If the critical engine should fail at any instant after the airplane attains the critical-engine-failure speed, it shall be possible to proceed with the take-off and attain a height of 50 feet, as indicated by the take-off path data, before passing over the end of the take-off area. Thereafter it must be possible to clear all obstacles either by at least 50 feet vertically, as shown by the take-off path data, or by at least 200 feet horizontally within the airport boundaries and 300 feet horizontally after passing beyond such boundaries.

In determining the allowable deviation of the flight path in order to avoid obstacles, it is assumed that the airplane is not banked before reaching a height of 50 feet, as shown by the take-off path data, and that the maximum bank thereafter does not exceed 15°.

(c) In applying the requirements of paragraphs (a) and (b) of this section, corrections shall be made for any gradient of the take-off surface. To allow for wind effect, take-off data based on still air may be corrected by not more than 50 percent of the reported wind component along the take-off path if opposite to the direction of take-off, and shall be corrected by not less than 150 percent of the reported wind component if in the direction of take-off.

NOTE: All references in this section to sections of Part 4b of this subchapter are those sections in effect on October 1, 1949 (14 F. R. 4102, July 16, 1949).

§ 41.30 *En route limitations.*—(a) *All airplanes; all engines operating.* Airplanes shall be dispatched only at such take-off weights that, in proceeding along the intended track with the weight of the airplane progressively reduced by the anticipated consumption of fuel and oil, the rate of climb with all engines operating (as set forth in the airplane operating manual), shall be, in feet per minute, $6V_{s_0}$ at an altitude at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles of either side of the intended track; except that this requirement need not apply to airplanes certificated under the performance requirements of the regulations issued prior to November 9, 1945 (Part 4a of this subchapter).

(b) *All airplanes; one engine inoperative.* Airplanes shall be dispatched only at such take-off weights that, in proceeding along the intended track with the weight of the airplane progressively reduced by the anticipated consumption of fuel and oil, the rate of climb with one engine inoperative (as set forth in the Airplane Flight Manual) shall be, in feet per minute

$$\left(0.06 - \frac{0.08}{N}\right)V_{s_0}^2,$$

where N is the number of engines installed and V_{s_0} is expressed in miles per hour, at an altitude at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles of either side of the intended track; except that for airplanes certificated under the performance requirements of Part 4a of this subchapter the above rate-of-climb value shall be $0.02V_{s_0}^2$ irrespective of the number of engines installed.

(c) *Airplanes with four or more engines; two engines inoperative.* The provisions of this paragraph shall apply only to airplanes certificated in accordance with the performance requirements of Part 4b of this subchapter. No airplane having four or more engines shall be flown along an intended track except under the conditions of either subparagraph (1) or subparagraph (2) of this paragraph.

(1) No place along the intended track shall be more than 90 minutes away from an available landing area at which a landing can be made in accordance with the requirements of § 41.34, assuming all engines to be operating at cruising power.

(2) The take-off weight shall not be greater than that which would permit the airplane, with the two critical engines inoperative, to have a rate of climb in feet per minute equal to $0.01V_{s_0}^2$ (V_{s_0} being expressed in miles per hour) along all points of the route, from the point where the two engines are assumed to fail simultaneously to the landing area, either at an altitude of 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is higher. The point where the two engines are assumed to fail shall be that point along the route which is most critical with respect to the take-off weight. In showing compliance with this prescribed rate of climb, the following shall apply:

(i) It shall be permissible to consider that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil with all engines operating up to the point where the two engines are assumed to fail and with two engines operating beyond that point.

(ii) Where the engines are assumed to fail at an altitude above the prescribed minimum altitude, compliance with the prescribed rate of climb at the prescribed minimum altitude need not be shown during the descent from the cruising altitude to an altitude at which the rate of descent becomes zero, if the latter is sufficiently above the prescribed minimum altitude to assure compliance with

the prescribed rate of climb at the prescribed minimum altitudes during the subsequent portion of the flight.

(iii) If fuel jettisoning is provided, the airplane's weight at the point where the two engines are assumed to fail shall be considered to be not less than that which would include sufficient fuel to proceed to an available landing area at which a landing can be made in accordance with the requirements of § 41.34 and to arrive there at an altitude of at least 1,000 feet directly over the landing area.

(d) *Special air navigation facilities.* Where special air navigation facilities provide for reliable and accurate identification of high ground or obstruction extending for less than 20 miles along the track, the lateral distance of 10 miles specified in § 41.30 (a), (b), (c) may be reduced to 5 miles.

§ 41.33 *Landing distance limitations.* (a) An airplane shall be dispatched only under such conditions that it would be possible, as shown by the still-air landing data obtained in § 4b.122 of this subchapter, or § 4a.750-T of this subchapter and set forth in the airplane operating manual, at a weight corresponding to the maximum weight expected to exist at the time of arrival at the airport of intended destination, and under standard air conditions for the altitude of such airport, to bring the airplane to rest from a point 50 feet directly above the intersection of the obstruction clearance line (as defined in § 41.35) and the landing surface, within a total distance not in excess of 60 percent of the effective length of the landing area (as defined in § 41.35) most suitable for landing in still air.

(b) For every probable condition of wind velocity and direction and the corresponding landing direction at the airport of intended destination required either by the ground handling characteristics of the airplane type involved or by other conditions (e. g., landing aids, terrain, etc.) the ratio of landing distance to effective length of landing area shall not be greater than that as specified in paragraph (a) of this section, after allowing for the effect on landing path and roll of not more than 50 percent of the wind component along the landing path if opposite to the direction of landing, or not less than 150 percent of the wind component if in the direction of landing.

(c) If the requirement of paragraph (a) of this section can be met, but the requirement of paragraph (b) of this section cannot be fully met, at an airport of intended destination, a flight to such airport may be dispatched if at least one approved alternate airport is designated in the flight plan at which the requirements of paragraphs (a) and (b) of this section, as modified by § 41.34, are met.

§ 41.34 *Landing distance at alternate fields.* The conditions of § 41.35 will apply with respect to alternate airports specified in the flight plan, except that in the case of alternate airports the landing distance as defined in that section shall not exceed 70 percent of the effective length of the landing area.

§ 41.35 *Definition of effective length of landing area.* The effective length of the landing area is the distance from the point where the obstruction clearance line, as defined in this section, intersects the landing surface to the far end of the landing area.

The obstruction clearance line is a line drawn tangent to or clearing all obstructions showing in a profile of the approach area as defined in this section. The obstruction clearance line is further limited by having a slope to the horizontal of 1:20 as it approaches the landing area.

The approach area, as used in this section, shall be an area symmetrical about a center line coinciding with and prolonging the center line of the runway, except that where there is a multiplicity of parallel runways or a large area continuously available for landing, the center line of the approach area shall coincide with the most probable landing path for instrument approaches. The approach area shall be considered as extending longitudinally from the landing area out to the most remote obstacle touched by the obstruction clearance line, assuming the center line of the approach area in plan view to be straight for at least 1,500 feet from the intersection of the obstruction clearance line with the landing surface and thereafter continuing in a path consistent with the instrument approach procedures for the runway in question, or, where such procedures are not specified, consistent with turns of at least 4,000 feet in radius; and as extending laterally to a distance of 200 feet on either side of its center line at the point of intersection of the obstruction clearance line with the landing surface, with this distance increasing uniformly to 500 feet on either side of the center line of the area at a longitudinal distance of 1,500 feet from the intersection of the obstruction clearance line with the landing surface, and maintaining a distance of 500 feet from the center line thereafter.

§ 41.36 *Nontransport category airplane operating limitations.* In operating any nontransport category airplane in passenger service, the provisions of §§ 41.36a through 41.36d shall be complied with, unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety. Performance data published or approved by the Administrator for each such nontransport category airplane shall be used in determining compliance with the provisions of §§ 41.36a through 41.36d.

§ 41.36a *Take-off limitations.* No take-off shall be made at a weight in excess of that which will permit the airplane to be brought to a safe stop within the effective length of the runway from any point during the take-off up to the time of attaining 105 percent of minimum control speed or 115 percent of the power-off stalling speed in the take-off configuration, whichever is the greater. In applying the requirements of this section:

(a) It may be assumed that take-off power is used on all engines during the acceleration;

(b) Account may be taken of not more than 50 percent of the reported wind component along the take-off path if opposite to the direction of take-off, and account shall be taken of not less than 150 percent of the reported wind component if in the direction of the take-off;

(c) Account shall be taken of the average runway gradient when the average gradient is greater than $\frac{1}{2}$ percent. The average runway gradient is the difference between the elevations of the end points of the runway divided by the total length;

(d) It shall be assumed that the airplane is operating in the standard atmosphere.

§ 41.36b *En route limitations; one engine inoperative.* (a) No take-off shall be made at a weight in excess of that which will permit the airplane to climb at a rate of at least 50 feet per minute with the critical engine inoperative at an altitude of at least 1,000 feet above the elevation of the highest obstacle within 5 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is the higher: *Provided*, That in the alternative an air carrier may utilize a procedure whereby the airplane is operated at an altitude such that, in event of an engine failure, the airplane can clear the obstacles within 5 miles on either side of the intended track by 1,000 feet, if the air carrier can demonstrate to the satisfaction of the Administrator that such a procedure can be used without impairing the safety of operation. If such a procedure is utilized, the rate of descent for the appropriate weight and altitude shall be assumed to be 50 feet per minute greater than indicated by the performance information published or approved by the Administrator. Before approving such a procedure, the Administrator shall take into account, for the particular route, route segment, or areas concerned, the reliability of wind and weather forecasting, the location and types of aids to navigation, the prevailing weather conditions, particularly the frequency and amount of turbulence normally encountered, terrain features, air traffic control problems, and all other operational factors which affect the safety of an operation utilizing such a procedure.

(b) In applying the requirements of paragraph (a) of this section, it shall be assumed that:

- (1) The critical engine is inoperative;
- (2) The propeller of the inoperative engine is in the minimum drag position;
- (3) The wing flaps and landing gear are in the most favorable positions;
- (4) The operative engine or engines are operating at the maximum continuous power available;
- (5) The airplane is operating in the standard atmosphere;
- (6) The weight of the airplane is progressively reduced by the weight of the anticipated consumption of fuel and oil.

§ 41.36c *Landing distance limitations; airport of intended destination.* No take-off shall be made at a weight in

excess of that which, allowing for the anticipated weight reduction due to consumption of fuel and oil, will permit the airplane to be brought to a stop within 60 percent of the effective length of the most suitable runway at the airport of intended destination.

(a) This weight shall in no instance be greater than that permissible if the landing were to be made:

(1) On the runway with the greatest effective length in still air, and

(2) On the runway required by the probable wind, taking into account not more than 50 percent of the probable headwind component and not less than 150 percent of the probable tailwind component.

(b) In applying the requirements of this section it shall be assumed that:

(1) The airplane passes directly over the intersection of the obstruction clearance plane and the runway at a height of 50 feet in a steady gliding approach at a true indicated air speed of at least $1.3 V_{SO}$;

(2) The landing is made in such a manner that it does not require any exceptional degree of skill on the part of the pilot;

(3) The airplane is operating in the standard atmosphere.

§ 41.36d *Landing distance limitations; alternate airports.* No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the requirements of § 41.36c: *Provided*, That the airplane can be brought to rest within 70 percent of the effective length of the runway.

Maintenance

§ 41.38 *Maintenance organization.* The air carrier is responsible for the continuous airworthiness of all aircraft, engines, propellers, and appliances. Unless maintenance is performed by another agency under a contract approved by the Administrator, it is responsible for maintaining adequate maintenance facilities, the adequacy and competence of maintenance personnel, and for the preparation of such maintenance reports as are required by the Administrator.

§ 41.39 *Alterations and repairs.* Aircraft, engines, propellers, and appliances must be altered or repaired only in conformity with the procedures and, insofar as they apply, the methods provided for in Part 18 of this subchapter. Reports of such alterations or repairs must be submitted promptly to the Administrator.

§ 41.40 *Inspection.* The air carrier shall maintain an inspection organization which is responsible for determining that all maintenance conforms to at least the minimum standards prescribed by the Administrator as to workmanship, methods employed, and materials used. Each inspector must hold a valid mechanic certificate and rating for the type of inspection involved.

§ 41.41 *Maintenance manual.* The air carrier shall prepare and maintain a manual for the use and guidance of

maintenance personnel which contains full information pertaining to the repair and service of flight equipment and clearly outlines the responsibilities of maintenance personnel. It must be in a form approved by the Administrator and copies furnished to all persons designated by the Administrator or Board. All copies in the hands of designated company personnel must be kept up to date.

(a) *Changes.* The extension of any overhaul, check, or inspection period must have the written approval of the Administrator. Other changes in the maintenance manual may be made without the prior approval of the Administrator, if such changes are not inconsistent with any Federal regulation, the air carrier operating certificate, or safe maintenance practice.

§ 41.42 *Training program.* The air carrier must provide for the proper and periodic instruction of all maintenance personnel, particularly in connection with the introduction into service of new or unfamiliar equipment.

§ 41.43 *Records.* Current records shall be kept of the total time in service, the time since last overhaul, and the time since last inspection on all aircraft components, engines, propellers, and, where practicable, on instruments, equipment, and accessories, except that in the case of a propeller for which there is no previous operating history, the Administrator may authorize the use of a new record if the hub is rebuilt and is fitted with blades which are free from defects and within the manufacturer's production tolerances. Such rebuilding of the propeller shall be accomplished by the manufacturer or by a certificated repair station having the proper rating. The new record shall be signed by the manufacturer or by the repair agency, giving the date the propeller hub or blade was rebuilt and such other information as the Administrator may require.

§ 41.44 *Cockpit check list.* (a) The air carrier shall provide for each type aircraft a cockpit check list, approved by the Administrator, adapted to each operation in which the aircraft is to be utilized. An approved check list shall be installed in a readily accessible location in the cockpit of each aircraft and shall be appropriately used by the flight crew for each flight.

(b) The cockpit check list shall include procedures prior to starting engines, prior to take-off, prior to landing, and for powerplant emergencies.

§ 41.45 *Air-speed indicators, limitations, and related information.* (a) Air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in the same units as used on the air-speed indicator.

(b) When more than one air-speed indicator is required, all such indicators shall be calibrated to read in the same units.

(c) When an air-speed indicator is calibrated in statute miles per hour, a readily usable means shall be provided

for the flight crew to convert statute miles per hour to knots.

(d) On and after April 1, 1956, all air-speed indicators shall be calibrated in knots, and all air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in knots.

AIRMAN RULES

Pilot

§ 41.48 *Certificate.* (a) Any pilot serving as pilot in command shall hold a valid airline transport pilot certificate and a rating for the aircraft in which he is to serve.

(b) Any pilot serving as second in command in an aircraft requiring two pilots shall hold at least a commercial pilot certificate and instrument rating and must have demonstrated to an air carrier inspector of the Administrator, or to an authorized check pilot of the air carrier, his ability to take off and land aircraft in which he is to serve.

(c) Any pilot serving as second in command in an aircraft requiring three or more pilots shall meet the requirements of paragraph (a) of this section.

(d) Any pilot serving in a pilot capacity other than as pilot in command or second in command shall meet the requirements of paragraph (b) of this section.

§ 41.49 *Number of pilots required.* The number of pilots required shall be sufficient to provide adequate safety. The type of aircraft used, the type of operation involved, and the duration of flights between points where flight crews are changed shall be the basis for making this determination.

§ 41.50 *Requirements for pilot route qualification.* The air carrier shall be responsible for insuring that each pilot is thoroughly qualified for the route over which he is to serve as pilot in command in scheduled air transportation. The qualifying procedure shall be established by the air carrier in the air carrier operations manual and shall include at least the following:

- (a) A written or oral examination on:
 - (1) Weather conditions peculiar to the route,
 - (2) Navigational facilities,
 - (3) Instrument approach procedures,
 - (4) Communication procedures,
 - (5) Minimum safe flight levels,
 - (6) Position reporting points,
 - (7) Holding procedures, and
 - (8) All other traffic control procedures for the route.

(b) Familiarization with the terrain, obstructions, or congested areas and physical layout for the airport and approaches at each regular, provisional, refueling, and alternate airport approved for the route.

(c) Flying through the letdown procedures at each regular, provisional, or refueling airport specified for use on the trip to which the pilot is or is to be assigned. Such letdown procedures should be made under visual flight conditions whenever possible. Compliance with this paragraph will not be required, provided the pilot makes his first entry into an

airport under visual flight rules or is accompanied by a check pilot.

(d) Demonstration of ability either under instrument flight rule conditions or on a synthetic instrument trainer to accomplish letdowns for all airports approved for the route.

(e) Making at least one round trip or two one-way trips over the route with one of the carrier's check pilots. When, in the opinion of the check pilot, the pilot is qualified for the route, the check pilot shall so certify to the carrier, and this certification shall be made a matter of record by the carrier. Compliance with this paragraph will not be required when qualifying over extensions to, or modifications of, an existing route, provided the pilot makes his first flight under visual flight rules or is accompanied by a check pilot.

§ 41.51 *Maintenance of pilot route qualification.* A pilot in command shall not serve as such over a particular route unless he has either:

(a) Made at least one one-way trip over the route as pilot in command or second in command within the preceding 12 calendar months, or

(b) After an absence from the route of more than 12 consecutive months, re-qualified in accordance with the appropriate provisions of § 41.50.

§ 41.52 *Maintenance of pilot technique.* If within any 90-day period a pilot in command or second in command has not made at least three take-offs and landings in aircraft of a particular type, such person shall not thereafter serve as a pilot in command or second in command in aircraft of that type in scheduled air transportation without having made at least three take-offs and landings in such aircraft with not less than one-half the maximum useful load. If he is to serve in air transportation at night at least one of the three take-offs and landings specified by this section must have been made at night.

§ 41.53 *Periodic flight checks and instruction.* Each air carrier must provide a sufficient number of check pilots to insure that each pilot in command employed continues to meet the minimum requirements both with regard to route competency and technique. Each of these checks must be accomplished twice each year at intervals of not less than four months. Periodic instruction must be given all pilots. In the case of pilots in command, instruction must include the obtaining of optimum performance under simulated maximum authorized weight conditions with one engine inoperative and instrument approach procedures and landings under the same conditions in the type aircraft in which such pilots serve in scheduled air transportation. In the case of all pilots other than pilots in command, instruction must include familiarization with the operations manual, with the types of equipment used, and with the duties of a second in command.

§ 41.54 *Flight time limitations for aircraft having a crew of one or two pilots.* (a) A pilot may be scheduled to fly 8 hours or less during any 24

consecutive hours without a rest period during such 8 hours. If a pilot is scheduled to fly in excess of 8 hours during any 24 consecutive hours, he shall be given an intervening rest period at or before the termination of 8 scheduled hours of flight duty. Such rest period must equal at least twice the number of hours flown since the last preceding rest period and in no case will such rest period be less than 8 hours. During such rest period the pilot must be relieved of all duty with the air carrier.

(b) When a pilot has flown in excess of 8 hours during any 24 consecutive hours he must receive at least 18 hours of rest before being assigned any duty with the air carrier.

(c) A pilot shall not fly in excess of 32 hours during any 7 consecutive days. Relief from all duty for not less than 24 consecutive hours must be provided for and given to a pilot at least once during any 7 consecutive days.

(d) A pilot shall not fly as a member of the crew more than 100 hours during any one month.

(e) A pilot shall not fly as a member of the crew more than 1,000 hours in any 12-month period.

§ 41.55 *Flight time limitations for aircraft having two pilots and one additional flight crew member.* (a) A pilot may not be scheduled to fly a total of more than 12 hours during any 24 consecutive hours.

(b) When a pilot has flown 20 hours or more during any 48 consecutive hours, or 24 hours or more during any 72 consecutive hours, he must receive at least 18 hours of rest before being assigned to any duty with the air carrier. In any case each pilot shall be relieved from all duty for not less than 24 consecutive hours during any 7 consecutive days.

(c) A pilot shall not fly as a member of the flight crew more than 120 hours in any 30 consecutive days or 300 hours in any 90 consecutive days.

(d) A pilot shall not fly as a member of the flight crew more than 1,000 hours in any 12-month period.

NOTE: Interpretation 1, 14 F. R. 1409, March 30, 1949, provides as follows:

Minimum crew complement; flight radio operators. We have been asked for an interpretation of the effect of Civil Air Regulations Amendment 41-1, dated October 5, 1948, on the minimum number of flight radio operators required on a scheduled flight of over 12 hours from airport to airport, where radiotelegraphy is necessary for communication with ground stations over a route segment of the flight which is less than 12 hours in length.

Section 41.70 of the Civil Air Regulations provides that, "when one flight radio operator is required the flight-time limitations prescribed in § 41.55 apply. When two or more flight radio operators are required, the flight-time limitations of § 41.56 apply." Section 41.55 states that where a crew consists of two pilots and an additional flight crew member, a "pilot may not be scheduled to fly more than 12 hours during any 24 consecutive hours." Since aircraft with which the regulation is concerned require two pilots at the controls at practically all times, the phrase "scheduled to fly" as used in this section does not necessitate precise definition with respect to the flight time of pilots since they are on duty throughout the flight. However, the expression is ambiguous when applied to radio operators whose duty watch,

from a safety standpoint, need not in all instances be continuous from airport to airport while the aircraft is in the air. As applied to such airmen the term "to fly" when used as part of the phrase "scheduled to fly," may be interpreted in two possible ways—it may mean the entire time the aircraft is in the air, or it may mean the time the radio operator is on flight duty on the aircraft.

In dealing with this problem it is necessary to bear in mind that the Board's power over maximum hours of service of airmen derives from section 601 (a) of the Civil Aeronautics Act and relates solely to promoting safety of flight in air commerce. It is evident that the Board does not consider that an airman's being in the air for more than 12 hours creates a hazardous condition in and of itself, for exactly such a situation is contemplated in § 41.56 with respect to pilots. In effect, what is required by that section is that when the flight is to be of more than 12 hours' duration, provision be made for a relief pilot to permit the captain and first officer to be relieved from time to time of the strain of a continuous flight watch. The same principle is applicable to radio operators. Where the radio operator's flight watch is scheduled for more than 12 hours in a given 24, it is apparent that a second operator must be carried to relieve the first. However, what is essential is that after 12 hours of duty the radio operator be relieved, not that he be relieved by another operator, and consequently, if such relief is afforded by reason of the fact that the radio operator's services are not required for the operation of the aircraft for more than 12 hours, the same safety standard would appear to have been met.

Prior to the adoption of Amendment 41-1 on October 5, 1948, which specifically defined what was intended by "route segment," it may not have been clear in all cases when a radio operator was required to be on flight duty under the regulation. However, since the adoption of the definition of "route segment," the Administrator is permitted to specify the exact limits of a route segment, which may be considerably more confined than the route between the airports of take-off and landing for the flight. Thus, under the regulations, the time scheduled over the route segment or segments for which the Administrator has determined radio telegraphy is necessary represents the minimum on-duty time for which a flight radio operator is required. If the air carrier desires to maintain a radio flight watch beyond the minimum time thus prescribed or to utilize the services of the airmen in some other certificated capacity on the flight, of course, the time so spent must be included as part of the airman's on-duty flight time.

Accordingly, we interpret "scheduled to fly" as used in § 41.55 and as applied to radio operators as meaning "scheduled for flight duty on the aircraft." Thus, only one flight radio operator is required on a scheduled flight over 12 hours from airport to airport where such operator is only required or assigned for duty as an airman over a route segment which is less than 12 hours in length.

§ 41.56 *Flight time limitations for aircraft having three or more pilots and an additional flight crew member.* (a) Flight hours shall be scheduled in such a manner as to provide for adequate rest periods on the ground while the pilot is away from his base. Adequate sleeping quarters on the aircraft must be provided in all cases where a pilot is scheduled to fly more than 12 hours during any 24 consecutive hours.

(b) A pilot, upon return to his base from any flight or series of flights, shall receive a rest period of not less than twice the total number of hours flown

since the last rest period at his base and during such period will not be required to perform any duty for the company. When the required rest period exceeds 7 days, that portion of the rest period in excess of 7 days may be given at any time before the pilot is again scheduled for flight duty on any route.

(c) A pilot shall not fly as a member of the flight crew more than 350 hours in any 90 consecutive days.

(d) A pilot shall not fly as a member of the flight crew more than 1,000 hours in any 12-month period.

§ 41.57 *Flight time limitations for pilots not regularly assigned.* A pilot not regularly assigned as a flight crew member for an entire month under the provisions of § 41.55 or § 41.56 must not fly in excess of 100 hours in any 30 consecutive days.

§ 41.58 *Deadhead transportation.* The time spent in deadhead transportation to or from duty assignment will not be considered a part of any rest period.

§ 41.59 *Other commercial flying.* A pilot shall not do other commercial flying while employed by an air carrier when such flying, in addition to that in scheduled air transportation service, will exceed any flight time limitations specified herein.

§ 41.60 *Logging flight time.* (a) A pilot in command may log the total flight time elapsing during his command of the aircraft.

(b) A second in command holding an airline transport pilot certificate and rating for the aircraft flown may log the total time during which he serves as second in command.

(c) A second in command not holding an airline transport pilot certificate and rating for the aircraft flown may log 50 percent of the total flight time.

(d) Additional pilots when required, and serving as such, may log 50 percent of the total flight time.

§ 41.61 *Logging instrument flight time.* Instrument flight time may be logged as such by the pilot actually manipulating the controls only when the aircraft is flown solely by reference to instruments either under actual or properly simulated flight conditions.

§ 41.62 *Pilots at controls.* In the case of aircraft requiring two or more pilots, two pilots shall remain at the controls at all times while the aircraft is taking off, landing, and while en route, except when the absence of one is necessary in connection with his regular duties or when he is replaced by a person authorized under the provisions of § 41.121.

§ 41.63 *Pilot in command rules—(a) Pilot in command.* The pilot in command is in command of the aircraft at all times during flight and is responsible for the safety of persons and goods carried and for the conduct and safety of members of the crew.

(b) *Emergency decisions.* (1) The pilot in command is authorized to follow any course of action which appears necessary in emergency situations which, in the interest of safety, require immediate decision and action. He may, in such

situations, deviate from prescribed methods, procedures, or minimums to the extent required by considerations of safety. When such emergency authority is exercised the pilot shall keep the proper control station fully informed regarding the progress of the flight. He shall submit a written report of any such deviation to the Administrator of Civil Aeronautics within 7 days after the completion of the trip.

(2) In an emergency requiring either the dumping of fuel or a landing at a weight in excess of the authorized landing weight the pilot in command may elect to follow whichever procedure he considers safer.

(c) *Flight equipment.* Before any flight is started the pilot in command shall have readily available in the aircraft appropriate and current flight and navigational facility maps, including instrument procedures when instrument flight is authorized, and such other equipment as may be necessary to properly conduct the proposed flight.

§ 41.64 *Compliance with foreign air traffic rules and local airport rules.* Pilots flying in the airspace of any foreign country shall, at all times, comply with the air traffic rules of the foreign government and with local airport rules, except where any rule prescribed in this part is more restrictive and may be followed without violating the laws or rules of such country.

§ 41.65 *Composition of flight crew.* (a) No air carrier shall operate an aircraft with less than the minimum flight crew required for the type of operation and the type aircraft as determined by the Administrator in accordance with the standards prescribed in this part and specified in the air carrier operating certificate for each route or route segment.

(b) Where the provisions of this part require for a particular route, route segment, or aircraft the performance of two or more functions for which an airman certificate is necessary, such requirement shall not be satisfied by the performance of multiple functions at the same time by any airman over such route or route segment.

Flight Radio Operator

§ 41.68 *Flight radio operator; when required.* An airman holding a flight radio operator certificate shall be required for flight over any area, route, or route segment over which the Administrator has determined that radiotelegraphy is necessary for communication with ground stations during flight.

§ 41.69 *Certificate.* Each flight radio operator shall hold a valid flight radio operator certificate issued in accordance with the provisions of Part 33 of this subchapter.

§ 41.70 *Flight time limitations.* When one flight radio operator is required the flight time limitations prescribed in § 41.55 apply. When two or more flight radio operators are required the flight time limitations of § 41.56 apply.

§ 41.71 *Other flight crew members to be qualified.* In all flights requiring

only one flight radio operator, one other flight crew member must be capable of operating the equipment in an emergency.

§ 41.72 *Qualification for duty.* No individual shall perform, or be assigned to perform, the duties of a flight radio operator unless he has met the recent experience requirements specified in Part 33 of this subchapter.

Flight Engineer

§ 41.73 *Flight engineer; when required.* An airman holding a flight engineer certificate shall be required on all four-engine aircraft certificated for more than 80,000 pounds maximum take-off weight, and on all other four-engine aircraft certificated for more than 30,000 pounds maximum take-off weight where the Administrator finds that the design of the aircraft used or the type of operation is such as to require a flight engineer for the safe operation of the aircraft.

§ 41.74 *Certificate.* Each flight engineer shall hold a valid flight engineer certificate issued in accordance with the provisions of Part 35 of this subchapter.

§ 41.75 *Qualification for duty.* A certificated flight engineer shall not be assigned to nor perform duties for which he is required to be certificated unless, within the preceding 12-month period, he has had at least 50 hours of experience as a flight engineer on the type aircraft on which he is to serve; or until the air carrier has checked the airman and determined that he is (a) familiar with all current information and operating procedures relating to the type aircraft to which he is to be assigned and (b) competent with respect to such aircraft.

§ 41.76 *Flight time limitations.* When one flight engineer is required, the flight time limitations prescribed in § 41.55 apply. When two or more flight engineers are required, the flight time limitations prescribed in § 41.56 apply.

§ 41.77 *Other flight crew members to be qualified.* In all flights requiring the use of only one flight engineer, one other flight crew member must be capable of performing the duties of such engineer in an emergency during flight.

Flight Navigator

§ 41.80 *Flight navigator; when required.* An airman holding a flight navigator certificate shall be required for flight over any area, route, or route segment when the Administrator has determined either that celestial navigation is necessary or that other specialized means of navigation necessary for the safe conduct of flight cannot be adequately accomplished from the pilot station.

§ 41.81 *Flight time limitations.* The flight time limitations prescribed in § 41.56 apply.

§ 41.82 *Qualification for duty.* A certificated flight navigator shall not be assigned to nor perform duties for which he is required to be certificated unless, within the preceding 12-month period, he has had at least 50 hours' experience as a flight navigator; or until the air

carrier has checked the airman and determined that he is (a) familiar with all current navigational information pertaining to the routes to be flown and (b) competent with respect to the operating procedures and navigational equipment to be used.

Dispatcher

§ 41.84 *Number and location.* The air carrier shall provide an adequate number of certificated aircraft dispatchers located at such points as may be necessary to insure safe operations.

§ 41.85 *Certificate.* Each dispatcher shall hold a valid aircraft dispatcher certificate issued in accordance with the provisions of Part 27 of this subchapter.

§ 41.86 *Qualification for route.* Each dispatcher within 6 months immediately preceding his qualification for a route, or part thereof, shall have made at least one trip over the route on which he is to serve prior to dispatching any aircraft. In addition he must be familiar with:

(a) The contents of the air carrier operations manual;

(b) The radio facilities in the aircraft used; and

(c) With respect to the route, the following:

(1) The prevailing weather phenomena,

(2) The sources of weather information available,

(3) All phases of the air carrier operation,

(4) The maximum authorized loads for the aircraft used,

(5) The peculiarities and limitations of each radio navigational facility and similar information with regard to such additional facilities located off the route as are approved for use in obtaining fixes by means of cross bearings, and

(6) The effect of weather conditions on the radio reception of the aircraft used.

§ 41.87 *Maintenance of qualification.* Each dispatcher shall maintain his familiarity with the route or routes on which he dispatches aircraft.

§ 41.88 *Route qualification expiration.* After 24 consecutive months of absence from dispatching duty over a route or part thereof, a dispatcher will no longer be considered qualified to dispatch aircraft over such route.

FLIGHT OPERATION RULES

Dispatching Rules

§ 41.92 *Dispatching rules—(a) Short distance operation.* Flights may be dispatched over any approved route between two terminal points.

(b) *Long distance operation.* Flights may be dispatched over any track between two terminal points within the route approved by the Administrator for the operation.

§ 41.93 *Dispatching authorization.* Flights shall be started only on the authority of an aircraft dispatcher qualified for the route. In short distance operation this authority is not required at intermediate points specified in the original clearance unless the flight is delayed more than 30 minutes at any such point. In long distance operation

redispatch is not required unless the flight is delayed more than 6 hours.

§ 41.94 *Dispatcher duty period.* A dispatcher may clear a flight only when he has been on duty at the station from which the clearance is effected for a period of time sufficient to become familiar with existing conditions. He must continue on duty until the aircraft has landed in completion of a trip, or has proceeded beyond his jurisdiction, or until he has been properly relieved by another qualified dispatcher.

§ 41.95 *Use of weather reports and forecasts in dispatch.* (a) Weather reports used to control flight movements shall be prepared from observations made and released by a source acceptable to the Administrator.

(b) Weather reports used shall be the latest reports available. Weather reports, other than off-course or on-call reports made a part of the clearance form, shall not be more than one hour and 30 minutes old at the time the aircraft departs.

(c) Weather forecasts made by the United States Weather Bureau, in the case of dispatch from points within the United States, or other sources acceptable to the Administrator, in the case of dispatch from points outside of the United States, shall be taken into account.

§ 41.96 *Weather minimums—(a) Dispatch under contact flight rules, short distance operations.* Aircraft may be dispatched only if current weather reports and forecasts show a trend indicating that the ceilings and visibilities along the route to be flown are, and will remain, at or above the minimums required for flight under contact flight rules until the flight arrives at the next point of intended landing specified in the clearance.

(b) *Instrument or over-the-top dispatch, short distance operations.* Aircraft may be dispatched only if the observed weather information and current weather forecasts pertaining to the next point of intended landing specified in the clearance show a trend indicating that the ceiling and visibility will be at or above the minimums specified when the flight is scheduled to arrive; and at least one alternate airport, meeting the minimum weather requirements for the airport when used as an alternate, is designated in the clearance.

(c) *Dispatch, long distance operation.* Aircraft may be dispatched only in compliance with the following conditions:

(1) The current weather forecasts must indicate that the ceiling and visibility either at the next point of intended landing or at any required alternate therefor will be at or above the approved minimums at the time the flight is estimated to arrive.

(2) In the case of overwater flights or any other flight where the point of intended landing has no available alternate, the current weather forecasts must also indicate that the ceiling and visibility either at the point of departure or at any required alternate therefor will be above the approved minimums at

the time of arrival back to such point from any point along the route closer than the point-of-no-return.

§ 41.97 *Icing conditions.* Aircraft shall not be dispatched or flown into known heavy icing conditions and may be dispatched or flown into any less serious icing condition only if the aircraft is equipped for de-icing wings, propellers, and such other parts of the aircraft as are essential to safety.

§ 41.98 *Fuel supply—(a) Short distance contact operation.* An aircraft may be dispatched or take off only if it carries sufficient fuel, considering the wind and other weather conditions expected, to (1) fly to the next point of landing specified in the clearance and thereafter (2) for a period of at least 45 minutes at normal cruising consumption.

(b) *Short distance instrument or over-the-top operation.* An aircraft may be dispatched or take off only if it carries sufficient fuel, considering the wind and other weather conditions expected, to fly to the next point of landing specified in the clearance; and thereafter (1) to fly to and land at the most distant alternate airport designated for that point in the clearance; and thereafter (2) to fly for a period of at least 45 minutes at normal cruising consumption.

(c) *Long distance operation.* An aircraft may be dispatched or take off only if it carries sufficient fuel, considering the wind and other weather conditions expected, to fly to the next point of landing specified in the clearance; and thereafter (1) to fly to and land at the most distant alternate airport designated for that point in the clearance; and thereafter (2) to fly for a period of at least two hours at normal cruising consumption. An aircraft may be redispatched to return to the point of departure or to an alternate airport for that point only when such redispatch is accomplished while the aircraft has sufficient fuel to return to such point and thereafter to fly for a period of at least two hours at normal cruising consumption. In the case of a route approved without an available alternate for a particular stop, an aircraft dispatched to that point must carry sufficient fuel, considering wind and other weather conditions expected, to fly to that point and thereafter for at least 3 hours at normal cruising consumption. The Administrator may require fuel in excess of any of the minimums specified in this paragraph when he finds that additional fuel is necessary on a particular route in the interest of safety and, in the case of an overland operation where adequate intermediate airports and navigational facilities are available, may permit the operation to be conducted with the fuel reserves specified in paragraph (b) of this section.

§ 41.99 *Maintenance release, clearance, and load manifest forms.* All maintenance release, clearance, and load manifest forms used shall be approved by the Administrator. The original copies of such forms shall be given to the pilot in command and duplicate copies kept in the station file for at least 90 days.

§ 41.100 *Preparation of maintenance release form.* A maintenance release form shall be prepared for each aircraft delivered by the maintenance department to the operations department. This form must be signed by personnel of the air carrier charged with the duty of supervising the maintenance of the aircraft.

§ 41.101 *Preparation of clearance form.* A clearance form shall be prepared for each flight between specified clearance points. The information for such clearance shall be prepared by the authorized aircraft dispatcher of the air carrier operating the aircraft. This form shall be signed by the pilot in command and by the authorized aircraft dispatcher only when both believe the flight may be made with safety. The authority to sign such clearance may be delegated for a particular flight by the authorized aircraft dispatcher, but the authority to dispatch cannot be delegated, and such dispatcher remains responsible for the dispatch and continued supervision of the flight.

§ 41.102 *Preparation of load manifest form.* A load manifest form showing the loading of the aircraft shall be prepared and signed for each flight by qualified personnel of the air carrier charged with the duty of supervising the loading of the aircraft and the preparation of the load manifest forms, or by qualified persons authorized by the air carrier. The aircraft when loaded shall not exceed the center of gravity limits or maximum allowable weight limits set forth in the aircraft certificate for the particular aircraft.

§ 41.103 *Traffic conditions.* Immediately prior to departure it is the responsibility of the dispatcher, dispatching an instrument flight outside of an airway traffic control area, to ascertain from the best available information what other flights affecting the proposed flight are in progress over the route and to report this information to the pilot in command.

§ 41.104 *Dispatcher emergency procedure.* In the event of inability to maintain two-way communication with the aircraft while it is in flight the dispatcher is responsible for notifying all other known traffic in the area of such failure, giving the last approved flight plan and the expected time of arrival at the destination.

§ 41.105 *Redispatch from alternate airports.* Aircraft may be redispatched from any alternate airport. In the case of an off-route alternate, the return to the authorized route must be made in accordance with conditions specified by the Administrator.

Flight Preparation and Take-Off Rules

§ 41.108 *Tests and checks.* Before departure the pilot in command is responsible for the testing or checking of each item in the check list approved by the Administrator, at the time and to the extent specified.

§ 41.109 *View of traffic.* The pilot shall maneuver the aircraft to a position from which incoming and outgoing

aircraft can be observed until immediately prior to take-off.

Flight Course and En Route Rules

§ 41.110 *Continuance of flight, short distance operation.* No flight shall be continued toward any point to which it is cleared unless the weather conditions at alternate airports specified in the clearance remain at or above the minimums specified for each such airport when used as an alternate.

§ 41.111 *Change in clearance en route.* The clearance may be amended en route by the substitution of another alternate airport within the fuel range of the aircraft, as outlined in § 41.98 (b), where weather conditions are at or above the minimums for such airport when used as an alternate. If a change in clearance is made while an aircraft is in flight, the two-way conversation shall be entered in the ground station radio log. After clearance for contact flight no aircraft shall be recleared en route for instrument flight, unless all instruments and items of equipment required by § 41.25 for the type of operation are in serviceable condition.

§ 41.112 *Deviation from route.* No aircraft may deviate from the route over which it is dispatched except when circumstances render such deviation necessary as a safety measure. Any deviation from the route must be explained by the pilot in a written report dispatched to the Administrator within 7 days after return to his base.

§ 41.113 *Reporting unusual conditions.* When an icing or other unusual meteorological condition is encountered in flight the pilot shall notify his company radio ground station as soon as practicable and such information shall be relayed to all flights which may be affected.

§ 41.114 *Flight altitude rules—(a) Day contact operation.* Except during take-offs and landings no aircraft shall be flown at an altitude less than 500 feet above the ground or water, or within 500 feet of any mountain, hill, or other obstruction to flight, except in such cases as may be specifically approved.

(b) *Night and instrument operation.* Except during take-offs and landings or when operating in accordance with specific procedures for definite localities approved by the Administrator, no aircraft shall be flown at an altitude of less than 1,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown.

§ 41.115 *Communication failure.* In the event of inability to maintain two-way radio communication, the pilot in command shall observe one of the following procedures in the order listed:

(a) Proceed according to current flight plan, maintaining the minimum instrument altitude or the last acknowledged assigned altitude, whichever is higher, to the airport of intended landing and commence descent at approach time last authorized or, if not received

and acknowledged, at the estimated time of arrival specified in the flight plan; or

(b) If weather conditions permit, proceed in accordance with contact flight rules; or

(c) Land as soon as practicable.

Instrument Approach and Landing Rules

§ 41.117 *Altitude on initial approach.* When making an initial approach to a radio station on instruments or on top of overcast, an aircraft shall not be operated below the initial approach altitude specified for such station until arrival over the station has been definitely established, except where a marker facility is available and a procedure for a straight-in approach is authorized.

§ 41.118 *Letting-down-through procedure.* When instrument operation is authorized the standard instrument approach procedure, or the one authorized by the control tower if more than one procedure is specified for the airport, must be used for letting-down-through. The procedures and minimum altitudes of flight specified shall be strictly observed.

§ 41.119 *Approach and landing limitations.* No instrument approach procedure shall be executed or landing made at an airport when the latest U. S. Weather Bureau weather report for that airport indicates the ceiling or visibility to be less than that prescribed by the Administrator for landing at such airport: *Provided*, That, if an instrument approach procedure is initiated when the current U. S. Weather Bureau report indicates that the prescribed ceiling and visibility minimums exist and a later weather report indicating below minimum conditions is received after the aircraft (a) is on an ILS final approach and has passed the outer marker, or (b) is on a final approach using a radio range station or comparable facility and has passed the appropriate facility and has reached the authorized landing minimum altitude, or (c) is on GCA final approach and has been turned over to the final approach controller, such approach may be continued and a landing may be made in the event weather conditions equal to or better than the prescribed minimums for the airport are found to exist by the pilot in command of the flight upon reaching the authorized landing minimum altitude.

MISCELLANEOUS OPERATIONS RULES

§ 41.120 *Operations manual.* (a) The air carrier shall prepare and maintain a manual for the use and guidance of operations personnel which contains full information necessary to guide flight and ground personnel in the conduct of flight operations and to inform such personnel regarding their duties and responsibilities. It must be in a form approved by the Administrator and furnished to all persons designated by the Administrator or Board. All copies in the hands of company personnel must be kept up to date.

(b) Any changes issued by the Administrator shall be promptly incorporated in the manual. Other changes not in-

consistent with any Federal regulation, the air carrier operating certificate, or safe operating practice may be made without the prior approval of the Administrator.

§ 41.121 *Admission to pilot compartment.* (a) No person except a member of the operating crew or an air carrier inspector of the Administrator may be admitted to the pilot compartment during flight unless his admission is approved by the pilot in command after he has identified himself as one of the following:

(1) An employee of the Federal Government, of an air carrier, or other aeronautical enterprise whose duties are such that his presence in the compartment is necessary or advantageous to the conduct of safe air carrier operations or the improvement of the safety of such operations;

NOTE: Federal employees who deal responsibly with matters relating to air carrier safety and such air carrier employees as pilots, dispatchers, meteorologists, communication operators, and mechanics whose efficiency would be increased by familiarity with flight conditions in the pilot compartment may be considered eligible for admission to the pilot compartment under this requirement. Employees of traffic, sales, and other air carrier departments not directly related to flight operations cannot be considered eligible unless authorized under § 41.121 (a) (2).

(2) A person whose presence in such compartment has been specifically authorized by the management of the air carrier operating the aircraft and by the Administrator.

(b) No person may occupy a seat in the pilot compartment or the companionway thereto unless such seat is securely attached to the structure of the aircraft and is provided with a safety belt which shall be kept fastened by the occupant throughout his occupancy of such seat.

(c) Unless a seat is also available for his use in the passenger compartment, no person may be admitted to the pilot compartment during flight except:

(1) Air carrier inspectors engaged in checking flight operations; and

(2) Certificated airmen of the air carrier and certificated airmen of another air carrier who have been authorized by the air carrier concerned and the Administrator to make specific trips over the route.

(d) An air carrier inspector of the Administrator must be admitted to the pilot compartment of an air carrier aircraft at any time while performing his official duty.

§ 41.122 *Manipulation of controls.* No person other than a qualified pilot of the air carrier may manipulate the flight controls of an air carrier aircraft while in scheduled flight, except that at the discretion of the pilot in command such restriction will not apply to other pilots as follows:

(a) Authorized air carrier inspectors of the Administrator, or

(b) Properly qualified pilot personnel of another air carrier, if the pilot in command is at one set of controls.

§ 41.123 *Smoking rules.* No smoking will be permitted in an aircraft:

- (a) While on the ground or water,
- (b) During take-offs and landings,
- (c) In the berths of sleeper planes, or
- (d) Elsewhere, unless suitable ash containers are provided.

§ 41.124 *Passenger information signs.* Aircraft shall be equipped with the following signs so located as to be plainly visible to passengers:

- (a) "No smoking" signs located in the cabin and in individual berths,
- (b) "Fasten seat belt" signs located in cabin,

(c) "Use oxygen equipment" signs located in the cabin of aircraft not having pressurized cabins when operated at altitudes in excess of 12,000 feet above sea level for any period of time, unless a competent cabin attendant is provided to care for passengers.

§ 41.125 *Marking door handles.* The latched and unlatched positions of door handles shall be plainly marked.

§ 41.126 *Marking emergency exits.* Emergency exits shall be clearly marked as such with luminous paint in letters not less than three-fourths of an inch high, such markings to be located either on or immediately adjacent to the pertinent exits and readily visible to passengers. The location and method of operation of the handles shall be marked with luminous paint.

§ 41.127 *Use of emergency equipment.* The emergency equipment required by § 41.23 must be periodically inspected and tested in accordance with specifications issued by the Administrator. The crew of aircraft used in overwater flights shall be drilled periodically in "abandon ship" procedures. Passengers shall be acquainted with the location of emergency exits, with emergency equipment provided for individual use, and with the procedure to be followed in the case of an emergency landing on the water.

§ 41.128 *Route operation proving flights.* Before passengers are carried on any new route or any extension of over 100 miles of a route previously authorized, the air carrier shall demonstrate ability to conduct a safe operation by making such flights over the route as the Administrator may require in the interest of safety.

§ 41.129 *Aircraft proving tests.* (a) A new type of air carrier aircraft shall have at least 100 hours of proving tests under the supervision of an authorized representative of the Administrator before authority for carrying passengers is issued. At least 50 hours of such tests shall be flown over authorized routes and shall include at least 10 hours of night operation.

(b) In a case of major changes on aircraft previously proved, or the use of the same aircraft on a substantially different operation, 50 hours of tests similar to those outlined in paragraph (a) of this section shall be required, of which at least 25 hours shall be flown over authorized routes, unless deviations are

specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements of this paragraph unnecessary for safety.

(c) During the tests specified in paragraphs (a) and (b) of this section no person shall be carried other than those essential to the tests. Mail, express, and cargo may be carried at the discretion of the Administrator.

§ 41.130 *Reports.* Each air carrier shall furnish the Administrator the following reports:

(a) A monthly operations report shall be submitted on and in accordance with the form supplied or approved by the Administrator for the purpose not later than the 20th day of the next succeeding month.

(b) A mechanical interruption report shall be submitted on the form supplied for the purpose not later than 10 days after the return of the aircraft to its operating base. Any partial or complete instrument or equipment mechanical failure which occurs during flight shall be reported. The records of such mechanical failure must be made available to any authorized representative of the Administrator or Board on request.

§ 41.131 *Irregularity report.* All airmen, including flight and ground personnel, shall immediately report to the operations manager any irregularity or hazard which in their opinion makes for unsafe operation. If such report is found to be justified, notice of the irregularity or hazard must be submitted to the Administrator at once.

§ 41.132 *Communication priority.* Where a communications channel serves point-to-point contacts in addition to ground-to-plane, priority shall be given to plane-to-ground and ground-to-plane communications.

§ 41.133 *Flight records.* The air carrier shall maintain and make available to any authorized representative of the Administrator or Board, for not less than 1 year from the date of flight, the records pertaining to any flight which was interrupted because of weather conditions and failed to land at the point to which it was originally cleared. Such records shall include the flight plan, flight log, clearance, and any other data necessary to complete the record of the operation.

DEFINITIONS

§ 41.137 *Definitions.* As used in this part, terms shall be defined as follows:

Alternate airport. An alternate airport is one listed in the clearance as a point to which a flight may be directed if, subsequent to departure, a landing at the point to which the flight is cleared becomes undesirable.

Broken clouds. The term "broken clouds" means a condition where more than 50 but less than 90 percent of the sky is covered by clouds.

Category. Category shall indicate a classification of aircraft such as airplane, helicopter, glider, etc.

Ceiling. The term "ceiling" means the height of the base of the lowest cloud layer reported as "broken clouds" or "overcast."

Check pilot. A check pilot is a pilot authorized by the Administrator to check pilots of the air carrier for familiarity with route procedures and for piloting technique.

Class. Class shall indicate a difference in basic design of aircraft within a category, such as single-engine land, multiengine sea, etc.

Contact operation. A contact operation is an operation conducted under contact flight rules as prescribed in Part 60 of this subchapter.

Crew member. Crew member means any individual assigned by an air carrier for the performance of duty on the aircraft other than as flight crew member during flight time.

Flight crew member. Flight crew member means a pilot, flight radio operator, flight engineer, or flight navigator assigned to duty on the aircraft during flight time.

Flight time. Flight time shall mean the total time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the end of the flight (block to block).

Instrument operation. An instrument operation is an operation conducted under instrument flight rules as prescribed in Part 60 of this subchapter.

Long distance operation. A long distance operation is one in which the time interval between stops is of sufficient duration to require that the dispatch be based entirely on forecasts of weather expected at the intended destination and alternates.

Pilot compartment. The term "pilot compartment" means that part of the aircraft designed for the use of the flight crew.

Pilot in command. Pilot in command shall mean the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

Point-of-no-return. The term "point-of-no-return" means that point at which the aircraft no longer has sufficient fuel, under existing conditions, to return to the point of departure or any alternate for that point.

Provisional airport. A provisional airport is an airport approved for the purpose of providing adequate service to a community when the regular airport serving that community is not available.

Refueling and holding airport. A refueling and holding airport is an airport approved as a point to which flights may be cleared for refueling.

Regular airport. A regular airport is an airport used as a regular stop on a route.

Route. A route is a path through the navigable airspace identified by an area on the surface of the earth, the boundaries of which are designated or approved by the Administrator.

Route segment. A route segment is a portion of a route, the boundaries of which are identified by:

(1) A continental or insular geographic location;

(2) A point at which some specialized aid to air navigation is located; or

(3) A point at which a definite radio fix is located.

Second in command. Second in command shall mean a pilot other than the pilot in command who is designated by the air carrier to act as second in command of an aircraft.

Short distance operation. A short distance operation is one which involves intermediate stops of sufficient frequency to permit the dispatch from each such stop to be based on spot weather reports or a combination of spot weather reports and forecasts.

Type. Type shall mean all aircraft of the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics.

[F. R. Doc. 55-3206; Filed, Apr. 18, 1955; 8:53 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 111]

PART 608—RESTRICTED AREAS

NEW YORK

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.40, the Montauk Point, Long Island, New York, area (R-487) is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
MONTAUK POINT, Long Island, N. Y. (R-487) (New York-Boston).	That portion of the area described herein which lies within 3 nautical miles of the shoreline beginning at latitude 41°06'10", longitude 71°29'00"; thence to latitude 41°03'38", longitude 71°28'15"; thence to latitude 40°50'43", longitude 72°07'48"; thence to latitude 40°51'40", longitude 72°11'10"; thence to latitude 40°55'45", longitude 72°12'37"; thence to latitude 41°06'10", longitude 71°41'48"; thence to point of beginning.	Surface to 7,950 feet mean sea levels.	0830 to 1630 local time, Monday through Friday inclusive, when weather conditions are better than 6,000-foot ceiling and 5 statute miles visibility.	First Army, Montauk Point, Long Island, N. Y.

¹ That portion which lies beyond 3 nautical miles of the shoreline is established as a Warning Area (W-487).

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on May 19, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-3167; Filed, Apr. 18, 1955; 8:45 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter B—Respiratory Protective Apparatus; Tests for Permissibility; Fees

[Bureau of Mines Schedule 19B]

PART 12—SUPPLIED-AIR RESPIRATORS

Part 12 is hereby amended to read as follows:

Preliminary statement. The Bureau of Mines is prepared at its Central Experiment Station, Pittsburgh, Pennsylvania, to conduct tests of supplied-air respirators to determine their permissibility for use in air containing contaminants such as harmful gases, vapors, fumes, dusts, smokes, and mists, and in air containing insufficient oxygen for respiration. For the purpose of this schedule, supplied-air respirators include devices commonly referred to as hose-masks, air-line respirators, com-

pressed-air respirators, sand-blast helmets and hoods, and others, which provide protection by conveying respirable air through a hose or a combination of piping system and hose line.

The authority for conducting such tests and investigations is contained in the act of February 25, 1913 (37 Stat. 681), as amended June 30, 1932 (47 Stat. 410), and in Executive Order No. 6611, February 22, 1934 (30 U. S. C. secs. 3, 5, 7). The act, as so amended, contains the following provision:

For tests or investigations authorized by the Secretary of the Interior under the provisions of this Act, as amended and supplemented, except those performed for the Government of the United States or State governments within the United States, a fee sufficient in each case to compensate the Bureau of Mines for the entire cost of the services rendered shall be charged, according to a schedule prepared by the Director of the Bureau of Mines and approved by the Secretary of the Interior, who shall prescribe rules and regulations under which such tests and investigations may be made. All moneys received from such sources shall be paid into the Treasury to the credit of miscellaneous receipts.

This document, consisting of §§ 12.1 to 12.11, inclusive, is Schedule 19B and supersedes Schedule 19, Procedure for Testing Hose Masks for Permissibility, issued April 28, 1927; List of Fees, issued August 3, 1932; the Supplement to Schedule 19, issued August 20, 1934; and Schedule 19A, issued August 9, 1937.

Sec.

12.1 Definition of a permissible supplied-air respirator.

12.2 Types of supplied-air respirators.

12.3 Purpose of testing for permissibility.

12.4 Conditions under which supplied-air respirators will be tested.

12.5 Requirements for Bureau of Mines approval.

12.6 Changing details of test.

12.7 Notifications of approval or disapproval.

12.8 Approval markings.

12.9 Material required for Bureau of Mines record.

12.10 Changes subsequent to approval.

12.11 Withdrawal of approval.

AUTHORITY: §§ 12.1 to 12.11 issued under sec. 5, 36 Stat. 370, as amended; 30 U. S. C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended 30 U. S. C. 3, 5.

§ 12.1 *Definition of a permissible supplied-air respirator.* (a) A supplied-air respirator is permissible for use in harmful or objectionable atmospheres encountered in its field of industrial usage if all the materials and details of construction are the same as and its performance in all respects is equal to or better than that required by applicable portions of this part.

(b) Bureau of Mines approval applies only to a complete supplied-air respirator and not to the integral parts thereof.

(c) The devices are designated by names other than the usual trade names. This change provides logical nomenclature for such devices, obviating dependence on a multiplicity of trade names, and provides for the naming of devices developed in this field in the future. The manufacturer, of course, may continue to advertise his device as a hose mask, air-line respirator, or abrasive blasting device.

§ 12.2 *Types of supplied-air respirators.* With regard to design and approval, supplied-air respirators are subdivided into the following types:

(a) *Type A supplied-air respirator.*

(1) The type A supplied-air respirator is commonly called hose mask. This respirator is designed to require the presence of a man (blower operator) in addition to the wearer; to permit the wearer to inspire air through the hose, connections, and air-supply device (blower) by his lungs alone when the blower is not operated; and to permit the wearer to be drawn to safety by a life line or, if necessary, the hose in case of accident. It is the only supplied-air respirator that will be approved for use in immediately harmful atmospheres or those from which the wearer could not escape without the aid of the respirator.

(2) The principal parts of a type A supplied-air respirator are: A hand operated blower that shall permit free entrance of air to the hose when the blower is not operated; a strong, large-diameter hose having a low resistance to flow of air; a strong harness to which the hose and life line are attached; and a tight-fitting facepiece.

(b) *Type B supplied-air respirator.*

(1) The type B supplied-air respirator is similar to the type A, with the main exception that it has no blower.

(2) It will not be approved for use in immediately harmful atmospheres or

those from which the wearer could not escape without the aid of the device.

(3) The principal parts of a type B supplied-air respirator are: A strong, large-diameter hose having a low resistance to flow of air; a harness to which the hose is attached; and a tight-fitting facepiece.

(c) *Type C supplied-air respirator.* (1) The type C supplied-air respirator is designed for routine use in protecting workers against harmful or objectionable atmospheres that are not immediately dangerous to life or from which the wearer could escape without the aid of the respirator. It may be used with either a low- or high-pressure air-supply system. It is the responsibility of the user to provide respirable air either by a compressor that does not use an internal lubricant that could produce gases or mists that may be objectionable or injurious to health, or by one that is protected by suitable filters, temperature regulators, and alarms.

(2) Type C supplied-air respirators are divided into two classes: (i) Continuous flow class, and (ii) demand class. Type C respirators of the continuous flow class supply respirable air to the respiratory-inlet covering continuously, even when the wearer exhales. Type C respirators of the demand class supply respirable air to the respiratory-inlet covering only when the wearer inhales.

(3) The principal parts of a type C supplied-air respirator, continuous-flow class, are: A positive-pressure air-supply system; a hose; a detachable coupling; a control valve or orifice; an arrangement for attaching hose to wearer; and a respiratory-inlet covering. Where the supply pressure exceeds 125 pounds per square inch gage, a pressure-release mechanism is required.

(4) The principal parts of a type C supplied-air respirator, demand class, are: A positive pressure air-supply system; a hose; a detachable coupling; a demand valve; an arrangement for attaching the respirator to the wearer; and a tight-fitting respiratory-inlet covering. A maximum air pressure of 125 pounds per square inch gage is allowed at the point of attachment of the air-supply hose to the air-supply system.

(5) The general term "respiratory-inlet covering" is used for the covering worn over the face or head by the wearer of the respirator, when otherwise it would be necessary to use an expression such as "facepiece, half facepiece, helmet, or hood."

(d) *Types AE, BE, and CE supplied-air respirators.* Supplied-air respirators may be modified for use in abrasive blasting. The letter E added to the regular-type letter indicates that the type of respirator designated by the first letter has been modified or provided with additional equipment to make it suitable for use in abrasive blasting. Such changes or additions consist primarily of providing a suitable covering to protect the head and neck against impact and abrasion by the rebounding material.

§ 12.3 *Purpose of testing for permissibility.* (a) The Bureau of Mines conducts tests of supplied-air respirators for the purpose of determining their permissibility for use in air containing contaminants such as harmful gases, vapors, and particulate matter.

(b) This part is for the information and guidance of those who may desire to submit supplied-air respirators for approval and also to inform consumers and other interested persons regarding the qualities the Bureau of Mines believes such devices should have.

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§ 12.4 *Conditions under which supplied-air respirators will be tested.*—(a) *Consultation.* Manufacturers or their representatives may visit or communicate with the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, to obtain criticisms of proposed designs or to discuss the requirements of this part in connection with a device to be submitted. No charge is made for this consultation and no written report will be made to the manufacturer.

(b) *Application.* An application for investigation under this part shall be in the form of a letter (in duplicate) addressed to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, which contains: (1) Duplicate descriptions and complete drawings of the device (supplemented with any available printed matter); (2) a statement that the device is completely developed and of the design and materials which the manufacturer believes suitable for a finished marketable device; (3) a statement that the device has been subjected to inspections and tests of the nature described in this Part 12 and that it has met these requirements when tested by the applicant or his testing agency; (4) two copies of the results of the applicant's inspection and tests; (5) a statement describing the nature, adequacy, and continuity of control of the quality of the respirator (see paragraph (e) of this section); (6) a request that the necessary inspections and tests leading to approval be made; and (7) a check, draft, or money order, payable to the United States Bureau of Mines, to cover the fee for inspection and tests. The fee will be placed on special deposit in the Treasury of the United States, pending disposal as hereinafter specified. No supplied-air respirator will be accepted for permissibility tests unless it is substantially in the completed form in which it is to be marketed. Application for tests shall be indicative of this understanding by the applicant. One complete specimen of the device, for which approval is desired, shall be sent to the Central Experiment Station. On receipt of this application, fee, descriptive material, test data, and specimen to be tested, the manufacturer will be notified by the Bureau of its action on the application, the material required for test, and any additional information or specifications that are deemed necessary.

(c) *Fees for testing supplied-air respirators.* The following fees are charged for testing respirators under this part:

(1) Types A or AE supplied-air respirators (complete).....	\$250
(i) Blower, single outlet.....	85
(ii) Each blower outlet more than one (at time of blower testing)....	10

(iii) Air-supply line (hose).....	\$90
(iv) Body harness.....	15
(v) Respiratory-inlet covering (facepiece).....	80
(2) Types B or BE supplied-air respirators (complete).....	295
(i) Air-supply line (hose).....	70
(ii) Body harness.....	15
(iii) Respiratory-inlet covering (facepiece).....	80
(3) Types C or CE supplied-air respirators, continuous-flow class (complete).....	215
(i) Air-supply line (hose).....	65
(ii) Respiratory-inlet covering (facepiece).....	85
(4) Types C or CE supplied-air respirators, demand class (complete)....	225
(i) Air-supply line (hose).....	75
(ii) Respiratory-inlet covering (facepiece).....	85
(5) Additional examination and tests of respirator in connection with other tests, per man-day required....	30
(6) Fees for tests of unusually complicated apparatus or for unusual tests or other tests not included in this list or for portions of tests that may be required for extensions of approval will be based on the actual costs of testing, which shall be determined by the Bureau, and the applicant will be notified of the fee before the tests are begun.	

If a respirator fails to pass any of the specified tests and the applicant notifies the Bureau to terminate further consideration of the device, the Bureau will return the fee to the applicant, less such portion of the fee as the Bureau determines is sufficient to cover the work done. If the applicant resubmits the respirator for approval after the necessary improvements have been made, an additional fee will be required. The amount of the fee charged will be proportional to the additional tests that must be made and will be specified in writing to the applicant in advance of further testing of the respirator.

(d) *Drawings and specifications required.* (1) Respirators submitted for approval will not be inspected or tested until a complete description and two full sets of drawings showing all the details of construction have been delivered to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania.

(2) The Bureau of Mines will not be responsible for any disclosures of ideas, principles, or patentable features because, under the terms of the application for tests, it is understood that the device is ready for release to public market. Caution will be exercised to prevent disclosure of details of the device to the public during approval testing.

(e) *Control-test requirements.* To maintain the quality of protection equal to that required by this part, the manufacturer must maintain adequate control of the production of the device and make tests of assembled devices to insure the fit of parts, freedom from air leakage, and general suitability. Each application for permissibility tests shall be accompanied by a statement showing the nature, adequacy, and continuity of the control provided by the applicant. Upon request of the Bureau, the applicant shall grant permission for a representative of the Bureau, to inspect the con-

trol-test equipment and control-test records and to interview the personnel conducting the control tests. Tests for approval will be made only after the Bureau is satisfied that such control is effective, and approvals once granted will remain in force only while the control is sustained.

(f) *Material required for approval testing.* The number of complete respirators and replacement parts required will depend on the type and design of the device. After application for test is received, the applicant will be notified concerning the material that it will be necessary for him to submit. All materials for tests shall be delivered gratis, with transportation charges prepaid by the applicant to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania. The Bureau of Mines may retain as its own property any or all material submitted by the applicant that may be required for record. Material not required for record will be available to the applicant and will be returned at his expense on shipping instructions made in writing to the Central Experiment Station.

(g) *Where investigations will be conducted.* All investigations are conducted at the Bureau of Mines Central Experiment Station, 4800 Forbes Street, Pittsburgh 13, Pennsylvania.

(h) *Date for conducting tests.* The tests will be made in the order of fulfillment of pretest conditions. The applicant will be notified of the date on which tests will be begun. If a device fails to meet any of the requirements it shall lose its order of precedence. Tests will be resumed following completion of other approval work which is in progress at the time both the request and the material for retesting are received. Exceptions may be made only for minor tests and inspections which may be performed simultaneously with other work in the laboratory.

(i) *Observers at formal investigations and demonstrations.* No one shall be present during any part of the formal investigation conducted by the Bureau which leads to approval for permissibility except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Upon granting approval for permissibility, the Bureau will announce that such approval has been granted to the device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of materials and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

§ 12.5 *Requirements for Bureau of Mines approval.* To obtain the approval

of the Bureau of Mines, a supplied-air respirator must pass the following inspection and tests:

(a) *Container and markings.* (1) If deemed necessary for the protection, proper maintenance, and storage of the respirator, a substantial and durable container may be required.

(2) Each respirator and required container shall be marked distinctly with the name of the manufacturer; the type of device, such as "Type A supplied-air respirator"; and the name, letter, or number by which the device is designated for trade purposes.

(b) *Materials.* (1) The respirator must be constructed in all its parts of materials which are suitable for the purpose they must serve; this applies to the fabric, rubber, metal, and other parts. All parts (especially rubber) that come into contact with the skin must be of nonirritating composition. All materials used in the construction of respiratory-inlet coverings and hose shall be of a nature that will withstand disinfection by methods recommended by the manufacturer and approved by the Bureau of Mines. These approved methods for disinfection shall be described in the instructions for use of the device as supplied by the manufacturer.

(2) Metal parts of Type A and Type B supplied-air respirators (except those parts that remain in uncontaminated air) should be of such composition or structure as to minimize the possibility of ignition of flammable atmospheres by sparks.

(c) *Design and construction.* Excellence of design, mechanical construction, durability, and workmanship will be considered with regard to the safety of the wearer, the freedom of his movements, his range and clearness of vision, the fit of the respiratory-inlet covering, and the comfort afforded under all conditions of use. The ease with which parts of necessarily short life or period of use may be replaced by new or reconditioned parts, and the tightness of the whole apparatus, with a view to insuring the wearer against leaks of contaminated air both before and after such changes have been made, will also be considered.

(d) *General requirements.* (1) Each supplied-air respirator, when supplied with respirable air, must protect the wearer in the particular kinds of atmospheres for which it is approved. The Types A and AE supplied-air respirators may be approved for respiratory protection in essentially any atmosphere. The other types of supplied-air respirators may be approved for protection in any atmosphere that is not immediately dangerous to life or from which the wearer could escape without the aid of the device. These devices are approved only when used with respirable air and at the pressures and quantities required.

(2) The main parts of supplied-air respirators are as follows: Air-supply device (except Types B and BE); air-supply line; harness; and respiratory-inlet covering. Since the types AE, BE, and CE respirators for abrasive blasting differ from the corresponding supplied-air respirators only in the kind of respiratory-inlet covering, special requirements for the parts of these respirators

are given only in the section on respiratory-inlet covering.

(3) The requirements for the complete respirators of the various types are grouped wherever possible.

(e) *Requirements and tests for air-supply device—(1) Type A supplied-air respirator (hose mask).* Each Type A supplied-air respirator shall be provided with a hand-operated air blower. No multiple system, whereby more than one man is supplied by one blower, will be approved unless each hose line is connected directly to a manifold at the blower. Power-driven blowers will not be approved. The blower shall permit free entrance of air to the hose when the blower is not operated, and it shall deliver the amount of air hereinafter specified with either direction of rotation, except when the construction of the blower is such that it cannot be operated in other than the proper direction for delivering the required amount of air.

The blower will be tested by attaching it to a mechanical drive and operating it continuously 6 to 8 hours daily for 100 hours at the speed required to deliver 50 liters of air per minute through the respirator, when assembled with the kind and maximum length of hose for which the device is to be approved, connected to each blower or manifold outlet designed for hose connections. During this test period the blower will be oiled and given attention and care. It must operate throughout the period without failure or indication of excessive wear of bearings or other working parts. The crank speed required to deliver the specified 50 liters of air per minute must not exceed 50 revolutions per minute; the power required must not exceed one-sixtieth horsepower, and the torque must not exceed a force of 5 pounds on an 8-inch crank, the torque and power to be measured as hereinafter stated.

When assembled with the facepiece and 50 feet of the hose for which it is to be approved connected to one outlet, with all other outlets closed, and operated at any practical speed up to 50 revolutions of the crank per minute, the amount of air delivered into the respiratory-inlet covering shall not exceed 150 liters per minute, and the pressure at the hose connection to the blower or manifold shall not exceed the equivalent of 5 inches of water. If relief valves at the blower are employed to fulfill this requirement they must operate automatically and be simple in design, durable, and foolproof against failure to operate.

(1) *Method of measuring power and torque required to operate blowers.* As shown in figure 1, the blower crank is replaced by a wooden drum, *a* (5 inches in diameter is convenient). This drum is wound with about 40 feet of No. 2 picture cord, *b*. A weight, *c*, of sufficient mass to rotate the blower at the desired speed is suspended from this wire cord. A mark is made on the cord about 10 to 15 feet from the weight, *c*. Another mark is placed at a measured distance (20 to 30 feet is convenient) from the first. These are used to facilitate timing.

To determine the torque or horsepower required to operate the blower the drum is started in rotation manually at or slightly above the speed at which the

power measurement is to be made. The blower is then permitted to assume constant speed, and then as the first mark on the wire leaves the drum a stopwatch is started. The watch is stopped when the second mark leaves the drum. From these data the foot-pounds per minute and the torque may be calculated readily.

(2) *Type B supplied-air respirator.* No Type B supplied-air respirator will be approved for use with a blower or for connection to an air-supply device at positive pressures. Instead, the inlet to the hose shall have a terminal fitting or chamber which provides for drawing the air through a suitable arrangement that will remove material larger than 0.149 mm. in diameter (149 microns, 100-mesh, U. S. standard sieve of corrosion resisting material). This terminal fitting shall be provided also with means for fastening or anchoring it to a fixed position in a zone of respirable air.

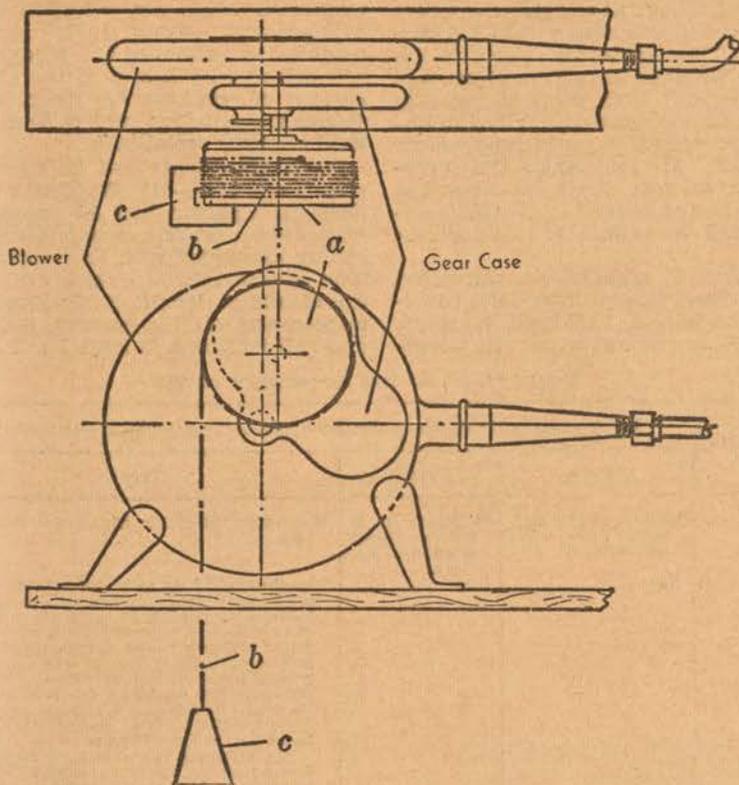


FIGURE 1—Apparatus for measuring power required to operate blowers.

(3) *Type C supplied-air respirators, continuous-flow class.* The air-supply device is the responsibility of the user. The respirators are approved, however, only when used with respirable air and at the pressures and quantities required. The pressure at the hose connection to the blower or manifold shall not exceed 125 pounds per square inch gage. If, however, the pressure at any point in the supply system exceeds 125 pounds per square inch gage, the user must provide a pressure-release mechanism that will prevent the pressure at the hose connection from exceeding 125 pounds per square inch gage under any conditions.

(4) *Type C supplied-air respirators,*

demand class. (i) The air supply is the responsibility of the user. It may be an air-compressing system or a reservoir of compressed air. The respirator is approved, however, only when used with respirable air at the pressures and quantities required.

(ii) The manufacturer may specify the range of air pressure at the point of attachment of the air-supply hose to the air-supply system, and the range of hose length for the respirator. For example, he might specify that the respirator be used with compressed air at pressures ranging from 40 to 80 pounds per square inch with from 15 to 250 feet of air-supply hose. The specified air pressure at the point of attachment of the hose to the air-supply system shall not exceed 125 pounds per square inch gage. Should the pressure in the air-supply system exceed this value, the user must provide a pressure-reducing and pressure-release mechanism that will prevent the

be provided with a harness, the primary purpose of which is to prevent a pull on the connecting hose from exerting a pull on the face or head covering. The secondary purpose of the harness of the Type A supplied-air respirator is to hold the wearer while he is drawn to safety. The harness of supplied-air respirators having rigid or semi-rigid head coverings may be used to assist in holding the cover in place.

(1) *Type A supplied-air respirators.* The harness may be made of leather, fabric webbing, or equivalent material. Shoulder straps will be tested for strength of material and of joints or seams and must separately withstand a pull of 250 pounds without failure. Belts, rings, and attachments for life lines must withstand a pull of 300 pounds without failure. The hose must be firmly attached to the harness so as to withstand a pull of 250 pounds without separating, and the hose attachments must be arranged so that the pull or drag of the hose behind an advancing wearer does not disarrange the harness or exert pull upon the facepiece. Harness should be adjustable to various sizes. The arrangement and suitability of the accessories and fittings will be considered.

(2) *Type B supplied-air respirators.* (i) The harness shall consist of at least a belt made of leather, fabric webbing, or equivalent material. The harness shall not interfere with the movements of the wearer, and it shall not be disturbing or uncomfortable to wear. It shall be adjustable to various sizes. The arrangement and suitability of the accessories and fittings will be considered.

(ii) The hose must be attached to the harness in a manner that will withstand a pull of 100 pounds without separating or showing signs of failure. The design of the harness and attachment of the line shall permit dragging the maximum length of hose considered for approval over a concrete floor without disarranging the harness or exerting a pull on the facepiece.

(3) *Type C supplied-air respirators.* (i) The harness for this respirator may be similar to that of the type B, or it may consist of a simple arrangement for attaching the hose to a part of the wearer's clothing in a practical manner that prevents a pull equivalent to dragging the maximum length of the hose over a concrete floor from exerting pull upon the respiratory-inlet covering.

(ii) In the case of supplied-air respirators having rigid or partly rigid head coverings a suitable harness may be required to assist in holding this covering in place.

(h) *Requirements and tests for breathing tubes—*(1) *Type A supplied-air respirator.* One or two flexible rubber breathing tubes of the nonkinking type shall extend from the facepiece to a connecting hose coupling attached to the belt or harness. These tubes shall permit free head movement and freedom from closing off by kinking or by chin or arm pressure, and they shall not create a pull that will loosen the facepiece or disturb the wearer.

(2) *Type B supplied-air respirator.* Same as for type A.

pressure at this point from exceeding this value. However, the pressure-release mechanism may be set to operate at a pressure not more than 20 percent above the manufacturer's highest specified pressure. For example, if the highest specified pressure is 80 or 125 pounds per square inch, the pressure-release mechanism would be set to operate at 96 or 150 pounds per square inch, respectively.

(f) *Requirements and tests for air-supply lines.* The requirements and tests of the air-supply lines are given in table 1 of this section.

(g) *Requirements and tests for har-*

(3) *Type C supplied-air respirator, continuous flow class.* Same as for type A, except that an extension of the connecting hose may take the place of the previously described breathing tubes.

(4) *Type C supplied-air respirator, demand class.* A flexible rubber breathing tube of the nonkinking type shall extend from the facepiece to the demand valve. This tube shall permit free head movement and freedom from closing off by kinking or by chin or arm pressure, and shall not create a pull that will loosen the facepiece or disturb the wearer.

(i) *Requirements and tests for respiratory-inlet covering—(1) Type A supplied-air respirator.* (i) Only full- or Tissot-type facepieces that form a pocket over the face and allow breathing through the nose and mouth will be approved. Head coverings or hoods that require a continuous stream of air to prevent inhalation of irrespirable atmospheres will not be approved. The eyeglasses shall not interfere with satisfactory vision, and they shall be of the nonshatter type. The air shall enter the facepiece in a manner that will keep the eyeglasses free of moisture. Elastic headbands shall be adjustable and replaceable.

(ii) An exhalation valve or valves shall be provided in the facepiece to allow escape of exhaled air and any excess air delivered by the blower. The exhalation valve or valves shall be guarded to prevent distortion and injury.

(iii) A check valve shall be included in the connection to the facepiece or in the hose fitting near the facepiece to allow flow of fresh air toward the facepiece only.

(2) *Type AE supplied-air respirator.* The requirements for the respiratory-inlet covering of this respirator are similar to those for type A, with the exception that a suitable additional covering shall be provided to protect the head and neck against impact and abrasion by the rebounding material. The window or windows in the respiratory-inlet covering shall be shielded with such material as glass, woven wire, or perforated sheet metal that does not interfere unduly with vision. This shield shall be mounted and attached in a manner that will permit easy access to the external surface of eyeglasses or windows for cleaning. All shields and windows subject to abrasion shall be easily replaceable.

(3) *Type B supplied-air respirator.*

(i) Full- or Tissot-types, or half-mask type facepieces that allow breathing through the nose and mouth, may be approved. Half-mask facepieces must not interfere with the use of goggles. The eyeglasses in Tissot-type masks shall not interfere with satisfactory vision, and they shall enter the facepiece in a manner that will keep the eyeglasses free of moisture. Elastic headbands shall be adjustable and replaceable.

(ii) An exhalation valve shall be provided in the facepiece to allow escape of exhaled air.

(iii) A check valve shall be provided in the facepiece or facepiece connection to the breathing tubes to allow flow of air toward the facepiece only.

(4) *Type BE supplied-air respirator.* The requirements for respiratory-inlet covering of this respirator are similar to those for the type B, with the exceptions that a suitable additional covering shall be provided to protect the head and neck against impact and abrasion by the rebounding material, and window or windows in the respiratory-inlet covering shall be shielded with such material as glass, woven wire, or perforated sheet metal that does not interfere unduly with vision. This shield shall be mounted and attached in a manner that will permit easy access to the external surface of eyeglasses or windows for cleaning.

(5) *Type C supplied-air respirator, continuous flow class.* Respiratory-inlet coverings of the full- or half-mask facepiece type, the head-covering type, or combinations of these types, may be approved. No covering with a direct mouth or nose connection will be approved. Half-mask facepieces must not interfere with the use of goggles. The velocity of the air at the point of delivery and the distribution within the covering shall not cause discomfort to the wearer. Windows in full facepieces and head coverings shall meet the quality and design requirements referred to under the preceding types of supplied-air respirators. Air shall enter the covering in a manner that will keep the windows free of moisture. Elastic headbands shall be adjustable and replaceable.

(6) *Type C supplied-air respirator, demand class.* Respiratory-inlet coverings of the full- or half-mask facepiece type only may be approved. No cover-

ing with a direct mouth or nose connection will be approved. Half-mask facepieces must not interfere with the use of goggles. The velocity of the air at the point of delivery and the distribution within the facepiece shall not cause discomfort to the wearer. Windows in full facepieces shall not interfere with satisfactory vision and shall be of the nonshatter type. Air shall enter the facepiece in a manner that will keep the windows free of moisture. Elastic headbands shall be adjustable and replaceable.

(7) *Type CE supplied-air respirator.* The requirements for the respiratory-inlet covering of this respirator are similar to those for type C, with the exceptions that a suitable covering for protecting the head and neck against impact and abrasion by rebounding material must be provided and window or windows in the respiratory-inlet covering shall be shielded with such material as glass, woven wire, or perforated sheet metal that does not interfere unduly with vision. This shield shall be mounted and attached in a manner that will permit easy access to the external surface of windows for cleaning. All shields and windows subject to abrasion shall be easily replaceable.

(j) *Requirements and tests for complete respirator—(1) Resistance to air flow—(1) Types A and AE supplied-air respirators.* (a) These respirators completely assembled with the respiratory-inlet covering, the air-supply device, and the maximum length of air-supply line to be considered for approval coiled for one-half its length in loops 5 to 7 feet in

TABLE 1—AIR-SUPPLY LINE REQUIREMENTS AND TESTS

Specific requirements	Requirements for the air-supply lines of the indicated types of supplied-air respirators		
	Type A	Type B	Type C
Length of hose...	Maximum of 150 feet, in multiples of 25-foot sections.	Maximum of 75 feet, in multiples of 25-foot sections.	Maximum of 250 feet in multiples of 25-foot sections.
Air flow.....	None.....	None.....	The air-supply hose with air-regulating valve or orifice must permit a minimum flow of at least 115 liters (4 cubic feet) per minute to tight-fitting, and 170 liters (6 cubic feet) per minute to loose-fitting respiratory-inlet coverings through the maximum length of hose for which approval is granted and at the minimum specified air supply pressure. The maximum flow shall not exceed 566 liters (20 cubic feet) per minute at the maximum specified supply pressure, with the minimum length of hose approved. The air-supply hose, detachable coupling, and demand valve of the type C supplied-air respirator, demand class, must be capable of delivering respirable air at a rate of at least 115 liters (4 cubic feet) of air per minute to the respiratory-inlet covering at an inhalation resistance not in excess of 50 millimeters (2 inches) of water column height measured at the respiratory-inlet covering with any combination of air-supply pressure and length of hose within the manufacturer's specified range of pressure and hose length. The air-flow rate and resistance to inhalation shall be measured while the demand valve is being actuated 20 times per minute by a source of intermittent suction. The maximum rate of flow to the respiratory-inlet covering shall not exceed 566 liters (20 cubic feet) of air per minute under the specified operating conditions.
Air-regulating valve.	None.....	None.....	If an air-regulating valve is provided, it must be of a design that will remain at a particular adjustment unaffected by ordinary movement of the wearer. The friction between packing and a valve stem will not satisfy this requirement. The valve must be so constructed that the air supply with the maximum length of hose and minimum specified air supply pressure will not be less than 2 cubic feet per minute for any adjustment of the valve.

¹ It will be permissible for the manufacturer to supply hose of the approved type of shorter length than 25 feet provided it meets the requirements of this part.

TABLE 1—AIR-SUPPLY LINE REQUIREMENTS AND TESTS—Continued

Specific requirements	Requirements for the air-supply lines of the indicated types of supplied-air respirators		
	Type A	Type B	Type C
Air-regulating valve—Con.	None	None	The demand valve takes the place of the air-regulating valve. It shall be connected to the air supply at the maximum requested air pressure by means of the minimum requested length of air-supply hose. The exit of the demand valve shall be connected to a source of intermittent suction, so that the demand valve is actuated at a nominal rate of 20 times per minute for a total of 100,000 inhalations. To expedite this test, the actuation rate may be increased if mutually agreeable to the manufacturer and the Bureau. During this test the valve shall function without failure and there shall be no undue wear of the moving parts. The demand valve shall not be damaged in any way when it is subjected to a pressure or suction of 10 inches of water, gage, at the outlet for 2 minutes.
Noncollapsibility.	The hose must not collapse or show apparent permanent deformation when a force of 200 pounds is applied between 2 planes 3 inches wide on opposite sides of the hose.	Same as for type A.	None.
Nonkinkability.	None	None	A 25-foot section of the hose will be placed on a horizontal plane surface and shaped into a one-loop coil with one end of the hose connected to an air-flow meter supplied with air at the minimum specified supply pressure. The connection shall be in the plane of the loop. The other end of the hose will be pulled tangentially to the loop and in the plane of the loop until the hose takes the form of a straight line. To meet the requirements of this test the loop shall maintain a uniform near-circular shape and ultimately unfold as a spiral, without any localized deformation that decreases the flow of air to less than 90 percent of the flow when the hose is tested as a straight section.
Strength of hose and couplings.	Hose and couplings must not show any separation or failure when tested with a pull of 250 pounds.	Same as for type A.	Hose and couplings must not show any separation or failure when tested with a pull of 100 pounds and when tested by subjecting them to an internal air pressure of 2 times the maximum respirator supply pressure specified by the manufacturer or at 25 pounds per square inch, whichever is the greater value.
Tightness.	No leakage shall appear when the hose and couplings joined with average care are immersed in water and subjected to an internal air pressure of 5 pounds per square inch gage.	None	No leakage, except a maximum of 50 cc. per minute at each coupling, will be permitted when the hose and couplings joined with average care are immersed in water and air is allowed to flow through the respirator with the air pressure applied to the inlet end of the air-supply hose being 25 pounds per square inch gage or twice the maximum respirator supply pressure specified by the manufacturer, whichever is the greater value.
Permeation of hose by gasoline.	The permeation of the hose by gasoline will be tested by immersing 25 feet of hose and a coupling in a bath of gasoline. Air will be passed through the hose at the rate of 8 liters per minute for 8 hours. The air from the hose must not show more than 0.01 percent of gasoline vapor by volume in air at the end of this period.	Same as for type A.	Same as for Type A, except test period will be 1 hour.
Detachable coupling.	None	None	A hand-operated detachable coupling by means of which the wearer can easily and quickly attach or detach the connecting hose shall be provided at a handy and readily accessible position. This coupling shall be durable, remain connected under all conditions of reasonable use of the respirator, and meet the preceding tests for strength of hose and couplings and for tightness.

of the exhalation valve shall not exceed 25 mm. (1.0 inch) of water-column height.

(iii) *Types C, continuous-flow class, and CE supplied-air respirators.* The resistance to exhalation shall not exceed 25 mm. (1 inch) of water-column height when the air flow into the respiratory-inlet covering is 170 liters (6 cubic feet) per minute.

(iv) *Type C supplied-air respirator, demand class.* The resistance to inhalation shall not exceed 50 millimeters (2 inches) of water at an air flow of 115 liters (4 cubic feet) per minute. The exhalation resistance to a flow of air at a rate of 85 liters (3 cubic feet) per minute shall not exceed 25 millimeters (1 inch) of water.

(2) *Protection against gases (direct leakage and man tests).* The direct leakage and man tests will be made in duplicate. A man will enter a gas chamber containing room air. He will put on the respirator to be tested. Gas-tight goggles will be used where necessary to protect the eyes against irritation by ammonia. The hose of the respirator will be arranged in accordance with the specific directions given in the following sections on the different respirators. After the respirator is properly fitted and air is supplied in accordance with the directions in the following sections, ammonia gas will be introduced into the gas chamber until the concentration is 1±0.25 percent by volume. The man will then spend 10 minutes in work to provide observations on freedom of the device from leakage. The freedom and comfort allowed the wearer will also be considered. The time will be divided as follows:

- 5 minutes— Walking, turning head, dipping chin.
- 5 minutes— Pumping air with a tire pump into a 1-cubic-foot cylinder to a pressure of 25 pounds per square inch or equivalent work.

To meet the requirements of this test no ammonia shall be detected in the air breathed, and undue encumbrance and discomfort shall not be experienced because of the fit, air delivery, or other features of the respirator.

(1) *Types A and AE supplied-air respirators.* (a) The complete respirator with the maximum length of hose for which approval may be granted will be so arranged that the respiratory-inlet covering with 75 percent of the length of the hose will be in the gas chamber. The intake of the hose will be connected to the blower which is to be located in ammonia-free air.

(b) The man in the atmosphere of ammonia in the test chamber will draw his inspired air through the hose, connections, and all parts of the air device by means of his lungs alone (blower not operated).

(c) The 10-minute work test will be repeated with the blower in operation at any practical speed up to 50 revolutions of the crank per minute.

(ii) *Types B and BE supplied-air respirators.* (a) The complete respirator, with the maximum length of hose, for which approval may be granted, will be

diameter, must not show resistance in excess of 63.5 mm. (2.5 inches) of water-column height to air flowing at the rate of 85 liters (3 cubic feet) per minute when the blower is not operating or under any practical condition of blower operation. Resistance of the exhalation valve shall not exceed 25 mm. (1 inch) of water column height.

(b) If inlet valves at the blower are used to meet the requirements for resistance to inhalation through the hose, they must operate automatically and be simple in design, durable, and foolproof

against failures that would tend to close the inlet. Inlet valves and blower inlets must be provided with durable guards that will protect against fouling.

(ii) *Types B and BE supplied-air respirators.* These respirators completely assembled with the respiratory-inlet covering and the hose in the maximum length to be considered for approval, coiled in loops 5 to 7 feet in diameter, must not show resistance exceeding 38 mm. (1.5 inches) of water-column height to air flowing at the rate of 85 liters (3 cubic feet) per minute. The resistance

so arranged that the respiratory-inlet covering with 75 percent of the length of the hose will be in the gas chamber. The intake of the hose will be located outside the chamber in ammonia-free air.

(b) The man in the chamber wearing the respirator in the atmosphere of ammonia will draw his inspired air through the hose and connections by means of his lungs alone.

(iii) *Types C, continuous-flow class, and CE supplied-air respirators.* The complete respirator, with the maximum length of hose for which approval may be granted, will be so arranged that the respiratory-inlet covering with 75 percent of the length of the hose will be in the gas chamber. The remainder of the hose will be outside the gas chamber. The end of the hose will be connected to a suitable source of ammonia-free air under proper pressure. The minimum flow of air required to maintain a positive pressure in the respiratory-inlet covering throughout the entire breathing cycle will be supplied to the wearer, provided this flow is not less than 115 liters per minute for tight-fitting and 170 liters per minute for loose-fitting respiratory-inlet coverings. The test will then be repeated with the maximum rate of flow attainable within the specified operating pressures.

(iv) *Type C supplied-air respirator, demand class.* (a) The complete respirator, with the maximum length of hose for which approval is requested, will be so arranged that the respiratory-inlet covering with 75 percent of the length of the hose will be in the gas chamber. The end of the hose will be connected to a suitable source of ammonia-free air at the minimum air pressure requested. The test will be repeated with the minimum hose length and the maximum air pressure requested.

(b) A similar test using 100 parts per million of isoamyl acetate vapor may be substituted for the above test if the respirator is equipped with a half-mask facepiece.

(3) *Protection against particulate matter.* Types A, B, and C, but not types AE, BE, and CE, supplied-air respirators will be tested under the following conditions in an atmosphere containing particulate matter. Details of the test atmosphere are:

Humidity: 40-70 percent relative humidity.
Temperature: Room temperature (approximately 25° C.).

Test suspension: 50±10 mg. per cubic meter of ground flint, air-floated (99+ percent through 325 standard mesh sieve), and consisting of 99+ percent free silica (SiO₂).

The particle size distribution of the test suspension shall not exceed a geometric mean of 0.6 micron and a standard geometric deviation of 1.90.

Two respirators will be tested against particulate matter. They may be tested consecutively or simultaneously. The respirators will be worn in the test atmosphere for 30 minutes while the person or persons carry out the following schedule:

5 minutes----	Walking, turning head, and dipping chin.
5 minutes----	Pumping air with a tire pump into a 1-cubic-foot cylinder to a pressure of 25 pounds per square inch, or equivalent work.
5 minutes----	Resting.
5 minutes----	Walking, turning head, and dipping chin.
5 minutes----	Pumping air with a tire pump into a 1-cubic-foot cylinder to a pressure of 25 pounds per square inch, or equivalent work.
5 minutes----	Resting.

During the test period air will be withdrawn continuously at the rate of 32 liters (1.13 cubic feet) per minute from the respiratory-inlet covering at a point as near as convenient to the wearer's nostrils and also from the source of air entering the intake of the hose of the respirator. Particulate matter will be collected from these air streams by electrical precipitation.

To meet the requirements of these tests: Undue encumbrance and discomfort shall not be experienced because of the fit, air delivery, or other features of the respirator; and the amount of particulate matter collected from the air withdrawn from the respiratory-inlet covering of the respirators shall not exceed that collected from the air withdrawn simultaneously from the source of air supplied to the respirator by more than 0.5 mg. for the 30-minute test period.

(i) *Type A supplied-air respirator.* (a) The respirator will be arranged as directed in subparagraph (2) (i) of this paragraph.

(b) The person wearing the respirator will draw his inspired air through the hose connections and all parts of the air device by means of his lungs alone (blower not operated).

(c) The 30-minute test will be repeated with the blower in operation at any practical speed up to 50 revolutions of the crank per minute.

(ii) *Type B supplied-air respirator.* (a) The respirator will be arranged as directed in subparagraph (2) (ii) of this paragraph.

(b) The person wearing the respirator will draw his inspired air through the hose connections and all parts of the air device by means of his lungs alone.

(iii) *Type C supplied-air respirator, continuous flow class.* The respirator will be arranged as directed in subparagraph (2) (iii) of this paragraph. The rates of air flow will be the same as in the tests for protection against gases, except that the minimum rates will be increased by 32 liters per minute.

(iv) *Type C supplied-air respirator, demand class.* No specific test will be made to determine the protection afforded by the Type C supplied-air respirator, demand class, against particulate matter. However, two men will wear the respirator at both extremes of the specified ranges of air pressure and hose length, while performing the schedule of exercise, in order to check on the comfort and practicability of the respirator.

(4) *Protection during abrasive blasting.* The only types of supplied-air res-

pirators that will be considered for approval for use in abrasive blasting are Types AE, BE, and CE supplied-air respirators. Accordingly, they are the only types of supplied-air respirators that will be subjected to the tests described in this section.

Duplicate tests will be made under conditions of typical abrasive-blasting operation. The person wearing the respirator will sandblast the inside surface of a common iron kettle of approximately hemispherical shape, about 30 inches in diameter, and 30-gallon capacity. The kettle will be placed with the plane of the opening inclined 45° from a vertical position and with the lowest point of the rim at about the height of the person's hips. The person will stand at one position in front of the kettle and lean over until the upper part of the body is inclined to parallel the face of the kettle. He will blast the entire inner surface, with the blast at all times directed approximately at right angles to the surface, with the nozzle of the gun about 6 inches from the surface, and with his head approximately 18 inches from the nozzle. He will move his head forward, backward, and sideways during the blasting operation. Further details on the test conditions are:

Kind of abrasive-blasting outfit used: Suction-feed blast.

Diameter of air jet: 3/16 inch.

Air pressure: 40-70 pounds per square inch.
Composition of abrasive to be used: 99+ percent free silica (SiO₂).

Size properties of abrasive: The sand shall be a mixture of 90 percent by weight of essentially No. 1 sand-blast sand and 10 percent air-floated fines. The No. 1 sand shall meet a size specification of not more than 10 percent on a 20-mesh sieve and not more than 10 percent through a 35-mesh sieve; 99+ percent of the fines must be able to pass through a 325-mesh sieve. All size determinations shall be made by standard-mesh sieves.

Length of test period: 30 minutes continuously or in 5-, 10-, or 15-minute intervals with 5-minute periods between these work periods.

Air will be withdrawn continuously during test at the rate of 32 liters (1.13 cubic feet) per minute from the respiratory-inlet covering at a point as near as convenient to the wearer's nostrils. Simultaneously air shall be drawn at the same rate from the source of intake air to the respirator. The particulate matter will be collected from these air streams by electrical precipitation and the collected material will be determined by weight. The amount of particulate matter in the air withdrawn from the respiratory-inlet covering shall not exceed that from the respirator intake air by more than 0.5 mg. for the 30-minute test period.

The wearer of the respirator in this test must not experience undue encumbrance and discomfort because of the fit, air delivery, or other features of the respirator. The head and shoulder covering shall protect him from discomfort or injury from impact and abrasion by the rebounding material.

(i) *Type AE supplied-air respirator.* (a) The respirator will be arranged as directed in subparagraph (2) (i) of this paragraph.

(b) The person wearing the respirator will draw his inspired air through the hose, connections, and all parts of the air device by means of his lungs alone (blower not operated).

(c) The test will then be repeated with the blower in operation at any practical speed up to 50 revolutions per minute of the crank.

(ii) *Type BE supplied-air respirator.*

(a) The respirator will be arranged as directed in subparagraph (2) (i) of this paragraph.

(b) The person wearing the respirator will draw his inspired air through the hose, connections, and all parts of the air device by means of his lungs alone.

(iii) *Type CE supplied-air respirator.*

The respirator will be arranged as directed in subparagraph (2) (iii) of this paragraph. The rates of air flow will be the same as in the tests for protection against gases, except that the minimum rates will be increased by 32 liters per minute.

§ 12.6 *Changing details of tests.* If it is advisable to omit any of the tests or part of a test previously described or to perform accessory tests, the Bureau may modify the test in such manner as to obtain substantially the same information and degree of safety as is provided by the tests described. The manufacturer will be notified of any changes that may be necessary.

§ 12.7 *Notification of approval or disapproval.* (a) After the Bureau has considered the results of the inspection and tests, a formal written notification of approval or disapproval of the respirator will be supplied to the applicant by the Bureau. If the device meets all requirements of this part, the notification will not be accompanied by test data or detailed results of tests. If the respirator fails to meet any of the requirements of this part, notification of such failure will be accompanied by details of the failure with a view to possible remedy of the defect or defects in respirators submitted in the future. Otherwise, results of tests of respirators that fail to meet the requirements will not be made public by the Bureau.

(b) No verbal reports of the Bureau's decisions concerning the investigations will be given, and no informal approvals will be granted.

§ 12.8 *Approval markings.* (a) With formal notification of approval the applicant will receive a photograph of the design of an approval label. This label shall bear the seal of the Bureau of Mines and be inscribed substantially as follows:

Permissible -----
 (Type A, B, C, AE, BE, or CE
 supplied-air respirator)
 for -----
 (Purpose)
 U. S. Bureau of Mines Approval No. -----
 Issued to -----
 (Name of manufacturer)
 Approved only when assembled with -----
 (Name and approval number of part)

(b) Appropriate instruction and caution statements will be included in this label.

(c) The approval plate shall be suitably reproduced in the form of a plate or

by stamping, stenciling, or labeling in a legible and permanent manner and placed on the device or on the outside of the container as recommended by the Bureau.

(d) To be able to identify the approved respiratory inlet coverings, hose, harness, couplings, and other parts of approved respirators the Bureau requires a symbol as "B. M. 1900" stamped or stenciled on each part in bold, waterproof letters and figures at least one-eighth inch high, placed in a position plainly visible.

(e) Full-scale designs or reproductions of the approval label and markings and a sketch or description of their position shall be submitted to the Central Experiment Station, for approval before final adoption.

(f) Permission to place the Bureau's marks of approval on his respirator obligates a manufacturer to maintain the quality of his product and to have each respirator and all parts thereof constructed strictly according to the drawings and records that have been accepted by the Bureau for that respirator and are in the Bureau's files. Respirators that exhibit changes in design or include parts that have not been approved for use with the respirator are not permissible respirators and must not bear the Bureau's approval label.

§ 12.9 *Material required for Bureau of Mines record.* In order that the Bureau may know exactly what it has tested and approved, detailed records of each investigation are kept. These include drawings and actual equipment as follows:

(a) *Drawings and specifications.* Drawings and specifications submitted with application for the tests and the final drawings and specifications that the applicant must submit to the Bureau before approval is granted to show the details of the supplied-air respirator as approved, will be retained by the Bureau. The company receiving the approval shall keep an exact duplicate of the set of drawings and specifications that are in the Bureau's records. These are to be adhered to in commercial production of the approved device.

(b) *Actual equipment.* (1) Parts of the supplied-air respirator or a complete device used in the tests may be retained by the Bureau as a permanent record of the investigation and of the respirator submitted. Material not required for record will be returned to the applicant at his expense on written shipping instructions to the Central Experiment Station.

(2) If the supplied-air respirator is approved, the applicant shall deliver to the Central Experiment Station, gratis, one complete supplied-air respirator in the form in which it is to be sold, to serve as a record of the commercial product.

§ 12.10 *Changes subsequent to approval.* All approvals are granted with the understanding that the manufacturer will make his supplied-air respirator according to final drawings and specifications submitted to the Bureau. Therefore, before making any change in an approved supplied-air respirator the manufacturer shall first obtain the

Bureau's approval of the change. This procedure is as follows:

(a) The manufacturer shall write to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, requesting an extension of his original approval and stating the change or changes desired. He shall send two sets of revised drawings and specifications showing the changes in detail, and one of each of the supplied-air respirator parts affected to the Central Experiment Station.

(b) The Bureau will consider the application and inspect the drawings and parts to determine whether it will be necessary to make tests.

(c) If tests are unnecessary, the applicant will be advised formally by the Bureau of the approval or disapproval of the change.

(d) If tests are necessary the applicant will be advised of the fee and material required.

§ 12.11 *Withdrawal of approval.* The Bureau reserves the right to rescind for cause any approval granted under the regulations of this part.

DOUGLAS MCKAY,
 Secretary of the Interior.

APRIL 12, 1955.

[F. R. Doc. 55-3184; Filed, Apr. 18, 1955; 8:49 a. m.]

[Bureau of Mines Schedule 21A]

PART 14—FILTER-TYPE, DUST, FUME, AND MIST RESPIRATORS

Part 14 is hereby amended to read as follows:

Preliminary statement. The Bureau of Mines is prepared at its Central Experiment Station, Pittsburgh, Pennsylvania, to conduct tests of respirators designed for the removal of atmospheric particulate matter from inhaled dust by mechanical filtration to determine their permissibility for use in air containing certain dusts, fumes, and mists.

The authority for conducting such tests and investigations is contained in the act of February 25, 1913 (37 Stat. 681), as amended June 30, 1932 (47 Stat. 410), and in Executive Order No. 6611, February 22, 1934 (30 U. S. C. secs. 3, 5, 7). The act, as so amended, contains the following provision:

For tests or investigations authorized by the Secretary of the Interior under the provisions of this Act, as amended and supplemented, except those performed for the Government of the United States or State governments within the United States, a fee sufficient in each case to compensate the Bureau of Mines for the entire cost of the services rendered shall be charged, according to a schedule prepared by the Director of the Bureau of Mines and approved by the Secretary of the Interior, who shall prescribe rules and regulations under which such tests and investigations may be made. All moneys received from such sources shall be paid into the Treasury to the credit of miscellaneous receipts.

This document, consisting of §§ 14.1 to 14.11, inclusive, is Schedule 21A and supersedes Schedule 21, Procedure for Testing Filter-Type Dust, Fume, and

Mist Respirators for Permissibility, issued August 20, 1934.

Sec.

- 14.1 Definition of a permissible dust, fume, or mist respirator.
 14.2 Classes of respirators.
 14.3 Purpose of testing for permissibility.
 14.4 Conditions under which respirators will be tested.
 14.5 Requirements for Bureau of Mines approval.
 14.6 Changing details of tests.
 14.7 Notification of approval or disapproval.
 14.8 Approval markings.
 14.9 Material required for Bureau of Mines record.
 14.10 Changes subsequent to approval.
 14.11 Withdrawal of approval.

AUTHORITY: §§ 14.1 to 14.11 issued under sec. 5, 36 Stat. 370, as amended, 30 U. S. C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, 30 U. S. C. 3, 5.

§ 14.1 *Definition of a permissible dust, fume, or mist respirator.* (a) A respirator is permissible for use in air containing certain dusts, fumes, or mists if all of the materials and details of construction of the respirator and the filtering characteristics of the filter are the same in all respects as those of the respirators and filters that meet the requirements and pass the inspection and tests of the Bureau of Mines, as described in this part.

(b) Bureau of Mines approval applies only to a complete respirator and not to integral parts thereof.

§ 14.2 *Purpose of testing for permissibility.* (a) The Bureau of Mines conducts tests of respirators designed for the removal of atmospheric particulate matter from inhaled air for the purpose of determining their permissibility for use in air containing certain dusts, fumes, and mists.

(b) This part is for the information and guidance of those who may desire to submit respirators for approval and also to inform consumers and other interested persons regarding qualities the Bureau believes such devices should have.

§ 14.3 *Classes of respirators.* As regards their design and approval, respirators are subdivided into the following classes, according to the type of particulate matter against which they are designed to protect:

(a) Respirators for mechanically generated dusts resulting principally from the disintegration of a solid, such as the dust clouds produced in the various processes of mining, quarrying, and tunneling and the various industrial operations of grinding, crushing, and general processing of minerals and other materials.

(b) Respirators for fumes of various metals (usually their chemical compounds as oxides or carbonates) such as lead, mercury (except mercury vapor), manganese, copper, chromium, iron, cadmium, zinc, magnesium, aluminum, antimony, and arsenic resulting from sublimation or the condensation of their vapor, or from the chemical reactions between their vapor and gases.

(c) Respirators for mists as produced by spray-coating with vitreous enamels,

chromic acid mists as produced in chromium plating, and other mists of materials whose liquid vehicle does not produce harmful gases or vapors.

(d) Respirators for various combinations of the preceding types of particulate matter.

§ 14.4 *Conditions under which respirators will be tested—(a) Consultation.* Manufacturers or their representatives may visit or communicate with the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, to obtain criticisms of proposed designs or to discuss the requirements of this part in connection with a respirator to be submitted. No charge is made for this consultation and no written report will be made to the manufacturer.

(b) *Application.* An application for investigation under this part shall be in the form of a letter (in duplicate) addressed to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, which contains: (1) Duplicate descriptions and complete drawings of the device (supplemented with any available printed matter); (2) a statement that the device is completely developed and of the design and materials which the manufacturer believes suitable for a finished marketable device; (3) a statement of the purpose of the respirator, naming the types and specific kinds of the atmospheric particulate matter against which it is designed to provide respiratory protection; (4) a statement that the device has been subjected to inspections and tests of the nature described in this part and that it has met these requirements when tested by the applicant or his testing agency; (5) a statement describing the nature, adequacy, and continuity of control of the quality of the respirator (see paragraph (e) of this section); (6) two copies of the results of the applicant's inspection and tests; (7) a request that the necessary inspections and tests leading to approval be made; and (8) a check, draft, or money order, payable to the United States Bureau of Mines, to cover the fee for inspections and tests. The fee will be placed on special deposit in the Treasury of the United States, pending disposal as hereinafter specified. No respirator will be accepted for permissibility tests unless it is substantially in the completed form in which it is to be marketed. Application for tests shall be indicative of this understanding by the applicant. One complete specimen of the device for which approval is desired shall be sent to the Central Experiment Station. On receipt of this application, fee, descriptive material, test data, and specimen to be tested, the applicant will be notified by the Bureau of its action on the application, the material required for test, and any additional information or specifications that are deemed necessary.

(c) *Fees for testing dispersoid respirators.* The following fees are charged for testing dispersoid respirators under this part:

1. Pneumoconiosis-producing and nuisance dusts, single-used filter, complete respirator.....	\$160
2. Pneumoconiosis-producing and nuisance dusts, reusable filter, complete respirator.....	195
3. Toxic dusts, single-use filter, complete respirator.....	175
4. Toxic dusts, reusable filter, complete respirator.....	215
5. Dusts, single-use filter, complete respirator.....	195
6. Dusts, reusable filter, complete respirator.....	275
7. Fumes, complete respirator.....	205
8. Silica mist, complete respirator.....	175
9. Chromic acid mist, complete respirator.....	215
10. Facepiece, dust or mist respirator.....	40
11. Facepiece, fume respirator.....	50
12. Additional examination and tests of respirator in connection with other tests, per man-day required.....	30
13. Fees for tests of unusually complicated apparatus or for unusual tests or other tests not included in this list or for portions of tests that may be required for extensions of approval will be based on the actual costs of testing, which shall be determined by the Bureau, and the applicant will be notified of the fee before the tests are begun.	

If a respirator fails to pass any of the specified tests and the applicant notifies the Bureau to terminate further consideration of the device, the Bureau will return the fee to the applicant, less such portion of the fee as the Bureau determines is sufficient to cover the work done. If the applicant resubmits the respirator for approval after the necessary improvements have been made, an additional fee will be required. The amount of fee charged will be proportional to the additional tests that must be made and will be specified in writing to the applicant in advance of further testing of the respirator.

(d) *Drawings and specifications required.* (1) Respirators submitted for approval will not be inspected or tested until a complete description and two full sets of drawings showing all the details of construction have been delivered to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania. The description of the respirator shall include a statement of the nature of the filtering medium.

(2) The Bureau of Mines will not be responsible for any disclosure of ideas, principles, or patentable features apparent from visual inspection, because under the terms of the application for tests it is understood that the device is ready for release to public market. Caution will be exercised to prevent disclosure of details of the device to the public during approval testing.

(e) *Requirement concerning control of filtering characteristics.* The filtering characteristics of filters for dusts, fumes, and mists may vary over wide limits, depending on the materials used and the conditions under which each lot is manufactured. To maintain the quality of protection equal to that required by this part, each lot of filter materials produced or obtained by a manu-

facturer must have been adequately sampled and tested for filtering characteristics before being used in approved respirators. Each application for permissibility tests shall be accompanied by a statement showing the nature, adequacy, and continuity of the control provided by the applicant. Upon request of the Bureau, the applicant shall grant permission for a representative of the Bureau to inspect the control-test equipment and control-test records and to interview the personnel conducting the control tests. Tests for approval will be made only after the Bureau is satisfied that such control is effective, and approvals once granted will remain in force only while the control is sustained.

(f) *Material required for investigation.* The number of complete respirators and replacement parts required will depend on the type and design of the device. After application for test is received, the applicant will be notified concerning the material that it will be necessary for him to submit. All materials for test shall be delivered gratis, with transportation charges prepaid by the applicant, to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania. The Bureau of Mines may retain as its own property any or all material submitted by the applicant that may be required for record. Material not required for record will be available to the applicant and will be returned at his expense on shipping instructions made in writing to the Central Experiment Station.

(g) *Where investigations will be conducted.* All investigations are conducted at the Bureau of Mines Central Experiment Station, 4800 Forbes Street, Pittsburgh 13, Pennsylvania.

(h) *Date for conducting tests.* The tests will be made in the order of fulfillment of pretest conditions. The applicant will be notified of the date on which tests will be begun. If a device fails to meet any of the requirements it shall lose its order of precedence. Tests will be resumed following completion of other approval work which is in progress at the time both the request and material for retesting are received. Exceptions may be made only for minor tests and inspections which may be performed simultaneously with other work in the laboratory.

(i) *Observers at formal investigations and demonstrations.* No one shall be present during any part of the formal investigation conducted by the Bureau which leads to approval for permissibility except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Upon granting approval for permissibility, the Bureau will announce that such approval has been granted to the device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any

public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of material and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

§ 14.5 *Requirements for Bureau of Mines approval.* To obtain the approval of the Bureau of Mines a respirator must pass the following inspections and tests:

(a) *Container and markings.* (1) Each respirator shall have a substantial and durable container suitable for protecting and keeping the respirator clean when not in use. Also, replacement filter units shall have protective containers such as a sealed envelope, a cardboard box, or a bag. The number of replacement units of the paper or felt disc types, or similar types, shall not exceed fifty in each container. The permitted number of other types will be decided after inspection of the device.

(2) Each respirator and required container shall be marked distinctly with the name of the manufacturer, the type of device, and the name, letter or number by which the device is designated for trade purposes.

(b) *Materials.* All parts of the respirator and equipment must be constructed of materials obviously suitable for the purpose they must serve. This applies to the fabric, rubber, metal, and other parts. All rubber parts which come into contact with the skin must be of a nonirritating composition. All materials used in the construction of facepieces shall be of a composition that will withstand repeated disinfection by methods recommended by the applicant and accepted by the Bureau of Mines. These accepted methods for disinfection shall be described in the instructions supplied by the manufacturer for use of the device.

(c) *Design and construction.* Excellence of design, mechanical construction, and durability, as well as workmanship, will be considered. This will be done with regard to the wearer's safety, the freedom of his movements and his vision, the fit of the facepiece, and the comfort afforded under all conditions of use. The ease with which filters or other parts of necessarily short life may be replaced by fresh parts, and the tightness of the whole apparatus, with a view to insuring the wearer against leaks of unpurified air after such changes have been made, will also be considered.

(d) *Requirements and tests for facepiece—(1) General requirements.* (i) The facepiece may be either the full facepiece, half-mask, or the mouthpiece type, and shall be so constructed as to assure a quick, dispersoid-tight fit on persons of widely varying facial shapes and sizes. Half-mask facepieces must not interfere with the use of goggles. Mouthpiece types must have a means of preventing nasal inhalation.

(ii) The use of inhalation check valve or valves is desirable, but optional. An exhalation valve shall be provided.

(iii) The elastic headband shall be adjustable and replaceable.

(2) *Pressure tightness test.* The complete respirator shall be fitted to the faces of from 15 to 20 men having a wide variety of facial shapes and sizes. To test the suitability of the fit of the respirator on these subjects, the exhalation valve and the inhalation port or ports shall be held closed and each subject shall exhale gently into the facepiece until a slight but definite positive pressure is built up in the facepiece. The absence of outward leakage of air between the facepiece and the wearer's face shall be indicative of a satisfactory fit of the facepiece.

(3) *Coal dust tightness test.* (i) Three subjects having full, average, and lean facial features shall wear the respirators while a high concentration of finely-divided bituminous coal dust (through 200-mesh) is blown gently into their breathing zone for a minimum of three minutes. At the end of this dusting period, the excess dust shall be removed from the periphery of the facepieces, and the facepieces carefully removed from the faces of the wearers.

(ii) To meet the requirements of this test, the forced nasal discharge at the end of the test period (as shown on a white cloth), the sputum, the nasal cavities as examined by aid of a speculum and illumination, and that part of the face covered by the facepiece of the respirator must not show appreciably more black particulate matter than similar observations made before the test.

(4) *Isoamyl acetate tightness test (additional test applicable only to respirators designed for respiratory protection against fumes).* The respirator shall be modified in such a manner that all of the air that normally would be inhaled through the inhalation ports is drawn through an efficient activated charcoal-filled canister, without interference with the face-contacting portion of the facepiece. Modified in this manner, the facepiece shall be worn by 15 to 20 men for at least two minutes each in a test chamber containing 100 parts of isoamyl acetate vapor per million parts of air by volume. To meet the requirements of this test, the odor of isoamyl acetate shall not be detected by the test subjects while wearing the modified respirator in the test atmosphere.

(5) *Requirements and tests for covering for face cushion.* If cloth coverings for the face-contacting portion of the face cushion are provided for the respirator, they shall be assembled with the respirator according to the manufacturer's instructions and the assembly shall be tested as prescribed in subparagraph (3) of this paragraph. Cloth coverings for the face-contacting portion of the face cushion will not be approved as part of a respirator designed for respiratory protection against fumes.

(e) *Requirements and tests for complete respirator—(1) Resistance to airflow.* The resistance to flow of air of the complete respirator on inhalation and on exhalation will be measured on a mechanical apparatus before and after the tests described in the following subparagraphs of this paragraph. The rate of air flow shall be 85 liters per minute, continuous flow. The resistance to inhalation must not exceed 50 millimeters

of water-column height, and the resistance to exhalation must not exceed 25 millimeters of water-column height.

(2) *Silica-dust tests of respirators designed for respiratory protection against pneumoconiosis-producing and nuisance dusts*—(i) *Single-use filters*. Three respirators will be tested on a mechanical testing apparatus under the following conditions:

Relative humidity—40-70 percent.

Temperature—room temperature (approximately 25° C.)

Rate of air flow—32 liters per minute, continuous flow.

Test-suspension—50±10 milligrams per cubic meter of ground flint, air-floated (99+ percent through 325 standard-mesh sieve), which consists of 99+ percent free silica (SiO₂).

The particle size distribution of the test suspension shall not exceed a geometric mean of 0.6 micron, and a standard geometric deviation of 1.90.

Length of sampling period—one 90-minute period for each respirator.

Tested under these conditions, the total amount of the test suspension unretained must not exceed 9.0 milligrams for the three respirators or 4 milligrams for any one of the three respirators.

(ii) *Reusable filters*. (a) Respirators with filter elements designed for cleaning and reuse will be subjected to the tests described in subdivision (i) of this subparagraph, each filter element being tested three times, once as received, once after cleaning, and once after recleaning. Three respirators shall be tested in this manner. The manufacturer's directions for cleaning the filter element will be followed not more than once for each of the three tests.

(b) Tested under these conditions, the total amount of the test suspension unretained must not exceed 9.0 milligrams for the three tests or 4 milligrams for any of the tests.

(3) *Lead dust tests for respirators designed for respiratory protection against dusts that are not significantly more toxic than lead*—(i) *Single-use filters*. Three respirators will be tested on a mechanical testing apparatus under the following conditions:

Relative humidity—40-70 percent.

Temperature—room temperature (approximately 25° C.).

Rate of air flow—32 liters per minute, continuous flow.

Test-suspension—15±5 milligrams per cubic meter of lead (Pb) in a test suspension of National Lead Company's Negative Battery Mixture No. 111-R, which has the following approximate composition: Litharge, about 75 percent; free metallic lead, about 25 percent; carbon black, blanc fixe, and organic matter for expander purposes, 0.25-0.3 percent.

The particle size distribution of the test suspension shall not exceed a geometric mean of 0.6 micron, and a standard geometric deviation of 1.90.

Length of sampling period—one 90-minute period for each respirator.

Tested under these conditions, the total amount of the test suspension unretained, analyzed and calculated as lead (Pb), must not exceed 0.43 milligram for any one of the three respirators.

(ii) *Reusable filters*. (a) Respirators with filter elements designed for clean-

ing and reuse will be subjected to the tests described in subdivision (i) of this subparagraph, each filter element being tested three times, once as received, once after cleaning, and once after recleaning. Three respirators shall be tested in this manner. The manufacturer's directions for cleaning the filter element will be followed not more than once for each of the three tests.

(b) Tested under these conditions, the total amount of the test suspension unretained, analyzed and calculated as lead (Pb), shall not exceed 0.43 milligram on any one of the tests.

(4) *Lead fume test for respirators designed for respiratory protection against fumes that are not significantly more toxic than lead*. Three respirators will be tested on a mechanical testing apparatus under the following conditions:

Relative humidity—40-70 percent.

Temperature—room temperature (approximately 25° C.).

Rate of air flow—32 liters per minute, continuous flow.

Test suspension—15±5 milligrams per cubic meter of freshly generated lead oxide fume, calculated as lead (Pb). The fume shall be generated by impinging an oxygen-gas flame on a pool of molten lead.

Length of sampling period—Two 156-minute periods for each respirator. Samples of the test suspension shall be taken between these two periods.

Tested under these conditions, the total amount of the test suspension unretained, analyzed and calculated as lead (Pb), must not exceed 1.5 milligrams for any one of the three respirators.

(5) *Silica mist test for respirators designed for respiratory protection against pneumoconiosis-producing and nuisance mists*. Three respirators will be tested on a mechanical testing apparatus under the following conditions:

Temperature—Room temperature (approximately 25° C.).

Rate of air flow—32 liters per minute, continuous flow.

Test suspension—10±5 milligrams per cubic meter of silica mist, weighed as silica dust, produced by spraying a 2-percent aqueous suspension of ground flint, air-floated (99+ percent, through 325 standard-mesh sieve), which consists of 99± percent free silica (SiO₂).

Length of sampling period—Two 156-minute periods for each respirator. Samples of the test suspension shall be taken between these two periods.

Tested under these conditions, the total amount of silica mist unretained, weighed as silica dust, must not exceed 5 milligrams for any one of the three respirators.

(6) *Chromic acid mist test for respirators designed for respiratory protection against chromic acid mist*. Three respirators will be tested on a mechanical testing apparatus under the following conditions:

Temperature—room temperature (approximately 25° C.).

Rate of air flow—32 liters per minute, continuous flow.

Test-suspension—15±5 milligrams per cubic meter of chromic acid mist, analyzed and calculated as chromic acid anhydride (CrO₃), produced by electrolyzing an aqueous solution of chromic acid containing 200-500 grams of chromic acid anhydride per liter.

Length of sampling period—Two 156-minute periods for each respirator. Samples of the test suspension shall be taken between these two periods.

Tested under these conditions, the total amount of chromic acid unretained, analyzed and calculated as chromic acid anhydride (CrO₃), must not exceed 1 milligram for any one of the three respirators.

(7) *Tests for respirators designed for respiratory protection against more than one type of dispersoid*. Respirators designed for respiratory protection against more than one type of dispersoid (dust, fume, or mist) must meet all the separate requirements for the types of dispersoids involved.

§ 14.6 *Changing details of tests*. If it is advisable to omit any of the tests or part of a test previously described, or to perform accessory tests, the Bureau may modify the test in such a manner as to obtain substantially the same information and degree of safety as is provided by the tests described. The applicant will be notified of any changes that may be necessary.

§ 14.7 *Notification of approval or disapproval*. (a) After the Bureau has considered the results of the inspection and tests, a formal written notification of approval or disapproval of the respirator will be supplied to the applicant by the Bureau. If the device meets all requirements of this part, the notification will not be accompanied by test data or detailed results of tests. If the device fails to meet any of the requirements of this part, notification of such failure will be accompanied by details of the failure with a view to possible remedy of the defect or defects in respirators submitted in the future. Otherwise, results of tests of respirators that fail to meet the requirements will not be made public by the Bureau.

(b) No verbal reports of the Bureau's decisions concerning the investigations will be given, and no informal approvals will be granted.

§ 14.8 *Approval markings*. With formal notification of approval, the applicant will receive photographs of designs of the official approval labels, one for the complete respirator and one for the container for extra filters. These labels will bear the seal of the Bureau of Mines and be inscribed substantially as follows:

Permissible Respirator or Permissible Respirator Filter for (name of type or types of dispersoids for protection against which the respirator or filter is approved). U. S. Bureau of Mines Approval No. ... Issued to (name of manufacturer). Approved for protection against the inhalation of (name of type or types of dispersoid). The approved assembled respirator consists of: BM... facepiece and BM... filter.

(a) Appropriate instruction and caution statements on the use and limitations of the respirator will be included in the labels.

(b) The respirator label shall be reproduced legibly on the container for the respirator. The filter label shall be reproduced on the container of extra filters.

(c) The facepiece shall be marked in a legible and permanent manner with the

facepiece approval number that is shown on the respirator approval label. The filter shall be marked with the filter approval number that is shown on the filter approval label and with the type of dispersoid for which the filter is approved.

(d) Full scale designs or reproductions of approval labels and markings and a sketch or description of their position shall be submitted to the Central Experiment Station, for approval before final adoption.

(e) Permission to place the Bureau's marks of approval on his respirator obligates a manufacturer to maintain the quality of his product and to have each respirator, and all parts thereof, constructed strictly according to the drawings and records that have been accepted by the Bureau for that respirator and are in the Bureau's files. Respirators that exhibit changes in design or include parts that have not been approved for use with the respirator are not permissible respirators and must not bear the Bureau's approval label.

§ 14.9 *Material required for Bureau of Mines record.* In order that the Bureau may know exactly what it has tested and approved, detailed records of each investigation are kept. These include drawings and actual equipment, as follows:

(a) *Drawings and specifications.* Drawings and specifications submitted with application for tests, and final drawings and specifications that the applicant must submit to the Bureau before approval is granted to show the details of the respirator as approved, will be retained by the Bureau. The company receiving the approval shall keep an exact duplicate of the set of drawings and specifications that are in the Bureau's records. These are to be adhered to in commercial production of the approved device.

(b) *Actual equipment.* (1) Parts of the respirator or a complete respirator used in the tests may be retained by the Bureau as a permanent record of the investigation and of the respirator submitted. Material not required for record will be returned to the applicant at his expense on written shipping instructions to the Central Experiment Station.

(2) If the respirator is approved, the applicant shall deliver to the Central Experiment Station, gratis, one complete respirator in the form in which it is to be sold, to serve as a record of the commercial product.

§ 14.10 *Changes subsequent to approval.* All approvals are granted with the understanding that the manufacturer will make his respirator according to final drawings and specifications submitted to the Bureau. Therefore, before making any change in an approved respirator the manufacturer shall first obtain the Bureau's approval of the change. This procedure is as follows:

(a) The manufacturer shall write to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, requesting an extension of his original approval and stating the change or changes desired. He shall send two sets of revised drawings and specifications showing the

changes in detail, and one of each of the parts affected to the Central Experiment Station.

(b) The Bureau will consider the application and inspect the drawings and parts to determine whether it will be necessary to make tests.

(c) If tests are unnecessary the applicant will be advised formally by the Bureau of the approval or disapproval of the change.

(d) If tests are necessary, the applicant will be advised of the fee and material required.

§ 14.11 *Withdrawal of approval.* The Bureau reserves the right to rescind for cause any approval granted under this part.

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 12, 1955.

[F. R. Doc. 55-3181; Filed, Apr. 18, 1955; 8:48 a. m.]

Subchapter D—Electrical Equipment, Lamps, Methane Detectors; Tests for Permissibility; Fees

[Bureau of Mines Schedule 8C, Supp. 1]

PART 22—PORTABLE METHANE DETECTORS
MISCELLANEOUS AMENDMENTS

Part 22 is hereby amended as follows:

1. Section 22.2 is amended by the addition of another paragraph (c) as follows:

§ 22.2 *Definitions.* * * *

(c) *Permissible.* Completely assembled and conforming in every respect with the design formally approved by the Bureau of Mines under this part. (Approvals under this part are given only to equipment for use in gassy and dusty mines.)

2. Section 22.3 (a) is amended to read as follows:

§ 22.3 *Fees charged.* (a) The fee for a complete investigation of a methane detector under this part is \$280.

3. Section 22.3 (e) is amended by deleting the words "Director of the Bureau" and substituting the words "Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa."

4. Section 22.4 is amended by revising to read as follows:

§ 22.4 *Applications.* Before the Bureau of Mines will undertake the active investigation leading to approval of any methane detector, the manufacturer shall make application by letter for an investigation leading to approval of his detector. This application in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover all the necessary fees, shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa., together with the required drawings, one complete detector, and instructions for its operation.

5. The title of § 22.5 is amended to read as follows: "Conditions governing investigations".

6. Section 22.5 (a) is amended by deleting the words "to the Pittsburgh Experiment Station" and substituting the words "prepaid to the Central Experiment Station, Bureau of Mines, Pittsburgh 13, Pa."

7. Section 22.5 is amended by the addition of paragraph (c) as follows:

(c) *Observers at formal investigations and demonstrations.* No one shall be present during any part of the formal investigation conducted by the Bureau which leads to approval for permissibility except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Upon granting approval for permissibility, the Bureau will announce that such approval has been granted to the device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of material and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

8. Section 22.9 is amended by deleting the words "through the office of the Director of the Bureau of Mines at Washington 25, D. C." and substituting the words "by official letter from the Bureau of Mines," and by changing the word "schedule" to "part."

9. Section 22.11 (a) is amended by deleting the words "Director of the Bureau of Mines at Washington 25, D. C." and substituting the words "Central Experiment Station, Bureau of Mines, Pittsburgh 13, Pa." in the first sentence; also, by rewording the second sentence to read as follows: "with this request, he should submit a revised drawing or drawings showing changes in detail, together with one of each of the parts affected."

10. Section 22.11 (c) is amended by deleting the words "through the Director's office," and by adding "by letter from the Bureau of Mines."

(Sec. 5, 36 Stat. 370, as amended; 30 U. S. C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, 30 U. S. C. 3, 5)

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 12, 1955.

[F. R. Doc. 55-3182; Filed, Apr. 18, 1955; 8:48 a. m.]

[Bureau of Mines Schedule 16B, Supp. 1]

PART 25—MULTIPLE-SHOT BLASTING UNITS
MISCELLANEOUS AMENDMENTS

Part 25 is hereby amended as follows:

1. Section 25.1 is amended by the addition of a new paragraph (c) as follows:

§ 25.1 Purpose. * * *

(c) *Definition of permissible.* Completely assembled and conforming in every respect with the design formally approved by the Bureau of Mines under this part. (Approvals under this part are given only to equipment for use in gassy and dusty mines.)

2. Section 25.2 (a) is amended to read as follows, and the footnote thereto would be deleted:

§ 25.2 *Fees charged.* (a) The fee for a complete investigation of a multiple-shot blasting unit under this part is \$250.

3. Section 25.2 (d) is amended by deleting the words "Director of the Bureau" and substituting the words "Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa."

4. Section 25.3 is amended by rewording as follows:

§ 25.3 *Applications.* Before the Bureau of Mines will undertake the active investigation leading to approval of any blasting unit, the manufacturer shall make application by letter for an investigation leading to approval of his device. This application in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover all the necessary fees, shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa., together with the required drawings, one complete blasting unit, and instructions for its operation.

5. Section 25.4 (d) is amended by rewording as follows:

§ 25.4 *Conditions governing investigations.* * * *

(d) Observers at formal investigations and demonstrations: No one shall be present during any part of the formal investigation conducted by the Bureau which leads to approval for permissibility except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Upon granting approval for permissibility, the Bureau will announce that such approval has been granted to the device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of material and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

6. Section 25.4 (g) is amended by deleting the words "Director of the."

7. Section 25.8 is amended by revising the first sentence to read: "All approvals are granted by official letter from the

Bureau of Mines", also, by deleting the words "from Washington has been received" and substituting the words "has been received from the Bureau of Mines" in the last sentence.

8. Section 25.10 (a) is amended by deleting the words "Director of the Bureau of Mines at Washington 25, D. C.," and substituting the words "Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa.," in the first sentence; also, by revising the second sentence to read as follows: "With this request he should submit a revised drawing or drawings showing the changes in detail, together with one of each of the parts affected."

9. Section 25.10 (c) is amended by deleting the words "issued through the Director's office" and substituting the words "in writing from the Bureau of Mines."

10. Section 25.10 (d) is amended by deleting the words "through the Director's office" and substituting the words "by letter from the Bureau of Mines."

(Sec. 5, 36 Stat. 370, as amended, 30 U. S. C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, 30 U. S. C. 3, 5)

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 12, 1955.

[F. R. Doc. 55-3183; Filed, Apr. 18, 1955; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1117]

FLORIDA

WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH JIM WOODRUFF RESERVOIR PROJECT

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Florida is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use in connection with the Jim Woodruff Reservoir Project, under the supervision of the Department of the Army, as authorized by the Rivers and Harbors Act of July 24, 1946 (60 Stat. 634):

TALLAHASSEE MERIDIAN

T. 7 N., R. 8 W.,
Sec. 36, N $\frac{1}{2}$ of lot 3.

The tract described contains 40 acres.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 12, 1955.

[F. R. Doc. 55-3174; Filed, Apr. 18, 1955; 8:46 a. m.]

[Public Land Order 1118]

UTAH

PARTIALLY REVOKING EXECUTIVE ORDER OF MARCH 9, 1914, CREATING PUBLIC WATER RESERVE NO. 16, UTAH NO. 7

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of March 9, 1914, creating Public Water Reserve No. 16, Utah No. 7, as construed by Department of the Interior Interpretation No. 17, of June 9, 1925, is hereby revoked so far as it affects the following-described public land:

SALT LAKE MERIDIAN

T. 5 S., R. 24 E.,
Sec. 29, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 40 acres. This revocation is made in furtherance of an exchange under the act of March 11, 1948 (62 Stat. 72) by which the offered lands will benefit a Federal land program. This restoration is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II and the Korean conflict, and others.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 12, 1955.

[F. R. Doc. 55-3177; Filed, Apr. 18, 1955; 8:47 a. m.]

[Public Land Order 1119]

NEW MEXICO

RESERVING LANDS WITHIN THE GILA NATIONAL FOREST FOR USE OF THE FOREST SERVICE AS ADMINISTRATIVE SITES AND RECREATION AREAS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Gila National Forest in New Mexico are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites and recreation areas:

NEW MEXICO PRINCIPAL MERIDIAN

BEN LILLY RECREATION AREA

T. 10 S., R. 17 W. (unsurveyed),
Sec. 33, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$,
S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate 80 acres.

BEN LILLY MONUMENT RECREATION AREA

T. 16 S., R. 14 W.,
Sec. 24, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 40 acres.

CAMP TUFF MOSES RECREATION AREA (BOY SCOUT CAMP)

T. 15 S., R. 13 W.,
Sec. 27, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 34, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
The areas described aggregate 80 acres.

GLENWOOD RANGER STATION ADMINISTRATIVE SITE

T. 11 S., R. 20 W.,
Sec. 26, lot 6;
Sec. 27, lot 5;
Sec. 34, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
The areas described aggregate 114.73 acres.

INDIAN CREEK RECREATION AREA

T. 10 S., R. 17 W. (unsurveyed),
Sec. 28, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 29, S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 32, N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.
The areas described aggregate 160 acres.

IRON CREEK FOREST CAMP RECREATION AREA

T. 16 S., R. 9 W. (unsurveyed),
Sec. 17, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 18, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 19, N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 20, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
The areas described aggregate 130 acres.

LITTLE DRY FOREST CAMP RECREATION AREA

T. 13 S., R. 19 W.,
Sec. 8, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.
The area described contains 40 acres.

LITTLE WALNUT PICNIC GROUND RECREATION AREA

T. 17 S., R. 14 W.,
Sec. 3, S $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 10, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$.
The areas described aggregate 160 acres.

NEGRITO TOWER PICNIC GROUND RECREATION AREA

T. 10 S., R. 17 W. (unsurveyed),
Sec. 2, S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$.
The area described contains 40 acres.

PINE FLAT RECREATION AREA

T. 15 S., R. 13 W.,
Sec. 29, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
The area described contains 40 acres.

SIGNAL PEAK ADMINISTRATIVE SITE

T. 16 S., R. 13 W.,
Sec. 15, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
The area described contains 40 acres.

SNOW CREEK ADMINISTRATIVE SITE

T. 15 S., R. 14 W. (unsurveyed),
Sec. 18, SW $\frac{1}{4}$ NE $\frac{1}{4}$.
The area described contains 40 acres.

SOUTHWESTERN BAPTIST ASSOCIATION, INC., ORGANIZATION CAMP (RECREATION AREA)

T. 11 S., R. 20 W.,
Sec. 23, lots 6 and 9.
The area described contains 71.12 acres.

UPPER AND LOWER BLACK CANYON CAMPGROUND RECREATION AREA

T. 13 S., R. 11 W.,
Sec. 7, lots 1 and 2.
T. 13 S., R. 12 W.,
Sec. 12, S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$.
The areas described aggregate 206.44 acres.

WHITE CREEK ADMINISTRATIVE SITE

T. 12 S., R. 16 W. (unsurveyed),
Sec. 1, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.
The area described contains 160 acres.

WHITEWATER FOREST CAMP RECREATION AREA

T. 11 S., R. 19 W.,
Sec. 6, lots 14, 15, 18 and 19.
The area described contains 155.05 acres.

WILLOW CREEK ADMINISTRATIVE SITE

T. 10 S., R. 17 W. (unsurveyed),
Sec. 34, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.
The areas described aggregate 110 acres.

WILLOW CREEK RECREATION AREA

T. 10 S., R. 17 W. (unsurveyed),
Sec. 26, W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 34, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 35, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
The areas described aggregate 250 acres.

WRIGHT'S CABIN FOREST CAMP RECREATION AREA

T. 16 S., R. 9 W. (unsurveyed),
Sec. 16, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
The areas described aggregate 120 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes and shall be subject to existing reservations of the lands for power site purposes.

ORME LEWIS,

Assistant Secretary of the Interior.

APRIL 12, 1955.

[F. R. Doc. 55-3175; Filed, Apr. 18, 1955; 8:47 a. m.]

[Public Land Order 1120]

NEW MEXICO

RESERVING LANDS WITHIN CARSON NATIONAL FOREST FOR USE OF THE FOREST SERVICE AS ADMINISTRATIVE SITES, RECREATION AREAS, OR FOR OTHER PUBLIC PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Carson National Forest in New Mexico are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites, recreation areas, or for other public purposes as indicated:

NEW MEXICO PRINCIPAL MERIDIAN

AGUA PIEDRA WINTER SPORTS AREA

T. 22 N., R. 13 E.,
Sec. 14, lots 2, 3, 4, and those portions of SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ within the Santa Barbara Grant Survey;
Sec. 23, lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, including that portion of the N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ within the Santa Barbara Grant Survey;
Sec. 24, lot 2 and that portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ within the Santa Barbara Grant Survey.

The tracts described aggregate approximately 305 acres.

CAPULIN, LA SOMERA AND CAVE RECREATION AREA

T. 25 N., R. 14 E.,
Sec. 29, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 30, N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.
The tracts described aggregate 150 acres.

COMALES FOREST CAMP

T. 22 N., R. 13 E.,
Sec. 7, lot 1 and those portions of the E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ located within the Santa Barbara Grant Survey;
Sec. 8, That portion of the W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ located within the Santa Barbara Grant Survey.

The tracts described aggregate approximately 110 acres.

DIVISADERO PEAK PICNIC GROUND

T. 25 N., R. 13 E.,
Sec. 14, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 23, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
The tracts described aggregate 40 acres.

EAGLE ROCK FOREST CAMP

T. 29 N., R. 13 E. (unsurveyed),
Sec. 33, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
The tract described contains 40 acres.

ELEPHANT ROCK FOREST CAMP

T. 29 N., R. 14 E.,
Sec. 33, SW $\frac{1}{4}$ NE $\frac{1}{4}$.
The tract described contains 40 acres.

FLECHADO FOREST CAMP

T. 22 N., R. 13 E.,
Sec. 10, lot 4 and those portions of the S $\frac{1}{2}$ SE $\frac{1}{4}$ located within the Santa Barbara Grant Survey.

The tracts described aggregate approximately 80 acres.

FOREST CAMP B—CUCHILLO DEL MEDIO

T. 27 N., R. 13 E.,
Sec. 22, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.
The tracts described aggregate 60 acres.

GOAT HILL FOREST CAMP

T. 28 N., R. 13 E.,
Sec. 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.
The tracts described aggregate 40 acres.

JUNE BUG MILL FOREST CAMP

T. 29 N., R. 14 E.,
Sec. 34, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
The tract described contains 40 acres.

LA BOBITA FOREST CAMP

T. 29 N., R. 14 E.,
Sec. 32, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
The tracts described aggregate 40 acres.

LEROUX AND TWINNING FOREST CAMP

T. 27 N., R. 14 E. (unsurveyed),
Sec. 4, S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 5, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, except 0.52 acre in conflict with HES 82;
Sec. 9, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$.
The tracts described aggregate 189.48 acres.

LOWER HONDO FOREST CAMP A

T. 27 N., R. 13 E.,
Sec. 27, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.
The tracts described aggregate 40 acres.

MALLETTE CANYON PUBLIC SERVICE SITE

T. 29 N., R. 14 E.,
Sec. 24, unsurveyed, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
The tracts described aggregate 40 acres.

Sec. 25, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, except area in conflict with Ethel Lode and Mary Ann Lode Mining Claims;

Sec. 36, NE $\frac{1}{4}$ NW $\frac{1}{4}$, excepting that portion in conflict with Ethel Lode Mining Claim, lots 1 and 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The tracts described aggregate approximately 350 acres.

MANZANITA FOREST CAMP C

T. 27 N., R. 13 E.,

Sec. 13, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.

Excepting approximately 16.40 acres of private land.

The tracts described aggregate 53.60 acres.

SANTA BARBARA FOREST CAMP

T. 22 N., R. 12 E. (unsurveyed),

Sec. 36, E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 22 N., R. 13 E.,

Sec. 31, W $\frac{1}{2}$ SW $\frac{1}{4}$.

The tracts described aggregate 160 acres.

TAOS CANYON RECREATION AREA

T. 25 N., R. 13 E.,

Sec. 22, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 23, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 27, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The tracts described aggregate 230 acres.

TRUCHA VISTA POINT

T. 21 N., R. 11 E. (unsurveyed),

Sec. 18, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

The tracts described aggregate 20 acres.

JICARILLA RANGER STATION

T. 29 N., R. 4 W.,

Sec. 1, lots 7, 8, 12, 13, 15, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 12, lot 1, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$.

The tracts described aggregate 261.84 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ORME LEWIS,

Assistant Secretary of the Interior.

APRIL 12, 1955.

[F. R. Doc. 55-3176; Filed, Apr. 18, 1955; 8:47 a. m.]

[Public Land Order 1121]

MISSOURI

REVOKING EXECUTIVE ORDER OF SEPTEMBER 19, 1898 WHICH RESERVED LANDS FOR USE OF WAR DEPARTMENT AS TARGET RANGE FOR TROOPS AT JEFFERSON BARRACKS, MISSOURI

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive Order of September 19, 1898, reserving the following-described lands in Iron County, Missouri for use of the War Department as a target range for troops stationed at Jefferson Barracks, Missouri, is hereby revoked:

FIFTH PRINCIPAL MERIDIAN

T. 33 N., R. 4 E.,

Sec. 15, S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 22, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

The lands are within the boundaries of the Clark National Forest as established by Proclamation No. 2363 of September 11, 1939, and upon the signing of this order will become subject to administration by the Department of Agriculture as a part of the Clark National Forest, in accordance with the provisions of said Proclamation.

The lands shall become subject to the public-land laws relating to national forest lands at 10:00 a. m. on the 35th day after the date of this order.

ORME LEWIS,

Assistant Secretary of the Interior.

APRIL 12, 1955.

[F. R. Doc. 55-3172; Filed, Apr. 18, 1955; 8:46 a. m.]

[Public Land Order 1122]

OREGON

RESERVING LANDS WITHIN SISKIYOU NATIONAL FOREST FOR RESEARCH PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following-described public lands within the Siskiyou National Forest in Oregon are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral leasing laws, and reserved for use of the Forest Service, Department of Agriculture, in connection with research projects being conducted in furtherance of the act of May 22, 1928 (45 Stat. 699; 16 U. S. C. 1946 ed., Sup. V, Secs. 581, 581a-581k) as amended:

WILLAMETTE MERIDIAN

PORT ORFORD CEDAR NATURAL AREA

(Port Orford Cedar Experimental Forest)

T. 32 S., R. 12 W.,

Sec. 26, S $\frac{1}{2}$ S $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 34, E $\frac{1}{2}$;

Sec. 35;

Sec. 36, W $\frac{1}{2}$ SW $\frac{1}{4}$.

The areas described aggregate 1,240 acres.

ORME LEWIS,

Assistant Secretary of the Interior.

APRIL 12, 1955.

[F. R. Doc. 55-3173; Filed, Apr. 18, 1955; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

MISCELLANEOUS AMENDMENTS

Basis and purposes. On the basis of information developed at public hearings and scientific data secured by Fish and Wildlife Service personnel, it has been determined that the following amendments to the Alaska Commercial Fisheries Regulations are necessary to provide

for proper utilization and conservation of the fishery resources of the Territory.

These changes shall become effective immediately upon publication in the FEDERAL REGISTER.

Since immediate action is necessary, notice and public procedure on these amendments are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

Public law 12, 84th Congress, 69 Stat. 12, having been approved March 16, 1955, exempting gill nets which have been set, anchored or staked, from the distance interval requirement for fixed gear in section 3 of the act of June 6, 1924, as amended, no changes in regulations with respect to the distance interval between set nets are required.

PART 104—BRISTOL BAY AREA

Section 104.3 is amended in text in paragraphs (a), (b), (c), (d), and (e) by inserting "12:00 noon" immediately prior to "June 25" wherever it appears.

PART 105—ALASKA PENINSULA AREA

Section 105.5 is amended in paragraph (b) to read as follows:

(b) Except Port Moller and Bear River districts, from 6 o'clock postmeridian Tuesday to 6 o'clock antemeridian Thursday prior to July 5.

PART 107—CHIGNIK AREA

Section 107.14 is amended by suspending paragraphs (a), (b), (c), and (d) through December 31, 1955.

PART 109—COOK INLET AREA

1. Section 109.4a is amended in text by changing the period to a colon, and adding the following proviso: "Provided, That this shall not apply to Chinitna Bay".

2. Section 109.15 is hereby deleted.

3. A new section designated § 109.15a is added to read as follows:

§ 109.15a *Sites open to traps, Northern district.* The use of any trap is prohibited except at the following sites describing the location of the tailhold and direction of the lead, and at such sites no other type of gear may be fished after 6 o'clock antemeridian June 25:

(a) Along the western shore:

(1) At 61 degrees 09 minutes 27 seconds north latitude, 151 degrees 02 minutes 59 seconds west longitude; Direction of lead, south 65 degrees 00 minutes east.

(2) At 61 degrees 07 minutes 46 seconds north latitude, 151 degrees 04 minutes 43 seconds west longitude; Direction of lead, south 65 degrees 01 minute east.

(3) At 61 degrees 00 minutes 48 seconds north latitude, 151 degrees 23 minutes 44 seconds west longitude; Direction of lead, south 3 degrees 50 minutes west.

(4) At 61 degrees 00 minutes 43 seconds north latitude, 151 degrees 22 minutes 39 seconds west longitude; Direction of lead, south 0 degrees 20 minutes west.

(b) Along the eastern shore:

(1) At 61 degrees 01 minute 11 seconds north latitude, 150 degrees 26

minutes 39 seconds west longitude; Direction of lead, north 32 degrees west.

(2) At 60 degrees 55 minutes 37 seconds north latitude, 150 degrees 44 minutes 03 seconds west longitude; Direction of lead, north 34 degrees west.

4. A new section designated § 109.15b is added to read as follows:

§ 109.15b *Sites open to traps, North Central district.* The use of any trap is prohibited except at the following sites describing the location of the tailhold and Direction of the lead, and at such sites no other type of gear may be fished after 6 o'clock antemeridian June 25:

(a) Along the western shore:
(1) At 60 degrees 46 minutes 02 seconds north latitude, 151 degrees 44 minutes 32 seconds west longitude; Direction of lead, north 60 degrees 30 minutes east.

(2) At 60 degrees 24 minutes 11 seconds north latitude, 152 degrees 15 minutes 13 seconds west longitude; Direction of lead, north 32 degrees 30 minutes east.

(b) On Kalgin Island:
(1) At 60 degrees 30 minutes 33 seconds north latitude, 151 degrees 56 minutes 53 seconds west longitude; Direction of lead, south 80 degrees west.

(2) At 60 degrees 30 minutes 36 seconds north latitude, 151 degrees 54 minutes 35 seconds west longitude; Direction of lead, north 33 degrees east.

(3) At 60 degrees 30 minutes 05 seconds north latitude, 151 degrees 52 minutes 59 seconds west longitude; Direction of lead, north 25 degrees east.

(4) At 60 degrees 26 minutes 49 seconds north latitude, 151 degrees 53 minutes 09 seconds west longitude; Direction of lead, south 75 degrees east.

(5) At 60 degrees 21 minutes 44 seconds north latitude, 152 degrees 03 minutes 51 seconds west longitude; Direction of lead, north 10 degrees west.

(c) Along the eastern shore:
(1) At 60 degrees 45 minutes 58 seconds north latitude, 151 degrees 15 minutes 28 seconds west longitude; Direction of lead, north 84 degrees west.

(2) At 60 degrees 44 minutes 44 seconds north latitude, 151 degrees 17 minutes 21 seconds west longitude; Direction of lead, north 28 degrees west.

(3) At 60 degrees 44 minutes 30 seconds north latitude, 151 degrees 18 minutes 16 seconds west longitude; Direction of lead, north 26 degrees west.

(4) At 60 degrees 39 minutes 58 seconds north latitude, 151 degrees 22 minutes 28 seconds west longitude; Direction of lead, south 60 degrees 30 minutes west.

(5) At 60 degrees 39 minutes 33 seconds north latitude, 151 degrees 21 minutes 57 seconds west longitude; Direction of lead, south 56 degrees west.

(6) At 60 degrees 38 minutes 56 seconds north latitude, 151 degrees 21 minutes 24 seconds west longitude; Direction of lead, south 70 degrees west.

(7) At 60 degrees 38 minutes 15 seconds north latitude, 151 degrees 20 minutes 59 seconds west longitude; Direction of lead, south 73 degrees 30 minutes west.

(8) At 60 degrees 37 minutes 46 seconds north latitude, 151 degrees 20 min-

utes 45 seconds west longitude; Direction of lead, south 78 degrees 40 minutes west.

(9) At 60 degrees 37 minutes 09 seconds north latitude, 151 degrees 20 minutes 33 seconds west longitude; Direction of lead, south 79 degrees 15 minutes west.

(10) At 60 degrees 36 minutes 27 seconds north latitude, 151 degrees 20 minutes 25 seconds west longitude; Direction of lead, south 81 degrees 40 minutes west.

(11) At 60 degrees 35 minutes 51 seconds north latitude, 151 degrees 20 minutes 12 seconds west longitude; Direction of lead, south 80 degrees west.

(12) At 60 degrees 29 minutes 05 seconds north latitude, 151 degrees 16 minutes 44 seconds west longitude; Direction of lead, north 87 degrees 35 minutes west.

(13) At 60 degrees 28 minutes 28 seconds north latitude, 151 degrees 16 minutes 49 seconds west longitude; Direction of lead, north 85 degrees 20 minutes west.

(14) At 60 degrees 27 minutes 49 seconds north latitude, 151 degrees 16 minutes 51 seconds west longitude; Direction of lead, north 87 degrees 56 minutes west.

(15) At 60 degrees 27 minutes 17 seconds north latitude, 151 degrees 16 minutes 52 seconds west longitude; Direction of lead, north 84 degrees 50 minutes west.

(16) At 60 degrees 26 minutes 47 seconds north latitude, 151 degrees 16 minutes 53 seconds west longitude; Direction of lead, north 81 degrees 30 minutes west.

(17) At 60 degrees 26 minutes 18 seconds north latitude, 151 degrees 17 minutes 02 seconds west longitude; Direction of lead, north 84 degrees 05 minutes west.

5. A new section designated § 109.15c is added to read as follows:

§ 109.15c *Sites open to traps, South Central district.* The use of any trap is prohibited except at the following sites describing the location of the tailhold and direction of the lead, and at such sites no other type of gear may be fished:

(a) On Chisik Island:
(1) At 60 degrees 08 minutes 21 seconds north latitude, 152 degrees 33 minutes 29 seconds west longitude; Direction of lead, north 71 degrees east.

(b) Along the eastern shore:
(1) At 60 degrees 20 minutes 00 seconds north latitude, 151 degrees 22 minutes 57 seconds west longitude; Direction of lead, north 83 degrees west.

(2) At 60 degrees 16 minutes 43 seconds north latitude, 151 degrees 23 minutes 02 seconds west longitude; Direction of lead, north 81 degrees 25 minutes west.

(3) At 60 degrees 16 minutes 10 seconds north latitude, 151 degrees 23 minutes 13 seconds west longitude; Direction of lead, north 75 degrees 30 minutes west.

(4) At 60 degrees 14 minutes 58 seconds north latitude, 151 degrees 23 minutes 38 seconds west longitude; Direction of lead, north 71 degrees 10 minutes west.

(5) At 60 degrees 13 minutes 09 seconds north latitude, 151 degrees 24 minutes 51 seconds west longitude; Direction of lead, north 61 degrees 34 minutes west.

(6) At 60 degrees 12 minutes 41 seconds north latitude, 151 degrees 25 minutes 25 seconds west longitude; Direction of lead, north 50 degrees 25 minutes west.

(7) At 60 degrees 11 minutes 20 seconds north latitude, 151 degrees 27 minutes 27 seconds west longitude; Direction of lead, north 53 degrees 35 minutes west.

(8) At 60 degrees 10 minutes 22 seconds north latitude, 151 degrees 28 minutes 47 seconds west longitude; Direction of lead, north 48 degrees 51 minutes west.

(9) At 60 degrees 09 minutes 45 seconds north latitude, 151 degrees 29 minutes 36 seconds west longitude; Direction of lead, north 55 degrees west.

(10) At 60 degrees 09 minutes 19 seconds north latitude, 151 degrees 30 minutes 10 seconds west longitude; Direction of lead, north 54 degrees west.

(11) At 60 degrees 08 minutes 54 seconds north latitude, 151 degrees 30 minutes 42 seconds west longitude; Direction of lead, north 54 degrees west.

(12) At 60 degrees 07 minutes 57 seconds north latitude, 151 degrees 32 minutes 06 seconds west longitude; Direction of lead, north 47 degrees west.

(13) At 60 degrees 07 minutes 05 seconds north latitude, 151 degrees 33 minutes 57 seconds west longitude; Direction of lead, north 45 degrees west.

(14) At 60 degrees 06 minutes 32 seconds north latitude, 151 degrees 35 minutes 05 seconds west longitude; Direction of lead, north 40 degrees west.

(15) At 60 degrees 06 minutes 07 seconds north latitude, 151 degrees 36 minutes 04 seconds west longitude; Direction of lead, north 40 degrees west.

(16) At 60 degrees 05 minutes 26 seconds north latitude, 151 degrees 37 minutes 19 seconds west longitude; Direction of lead, north 68 degrees 22 minutes west.

(17) At 60 degrees 04 minutes 56 seconds north latitude, 151 degrees 37 minutes 49 seconds west longitude; Direction of lead, north 58 degrees 50 minutes west.

(18) At 59 degrees 59 minutes 41 seconds north latitude, 151 degrees 43 minutes 14 seconds west longitude; Direction of lead, north 80 degrees west.

(19) At 59 degrees 54 minutes 16 seconds north latitude, 151 degrees 46 minutes 00 seconds west longitude; Direction of lead, north 70 degrees west.

(20) At 59 degrees 51 minutes 15 seconds north latitude, 151 degrees 48 minutes 03 seconds west longitude; Direction of lead, north 74 degrees west.

6. A new section designated § 109.15d is added to read as follows:

§ 109.15d *Sites open to traps, Southern district.* The use of any trap is prohibited except at the following sites describing the location of the tailhold and direction of the lead, and at such sites no other type of gear may be fished:

(a) Along the eastern shore:
(1) At 59 degrees 41 minutes 49 seconds north latitude, 151 degrees 46 minutes 22 seconds west longitude; Direction of lead, south 43 degrees west.

(2) At 59 degrees 28 minutes 56 seconds north latitude, 151 degrees 34 min-

utes 40 seconds west longitude; Direction of lead, north 43 degrees west.

(3) At 59 degrees 26 minutes 50 seconds north latitude, 151 degrees 45 minutes 56 seconds west longitude; Direction of lead, north 26 degrees east.

(4) At 59 degrees 19 minutes 47 seconds north latitude, 151 degrees 57 minutes 38 seconds west longitude; Direction of lead, north 69 degrees west.

7. A new section designated § 109.15e is added to read as follows:

§ 109.15e *Areas open to set nets, Northern district.* The use of any set net is prohibited, except in the following areas: *Provided*, That in the period prior to 6 o'clock antemeridian June 25 such nets may be used in all waters of the district open to commercial fishing:

(a) Waters along the north and west coast:

(1) From Point Mackenzie to 61 degrees 09 minutes 32 seconds north latitude, 151 degrees 02 minutes 54 seconds west longitude.

(2) From 61 degrees 09 minutes 22 seconds north latitude, 151 degrees 03 minutes 07 seconds west longitude, to 61 degrees 07 minutes 52 seconds north latitude, 151 degrees 04 minutes 38 seconds west longitude.

(3) From 61 degrees 07 minutes 41 seconds north latitude, 151 degrees 04 minutes 47 seconds west longitude, to 61 degrees 00 minutes 50 seconds north latitude, 151 degrees 23 minutes 56 seconds west longitude.

(4) From 61 degrees 00 minutes 47 seconds north latitude, 151 degrees 23 minutes 32 seconds west longitude, to 61 degrees 00 minutes 44 seconds north latitude, 151 degrees 22 minutes 51 seconds west longitude.

(5) From 61 degrees 00 minutes 42 seconds north latitude, 151 degrees 22 minutes 27 seconds west longitude, to the southern boundary of the district at the latitude of Boulder Point at approximately 60 degrees 46 minutes 25 seconds north latitude.

(b) Waters along the west coast of Fire Island from North Point to West Point:

(c) Waters along the east coast:

(1) From Point Possession to 61 degrees 01 minute 14 seconds north latitude, 150 degrees 26 minutes, 30 seconds west longitude.

(2) From 61 degrees 01 minute 07 seconds north latitude, 150 degrees 26 minutes 48 seconds west longitude, to 60 degrees 55 minutes 40 seconds north latitude, 150 degrees 43 minutes 53 seconds west longitude.

(3) From 60 degrees 55 minutes 34 seconds north latitude, 150 degrees 44 minutes 13 seconds west longitude, to the southern boundary of the district at the latitude of Boulder Point.

8. A new section designated § 109.15f is added to read as follows:

§ 109.15f *Areas open to set nets, North Central district.* The use of any set net is prohibited, except in the following areas: *Provided*, That in the period prior to 6 o'clock antemeridian

June 25 such nets may be used in all waters of the district open to commercial fishing:

(a) Waters along the west coast:

(1) From the northern boundary of the district at the latitude of Boulder Point at approximately 60 degrees 46 minutes 25 seconds north latitude, to 60 degrees 46 minutes 08 seconds north latitude, 151 degrees 44 minutes 37 seconds west longitude.

(2) From 60 degrees 45 minutes 56 seconds north latitude, 151 degrees 44 minutes 27 seconds west longitude, to 60 degrees 24 minutes 14 seconds north latitude, 152 degrees 15 minutes 23 seconds west longitude.

(3) From 60 degrees 24 minutes 08 seconds north latitude, 152 degrees 15 minutes 03 seconds west longitude, to the southern boundary of the district at the latitude of the marker at the south limit of the closed area at Kasilof River.

(b) Waters along the coast of Kalgin Island:

(1) From 60 degrees 30 minutes 39 seconds north latitude, 151 degrees 56 minutes 57 seconds west longitude, to 60 degrees 30 minutes 39 seconds north latitude, 151 degrees 54 minutes 45 seconds west longitude.

(2) From 60 degrees 30 minutes 33 seconds north latitude, 151 degrees 54 minutes 25 seconds west longitude, to 60 degrees 30 minutes 07 seconds north latitude, 151 degrees 53 minutes 10 seconds west longitude.

(3) From 60 degrees 30 minutes 03 seconds north latitude, 151 degrees 52 minutes 48 seconds west longitude, to 60 degrees 26 minutes 55 seconds north latitude, 151 degrees 53 minutes 09 seconds west longitude.

(4) From 60 degrees 26 minutes 43 seconds north latitude, 151 degrees 53 minutes 12 seconds west longitude, to 60 degrees 21 minutes 45 seconds north latitude, 152 degrees 04 minutes 03 seconds west longitude.

(5) From 60 degrees 21 minutes 44 seconds north latitude, 152 degrees 03 minutes 39 seconds west longitude, to 60 degrees 30 minutes 28 seconds north latitude, 151 degrees 56 minutes 48 seconds west longitude.

(c) Waters along the east coast:

(1) From the northern boundary of the district at the latitude of Boulder Point at approximately 60 degrees 46 minutes 25 seconds north latitude, to 60 degrees 46 minutes 04 seconds north latitude, 151 degrees 15 minutes 28 seconds west longitude.

(2) From 60 degrees 45 minutes 52 seconds north latitude, 151 degrees 15 minutes 27 seconds west longitude, to 60 degrees 44 minutes 46 seconds north latitude, 151 degrees 17 minutes 10 seconds west longitude.

(3) From 60 degrees 44 minutes 41 seconds north latitude, 151 degrees 17 minutes 31 seconds west longitude, to 60 degrees 44 minutes 32 seconds north latitude, 151 degrees 18 minutes 05 seconds west longitude.

(4) From 60 degrees 44 minutes 29 seconds north latitude, 151 degrees 18 minutes 28 seconds west longitude, to

60 degrees 40 minutes 03 seconds north latitude, 151 degrees 22 minutes 34 seconds west longitude.

(5) From 60 degrees 39 minutes 53 seconds north latitude, 151 degrees 22 minutes 21 seconds west longitude, to 60 degrees 39 minutes 38 seconds north latitude, 151 degrees 22 minutes 02 seconds west longitude.

(6) From 60 degrees 39 minutes 28 seconds north latitude, 151 degrees 21 minutes 51 seconds west longitude, to 60 degrees 39 minutes 02 seconds north latitude, 151 degrees 21 minutes 27 seconds west longitude.

(7) From 60 degrees 38 minutes 50 seconds north latitude, 151 degrees 21 minutes 20 seconds west longitude, to 60 degrees 38 minutes 21 seconds north latitude, 151 degrees 21 minutes 02 seconds west longitude.

(8) From 60 degrees 38 minutes 09 seconds north latitude, 151 degrees 20 minutes 56 seconds west longitude, to 60 degrees 37 minutes 52 seconds north latitude, 151 degrees 20 minutes 47 seconds west longitude.

(9) From 60 degrees 37 minutes 40 seconds north latitude, 151 degrees 20 minutes 42 seconds west longitude, to 60 degrees 37 minutes 15 seconds north latitude, 151 degrees 20 minutes 33 seconds west longitude.

(10) From 60 degrees 37 minutes 03 seconds north latitude, 151 degrees 20 minutes 33 seconds west longitude, to 60 degrees 36 minutes 33 seconds north latitude, 151 degrees 20 minutes 26 seconds west longitude.

(11) From 60 degrees 36 minutes 21 seconds north latitude, 151 degrees 20 minutes 22 seconds west longitude, to 60 degrees 35 minutes 57 seconds north latitude, 151 degrees 20 minutes 14 seconds west longitude.

(12) From 60 degrees 35 minutes 45 seconds north latitude, 151 degrees 20 minutes 10 seconds west longitude, to the northern Fish and Wildlife Service marker at the mouth of the Kenai River.

(13) From the southern Fish and Wildlife Service marker at the mouth of the Kenai River to 60 degrees 29 minutes 11 seconds north latitude, 151 degrees 16 minutes 43 seconds west longitude.

(14) From 60 degrees 28 minutes 59 seconds north latitude, 151 degrees 16 minutes 44 seconds west longitude, to 60 degrees 28 minutes 34 seconds north latitude, 151 degrees 16 minutes 48 seconds west longitude.

(15) From 60 degrees 28 minutes 22 seconds north latitude, 151 degrees 16 minutes 49 seconds west longitude, to 60 degrees 27 minutes 55 seconds north latitude, 151 degrees 16 minutes 51 seconds west longitude.

(16) From 60 degrees 27 minutes 43 seconds north latitude, 151 degrees 16 minutes 51 seconds west longitude, to 60 degrees 27 minutes 23 seconds north latitude, 151 degrees 16 minutes 51 seconds west longitude.

(17) From 60 degrees 27 minutes 11 seconds north latitude, 151 degrees 16 minutes 52 seconds west longitude, to 60 degrees 26 minutes 53 seconds north latitude, 151 degrees 16 minutes 51 seconds west longitude.

(18) From 60 degrees 26 minutes 41 seconds north latitude, 151 degrees 16 minutes 54 seconds west longitude, to 60 degrees 26 minutes 24 seconds north latitude, 151 degrees 17 minutes 00 seconds west longitude.

(19) From 60 degrees 26 minutes 12 seconds north latitude, 151 degrees 17 minutes 04 seconds west longitude to the northern Fish and Wildlife Service marker at the mouth of the Kasilof River.

(20) West of the Kasilof River mouth at least 1 statute mile.

9. A new section designated § 109.15g is added to read as follows:

§ 109.15g *Areas open to set nets, South Central district.* The use of any set net is prohibited, except in the following areas:

(a) Waters along the west coast:

(1) Mainland shore.

(2) Chisik Island, except between 60 degrees 08 minutes 27 seconds north latitude, 152 degrees 33 minutes 29 seconds west longitude, and 60 degrees 08 minutes 14 seconds north latitude, 152 degrees 33 minutes 34 seconds west longitude.

(b) Waters along the east coast:

(1) From the southern Fish and Wildlife Service marker at the mouth of the Kasilof River to 60 degrees 20 minutes 06 seconds north latitude, 151 degrees 22 minutes, 56 seconds west longitude.

(2) From 60 degrees 19 minutes 54 seconds north latitude, 151 degrees 22 minutes 18 seconds west longitude, to 60 degrees 16 minutes 49 seconds north latitude, 151 degrees 23 minutes 01 second west longitude.

(3) From 60 degrees 16 minutes 37 seconds north latitude, 151 degrees 23 minutes 03 seconds west longitude, to 60 degrees 16 minutes 16 seconds north latitude, 151 degrees 23 minutes 10 seconds west longitude.

(4) From 60 degrees 16 minutes 04 seconds north latitude, 151 degrees 23 minutes 16 seconds west longitude, to 60 degrees 15 minutes 04 seconds north latitude, 151 degrees 23 minutes 35 seconds west longitude.

(5) From 60 degrees 14 minutes 52 seconds north latitude, 151 degrees 23 minutes 40 seconds west longitude, to 60 degrees 13 minutes 14 seconds north latitude, 151 degrees 24 minutes 45 seconds west longitude.

(6) From 60 degrees 13 minutes 04 seconds north latitude, 151 degrees 24 minutes 56 seconds west longitude, to 60 degrees 12 minutes 46 seconds north latitude, 151 degrees 25 minutes 19 seconds west longitude.

(7) From 60 degrees 12 minutes 36 seconds north latitude, 151 degrees 25 minutes 32 seconds west longitude, to 60 degrees 11 minutes 25 seconds north latitude, 151 degrees 27 minutes 20 seconds west longitude.

(8) From 60 degrees 11 minutes 15 seconds north latitude, 151 degrees 27 minutes 34 seconds west longitude, to 60 degrees 10 minutes 27 seconds north latitude, 151 degrees 28 minutes 41 seconds west longitude.

(9) From 60 degrees 10 minutes 17 seconds north latitude, 151 degrees 28 minutes 53 seconds west longitude, to 60 degrees 09 minutes 50 seconds north latitude, 151 degrees 29 minutes 30 seconds west longitude.

(10) From 60 degrees 09 minutes 40 seconds north latitude, 151 degrees 29 minutes 42 seconds west longitude, to 60 degrees 09 minutes 24 seconds north latitude, 151 degrees 30 minutes 04 seconds west longitude.

(11) From 60 degrees 09 minutes 14 seconds north latitude, 151 degrees 30 minutes 16 seconds west longitude, to 60 degrees 08 minutes 59 seconds north latitude, 151 degrees 30 minutes 35 seconds west longitude.

(12) From 60 degrees 08 minutes 49 seconds north latitude, 151 degrees 30 minutes 49 seconds west longitude, to 60 degrees 08 minutes 01 second north latitude, 151 degrees 31 minutes 58 seconds west longitude.

(13) From 60 degrees 07 minutes 53 seconds north latitude, 151 degrees 32 minutes 14 seconds west longitude, to 60 degrees 07 minutes 09 seconds north latitude, 151 degrees 33 minutes 48 seconds west longitude.

(14) From 60 degrees 07 minutes 01 second north latitude, 151 degrees 34 minutes 06 seconds west longitude, to 60 degrees 06 minutes 36 seconds north latitude, 151 degrees 34 minutes 57 seconds west longitude.

(15) From 60 degrees 06 minutes 28 seconds north latitude, 151 degrees 35 minutes 15 seconds west longitude, to 60 degrees 06 minutes 11 seconds north latitude, 151 degrees 35 minutes 56 seconds west longitude.

(16) From 60 degrees 06 minutes 03 seconds north latitude, 151 degrees 36 minutes 13 seconds west longitude, to 60 degrees 05 minutes 31 seconds north latitude, 151 degrees 37 minutes 13 seconds west longitude.

(17) From 60 degrees 05 minutes 20 seconds north latitude, 151 degrees 37 minutes 24 seconds west longitude, to 60 degrees 05 minutes 01 second north latitude, 151 degrees 37 minutes 43 seconds west longitude.

(18) From 60 degrees 04 minutes 51 seconds north latitude, 151 degrees 37 minutes 55 seconds west longitude, to 59 degrees 59 minutes 47 seconds north latitude, 151 degrees 43 minutes 12 seconds west longitude.

(19) From 59 degrees 59 minutes 35 seconds north latitude, 151 degrees 43 minutes 16 seconds west longitude, to 59 degrees 54 minutes 21 seconds north latitude, 151 degrees 45 minutes 55 seconds west longitude.

(20) From 59 degrees 54 minutes 11 seconds north latitude, 151 degrees 46 minutes 06 seconds west longitude, to 59 degrees 51 minutes 21 seconds north latitude, 151 degrees 48 minutes 00 seconds west longitude.

(21) From 59 degrees 51 minutes 09 seconds north latitude, 151 degrees 48 minutes 06 seconds west longitude to the southern boundary of the district at Anchor Point.

10. A new section designated § 109.15h is added to read as follows:

§ 109.15h *Areas open to set nets, Southern district.* The use of any set net is prohibited, except in the following areas:

(a) Waters along the west coast from the northern boundary of the district at the latitude of Anchor Point to Tignavik Point.

(b) Waters along the east coast:

(1) From the northern boundary of the district at Anchor Point to 59 degrees 41 minutes 53 seconds north latitude, 151 degrees 46 minutes 31 seconds west longitude.

(2) From 59 degrees 41 minutes 45 seconds north latitude, 151 degrees 46 minutes 13 seconds west longitude, to 59 degrees 29 minutes 00 seconds north latitude, 151 degrees 34 minutes 31 seconds west longitude.

(3) From 59 degrees 28 minutes 52 seconds north latitude, 151 degrees 34 minutes 49 seconds west longitude, to 59 degrees 26 minutes 48 seconds north latitude, 151 degrees 45 minutes 46 seconds west longitude.

(4) From 59 degrees 26 minutes 52 seconds north latitude, 151 degrees 46 minutes 06 seconds west longitude, to 59 degrees 19 minutes 53 seconds north latitude, 151 degrees 57 minutes 35 seconds west longitude.

(5) From 59 degrees 19 minutes 41 seconds north latitude, 151 degrees 57 minutes 42 seconds west longitude, to the southern boundary of the district.

11. A new section designated § 109.15i is added to read as follows:

§ 109.15i *Areas open to set nets, outer district.* All waters of the district otherwise open to fishing.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 13, 1955.

[F. R. Doc. 55-3171; Filed, Apr. 18, 1955; 8:46 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt
[1954 Dept. Circ. 300, Revised]

PART 306—GENERAL REGULATIONS WITH RESPECT TO UNITED STATES SECURITIES

NOTE: In F. R. Document 55-3046, appearing in the issue for Wednesday, April 13, 1955, at page 2393, under the center heading "Use of Interest Tables" in the Appendix, insert a footnote 1 reference in the first paragraph, line 1, following the word "tables". The footnote will read as follows:

¹ Filed as part of the original document. Copies may be obtained from the Treasury Department, Division of Loans and Currency, Washington 25, D. C.

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

PART 1467—MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES

PART 1470—PRELIMINARY INFORMATION REQUIRED OF CONTRACTORS

TIME FOR FILING FINANCIAL STATEMENTS AND STANDARD COMMERCIAL ARTICLE REPORTS UNDER RENEGOTIATION ACT OF 1951, AS AMENDED¹

Until further notice, all persons having a fiscal year beginning in 1954 and ending in 1955 are hereby excused from filing financial statements and Standard Commercial Article Reports for such fiscal year pursuant to the Renegotiation Act of 1951, as amended, and the regulations thereunder. This does not apply to any fiscal year ending in 1954 or to the 1954 calendar year.

Dated: April 7, 1955.

By order of The Renegotiation Board,

FRANK L. ROBERTS,
Chairman.

[F. R. Doc. 55-3194; Filed, Apr. 18, 1955; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII-6, Amdt. 11]

**DMO VII-6—EXPANSION GOALS
ELECTRIC POWER**

1. Defense Mobilization Order VII-6, dated December 3, 1953 (18 F. R. 7876), and Amendment 1, dated January 29, 1954 (19 F. R. 855), are further amended by transferring the following expansion

goal from List II—Suspended to List III—Open:

No.: 55----- Goal
Electric power.

2. This amendment shall take effect on April 15, 1955.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-3233; Filed, Apr. 15, 1955; 3:16 p. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

**Subchapter B—Carriers by Motor Vehicle
[Ex Parte MC-40]**

PART 190—GENERAL

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 4th day of April A. D. 1955.

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Petition of Local Cartage National Conference, dated June 1, 1953, as amended June 25, 1953, for modification of and partial exemption from parts of § 190.33;

(2) Petition of Association of Team and Truck owners of the State of Missouri, dated July 17, 1953, for modification of and exemption from § 190.33;

and good cause appearing therefor:

It is ordered, That the applicability table which is a part of § 190.33 of the Motor Carrier Safety Regulations be, and it is hereby, amended as follows: Delete paragraphs A and B thereof and substitute the following in lieu thereof:

	Applicable parts of regulations						
	101	102	103	104 ¹	105	106	107
A. Vehicles and drivers used wholly within a municipality or the commercial zone thereof as defined by the Commission:							
1. When transporting explosives or other dangerous articles of such type and in such quantity as to require the vehicle to be specially marked or placarded under the Explosives and other Dangerous Articles Regulations, 49 CFR 77.823, or when operating without cargo under conditions which require the vehicle to be so marked or placarded under the cited regulations.....	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes.
2. When operating under such conditions that special marking or placarding is not required under the regulations cited in paragraph A1 of this table.....	No....	No....	No....	No....	Yes...	No....	No.
B. Vehicles and drivers used beyond a municipality or the commercial zone thereof as defined by the Commission.							
1. When transporting explosives or other dangerous articles.....	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes.
2. When not transporting explosives or other dangerous articles.....	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	No.

¹ Part 104 does not apply to private carriers.

It is further ordered, That except to the extent relief is being granted by the modifications set forth above, that the

¹ This affects §§ 1470.3 (c) and 1467.4 (d).

above-described petitions be, and they are hereby, denied.

And it is further ordered, That this order shall become effective May 20, 1955.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register. (49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-3188; Filed, Apr. 18, 1955; 8:50 a. m.]

PART 203: DESTRUCTION OF RECORDS¹

PART 203—CARRIERS AND BROKERS

CLASS I MOTOR CARRIERS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 5th day of April A. D. 1955.

The matter of regulations to govern the destruction of carrier records being under consideration pursuant to provisions of section 220 (d) of the Interstate Commerce Act, as amended (49 Stat. 563, 54 Stat. 927, 49 U. S. C. 320); and,

It appearing that a notice dated February 21, 1955, was published in the FEDERAL REGISTER on March 3, 1955 (20 F. R. 1319) pursuant to section 4 of the Administrative Procedure Act, to the effect that revised regulations to govern the destruction of records of Class I motor carriers which were attached to the notice had been approved, and full consideration having been given to all views and comments received on or before March 31, 1955, as provided in the notice;

It is ordered, That the order of May 22, 1951, prescribing "Regulations to govern the preservation of records of Class I motor carriers, Issue of 1951," be and it is hereby vacated and set aside effective June 1, 1955; and,

It is further ordered, That:

(1) Regulations prescribed: Effective June 1, 1955, all Class I common and contract motor carriers of property and passengers which are subject to provisions of the Interstate Commerce Act are required to comply with the "Regulations to govern the destruction of records of Class I motor carriers, Issue of 1955," which are set forth below and made a part hereof, before destroying operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents.

(2) Notice: A copy of this order with the regulations set forth below shall be served on all Class I motor carriers subject to the act and upon every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and notice shall be given to the general public by depositing a copy of the order and attached regulations in the office of the Secretary of the Commission at Washington, D. C., and by filing them with

¹The heading "Part 203: Preservation of Records" is amended to read "Part 203: Destruction of Records."

the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL] HAROLD D. McCoy,
Secretary.

CLASS I MOTOR CARRIERS

- Sec. 203.301 Introduction.
- 203.302 Authority to destroy records.
- 203.303 Photographic copies.
- 203.304 Supervision of destruction.
- 203.305 Record of destroyed records.
- 203.306 Carriers going out of business.
- 203.307 Prescribed periods of retention.

AUTHORITY: §§ 203.301 to 203.307 issued under 49 Stat. 546, as amended; 49 U. S. C. 304. Interpret or apply secs. 220, 222, 49 Stat. 563, 564, as amended; 49 U. S. C. 320, 322.

§ 203.301 *Introduction.* Sections 203.301 to 203.307 specify the records and documents which may be destroyed and prescribe the length of time the same shall be preserved, but mention of a record or document hereinafter imposes no requirement that it shall be installed if its purpose is otherwise being adequately served. Compliance with §§ 203.301 to 203.307 will not exempt a carrier from statutory requirements, other than provisions of the Interstate Commerce Act, for retention of records or documents for periods longer than those prescribed in §§ 203.301 to 203.307.

§ 203.302 *Authority to destroy records—(a) General authority.* Class I motor carriers may destroy records or documents named or described in §§ 203.301 to 203.307 after they have been preserved for the prescribed periods of time. Permanent records are those which may not be destroyed without special authority.

(b) *Special authority.* A carrier proposing to destroy records or documents which are not named or described in §§ 203.301 to 203.307, or which if named or described have not been retained for the period required by the regulations, may request special authority to destroy them. Applications for such special authority shall describe in detail the records or documents to be destroyed and shall explain why their continued retention is unnecessary.

§ 203.303 *Photographic copies.* (a) Certain records and documents may be preserved on microfilm and the film retained in lieu of the original record or document, subject to the following limitations:

(1) The records listed in § 203.307 with a permanent retention period may not be destroyed after being photographed for preservation unless special authority is first secured as provided in § 203.302 (b).

(2) All records and documents listed in § 203.307, other than those excluded in subparagraph (1) of this paragraph, may be destroyed after they have been suitably photographed for preservation.

(b) To be acceptable in lieu of original records, photographic copies must meet the following minimum requirements:

(1) Photographic copies shall be no less readily accessible than the original record or document as normally filed or preserved would be, and suitable means or facilities shall be available to locate,

identify, read, or reproduce such photographic copies. Photographic copies shall be preserved until the end of the period prescribed for the original records or documents.

(2) Any significant characteristic, feature, or other attribute of the original record or document, which photography in black and white will not preserve, shall be clearly indicated before the photograph is made.

(3) The reverse side of printed forms need not be copied if nothing has been added to the printed matter common to all such forms, but an identified specimen of such form shall be on the film for reference.

(4) Film used for photographing copies shall be of permanent record type meeting in all respects the minimum specifications of the National Bureau of Standards, and all processes recommended by the manufacturer shall be observed to protect it from deterioration or accidental destruction.

§ 203.304 *Supervision of destruction.* Within six months after the effective date of §§ 203.301 to 203.307, or within six months after becoming subject to this provision, each carrier shall appoint an officer or other responsible employee to supervise the destruction of records and documents. Such appointment shall be by formal corporate act or, if the carrier is not incorporated, by such formal act as would be necessary to execute a contract binding on the carrier.

§ 203.305 *Record of destroyed records.* The supervising officer or other designated employee shall maintain, or shall cause to be maintained, a record of

all carrier records and documents which have been destroyed pursuant to §§ 203.301 to 203.307 except those the retention of which is optional with the carrier. The record shall be in such detail that the destroyed records or documents may be identified and the time, place, and method of destruction can be established. If the destruction is by accident or at the hand of someone not subject to the carrier's control, then the record shall include a statement of the relevant circumstances.

§ 203.306 *Carriers going out of business.* The records and documents relating to operations of a carrier subject to §§ 203.301 to 203.307 may be destroyed without regard to the prescribed periods of retention after carrier status is abandoned for purposes of the Interstate Commerce Act; provided however, (a) if the carrier is a corporation being dissolved by act of the authority which created it, the records may not be destroyed until dissolution is otherwise complete, and (b) if the carrier is not incorporated or is being kept alive for purposes other than carrier operations, records relating to former carrier operations may not be destroyed until all transactions relating to such operations are completed.

§ 203.307 *Prescribed periods of retention.* The following list describes the purpose for which a record is necessary and the prescribed periods shall be observed even if a record by some other name serves the described purpose. If identical copies of the same document serve more than one such described purpose, only one copy is required to be retained by §§ 203.301 to 203.307.

Item	Description of records, etc.	Period to be retained
I. GENERAL AND FINANCIAL		
1	Minute books of directors, executive committees, stockholders, and other corporate meetings.	Permanent.
2	Capital stock records: (a) Capital stock ledger (b) Capital stock certificates, records of or stubs of	Permanent. Permanent.
NOTE: If the information shown on the stubs is recorded in permanent records the stubs are required to be retained only for a period of 3 years.		
3	(c) Stock transfer register. (d) Memoranda and bills of sale or of transfer of capital stock. (e) Capital stock subscription notices and requests for allotment. (f) Canceled capital stock certificates (see item 5).	Permanent. 3 years. 3 years.
3	Bond records: (a) Registered bond ledger (b) Records or stubs of bonds	Permanent. Permanent.
NOTE: If the information shown on the stubs is recorded in permanent records the stubs are required to be retained only for a period of 3 years.		
4	(c) Memoranda and bills of sale or of transfer of registered bonds. (d) Records of interest coupons paid and unpaid. (e) Long term debt subscription notices and requests for allotment (f) Canceled bonds. Paid interest coupons and unissued bonds (see item 5).	3 years. 7 years after payment. 3 years.
4	Corporate elections: (a) Proxies of holders of voting securities. (b) Lists of holders of voting securities presented at meetings. (c) Qualification oaths of judges of election. (d) Qualification oaths of directors. (e) Ballots cast and tabulations of vote. (f) Judges' reports of election results.	2 years. 6 years. Optional. Optional. 2 years. 2 years.
5	Retired securities: Stock certificates, bonds, notes, interest coupons, receivers' certificates, and temporary certificates taken up and canceled.	Optional.
6	Ledgers: (a) General and auxiliary ledgers and indexes thereto (b) Trial balance sheets of general and auxiliary ledgers	Permanent. 4 years. Permanent.
7	Record of securities owned, in treasury, or with custodians	Permanent.
8	General journals: (a) General journal entries (b) Supporting papers not otherwise provided for	Permanent. 6 years.
9	Cash receipts records: (a) General cash receipts journals (b) Detailed records supporting totals recorded in item (9a) (c) Bank deposit slips	Permanent. 6 years. 3 years.

Item	Description of records, etc.	Period to be retained	Item	Description of records, etc.	Period to be retained
10	<p>I. GENERAL AND FINANCIAL—continued</p> <p>Records summarizing the results of noncarrier operations for entry in general books.</p> <p>NOTE: Ledgers, journals, abstracts, reports, vouchers, etc., shall be retained for the same periods as are provided for similar documents elsewhere in these regulations.</p>	6 years.	40	<p>II. TRANSPORTATION</p> <p>Tariffs and other rate authorities:</p> <p>(a) Tariffs, classifications, division sheets, and circulars in which carriers are interested relative to the transportation of persons or property, in the general files of the traffic or other department in which the complete official file is maintained.</p> <p>(b) Tariffs, classifications, division sheets, and circulars issued by departments and at agencies, in copies of the same issued to such tariffs, etc., are preserved in the general files referred to in (b) above.</p> <p>(c) Contracts and minimum rate schedules of contract motor carriers, and receipts from agents and others for tariffs, classifications, division sheets, and circulars.</p> <p>(d) Written requests on carrier from persons and companies for quotations of rates, and copies of carrier's quotations.</p> <p>(e) Copies of concurrences and powers of attorneys filed with the Interstate Commerce Commission and with other regulating bodies.</p> <p>(f) Authorities for the transportation of property, free or at reduced rates and supporting papers.</p> <p>(g) Correspondence and working papers in connection with the making of rates and compilation of tariffs, classifications, division sheets, and circulars affecting the transportation of persons or property.</p> <p>(h) Records, circulars, and settlements, regarding conventions, excursions, traffic promotions, and similar matters.</p> <p>(i) Public timetables and literature, correspondence or records relating to them.</p>	3 years after expiration or cancellation.
11	<p>Deeds and other title papers; franchises: applications to and certificates or permits from regulatory bodies authorizing operations or extensions of operations and all papers, memoranda and correspondence in connection therewith.</p>	Permanent unless transferred to others in connection with sale of physical property and operating rights.	41	<p>(g) Contracts and minimum rate schedules of contract motor carriers, and receipts from agents and others for tariffs, classifications, division sheets, and circulars.</p> <p>(h) Written requests on carrier from persons and companies for quotations of rates, and copies of carrier's quotations.</p> <p>(i) Copies of concurrences and powers of attorneys filed with the Interstate Commerce Commission and with other regulating bodies.</p>	3 years after expiration or cancellation.
12	<p>Contracts and agreements:</p> <p>(a) Card or book records of contracts, property leases, and agreements made, and of expirations and renewals.</p> <p>(b) Equipment leases, owner-operator agreements and records thereof.</p> <p>(c) Other contracts, leases, and agreements.</p>	See note.	42	<p>(j) Records pertaining to the diversion or reassignment of freight, including requests, tracers, and correspondence in connection therewith. Market quotations and weather reports received from agents and others, when not affecting claims.</p>	Optional.
13	<p>NOTE: 3 years after expiration or cancellation or transfer to others in connection with sale of physical property and operating rights.</p> <p>Tax records:</p> <p>(a) Taxes based on income.</p> <p>(b) Real estate and personal property tax.</p> <p>(c) Taxes based on payroll.</p> <p>(d) Federal excise taxes.</p> <p>(e) Highway use taxes.</p> <p>(f) Corporate privilege tax.</p>	See note.	43	<p>(k) Records and reports pertaining to embargoes, congested traffic and similar matters.</p>	3 years after cancellation of tariff.
14	<p>Treasurer's records:</p> <p>(a) Statements and summaries of balances on hand and with depositories.</p> <p>(b) Statements from depositories of funds received, disbursed, and transferred.</p> <p>(c) Bank reconciliations; checks, drafts, etc., issued and not presented.</p> <p>(d) Copies of deposit slips.</p> <p>(e) Agents' remittance slips.</p>	Optional.	44	<p>(l) Records and reports of freight revenues.</p>	3 years.
15	<p>General office records relating to establishment of credit arrangements with shippers.</p>	2 years after discontinuance of credit arrangement.	45	<p>(m) Journals, summaries, or other records of passenger revenues.</p> <p>(n) Passes, reduced fares, and free tickets.</p> <p>(o) Copies of orders for printing pass stock.</p> <p>(p) Records of pass stock.</p> <p>(q) Records and reports of passes issued or requested from other carriers, and of such tickets requested from other carriers.</p> <p>(r) All other records and documents relating to the issuance or use of passes and tickets at reduced rates or free.</p>	3 years.
16	<p>Reports of examinations, audits and transfers by special accountants, traveling auditors, time inspectors, weight inspectors, etc., and supporting papers.</p>	Permanent.	46	<p>(s) Canceled passes and tickets issued free or at reduced rates than freight and passenger.</p> <p>(t) Journals, summaries, or other records of transportation revenues other than freight and passenger.</p>	3 years.
17	<p>Reports to Interstate Commerce Commission and other regulating bodies:</p> <p>(a) Annual financial, operating, and statistical reports, file copies of, and supporting papers.</p> <p>(b) Reports of operating revenues, expenses, and statistics, file copies, and supporting papers.</p> <p>(c) Accident reports, file copies of, and supporting papers.</p> <p>(d) Reports of hours of service, file copies of, and supporting papers:</p> <p>(1) Drivers' logs (Form BMC 89).</p> <p>(2) Hours of service report (Forms BMC 60 and BMC 62).</p> <p>(3) Monthly report of excess hours (Form BMC 63).</p> <p>(e) Reports to regulating bodies regarding expenditures of proceeds from sale of authorized securities, file copies of, and supporting papers.</p> <p>(f) Other reports to regulatory bodies not provided for by items (a) to (e) above.</p> <p>(g) Copies of applications to and authorities from regulating bodies for the issuance of stocks, bonds, and other securities (see item (e) above).</p>	For period prescribed in safety regulations.	47	<p>(u) Bills of lading and releases.</p> <p>(v) Consignors' shipping orders, consignors' shipping tickets, and copies of bills of lading, freight bills from other carriers and other similar documents furnished the carrier for movement of freight.</p> <p>(w) Contracts covering risk of carriers to transportation and storage.</p>	1 complete calendar year.
18	<p>NOTE: The supporting papers referred to in item 17 are those requisite to support the reports named, and not elsewhere provided for in these regulations. If figures for such reports are assembled on memorandum sheets, such sheets constitute a part of the supporting papers and shall be retained accordingly.</p>	3 years.	48	<p>(x) Freight bill:</p> <p>(a) Origin station copy.</p> <p>(b) Delivery receipt, records of and receipt for delivery of freight to consignees and connecting carriers.</p> <p>(c) Settlement copy receivable, paid copy of freight bill retained by carrier to support the receipt of freight charges.</p> <p>(d) Settlement copy payable, paid copy of freight bill retained by carrier to support payment of freight charges to other carriers.</p> <p>(e) Unsettled copy, records of unsettled freight bills, freight bills in suspense and supporting papers.</p> <p>(f) All other copies.</p>	3 years.
19	<p>Annual reports or statements to stockholders, file copies of.</p> <p>Miscellaneous statistical reports, statements and summaries (not otherwise provided for herein) used for administrative purposes only and not entering the accounts of the company.</p>	Permanent.	49	<p>(g) Unsettled copy, records of unsettled freight bills, freight bills in suspense and supporting papers.</p>	1 year after settlement or other final disposition.
			50	<p>(h) All other copies.</p> <p>NOTE: A freight bill is a document which shows shipper, consignee, origin of shipment and destination, number of pieces, description of the commodity, weight, rate, freight and any other connecting carrier involved in the transportation of the shipment and shows the total charges to be paid by the customer. See § 203.306.</p>	Optional.

Item	Description of records, etc.	Period to be retained
II. TRANSPORTATION—continued		
51	Freight corrections: (a) Correction notices. (b) Undercharge and bills of lading freight statements. (c) Records and reports pertaining to import and export freight, bonded freight and baggage, steamships' engagements, etc. (d) Records and reports pertaining to the operation of marine and floating equipment. Mail service: (a) Records and reports of mail weighing, mail failures, and detentions, fines, deductions, and irregularities. (b) Records and reports of mail pouches received and distributed. Revenue equipment movements: (a) Dispatchers' sheets, registers, and other records pertaining to the movement of busses, trucks, tractors and trailers. (b) Records and reports of trailers, busses, and other vehicles interchanged. (c) Books and circulars of instructions to agents, drivers and others in the general file of the carrier. Records, reports, orders and tickets pertaining to the weighing of truck-loads and less-than-truckload shipments. Freight loading and unloading records: (a) Freight checkers' records. (b) Reports, manifests, load sheets and abstract of shipments made and received. (c) Orders for the reassignment of freight. (d) Reports of shipments received and transported by contract carriers not covered by freight bills. (e) Records of vehicles loaded and ventilated. (f) Records of unloading, feeding and watering live stock. Copies of notices to consignees of arrival of freight. Pickup and delivery records: (a) All records detailing shipments picked up from or delivered to a carrier by consignee, drayman, carrier's own equipment or any other source. (b) Notice to consignees of tender of delivery. (c) Pickup service call sheets. (d) Patron's authority for service desired (cartage authorities). (e) Record of c. o. d. collections and remittances. (f) Contracts for pickup, delivery, and transfer service (see 12 (c)). Drivers' reports not provided for elsewhere. Records and reports of tickets and ticket stock, whether in station or general office. Records and reports of baggage checks issued, sold, and on hand, whether in station or general office. Agents' balance sheets. Agency cash books. Used and canceled tickets, cash fare slips, baggage checks, etc., reports of which showing their sale and use have been audited (except as otherwise provided in item 46 (f)). All records, reports, and documents at stations and terminals not otherwise provided for in these regulations.	3 years. 3 years. 3 years. 3 years. 3 years. 3 years. 3 years. 3 years after expiration or cancellation. 3 years. 2 years. 2 years. 3 years. 2 years. 2 years. 3 years. 2 years. 1 year. 3 years. 3 years. 3 years. 6 years. Optional. 3 years.
III. EXPENDITURES		
70	Cash disbursements (cash, checks and drafts): (a) Check and cash disbursement journals (check registers). (b) Duplicate copies of checks or check stubs if detail is not shown in item (a). (c) Reports of petty cash disbursed. (d) Checks, payroll and cancelled: 1. All other checks. 2. All other checks. (e) Reports of drafts issued by agents and officers. Invoices and vouchers: (a) Invoice registers and voucher registers. (b) Paid and cancelled vouchers and supporting papers, except as otherwise provided in item 72 (a) and 99 (a). (c) Invoices for material and supplies purchased not attached to vouchers or paid checks and supporting details. For expenditures relating to property see item 72.	Permanent. Permanent. 3 years. 3 years. 6 years. 1 year. 15 years. 6 years. 6 years.
71	Records of terminal property and highway equipment: (a) Records, reports, statements, and memoranda showing the details of all debits and credits on account of the cost of property. (b) Records and memoranda pertaining to depreciation, retirements, and replacements of property. (c) Contracts and other agreements relating to the construction, acquisition, or sale of property.	5 years after sale or retirement. 5 years after sale or retirement. 5 years after sale or retirement.
III. EXPENDITURES—continued		
72	Records of terminal property and highway equipment—Continued (d) Plans specifications, estimates of work, records of engineering studies, construction bids, and similar records pertaining to addition and betterment projects which have been put in execution. (e) Plans, specifications, estimates of work, records of engineering studies, construction bids and similar records pertaining to addition and betterment projects which have been abandoned. (f) Patent records and related data. Records and reports of repairs and renewals of buildings and other structures. Payroll records: (a) Original source documents used in preparation of payrolls—namely, time cards, trip records, work orders, etc. (b) Payroll registers and related payroll records. (c) Applications and authorities for changes in payroll. (d) Records and memoranda pertaining to deductions from payrolls for social security taxes. (e) Records of employees—applications for employment, reports and certificates of physical and other examinations, service records, efficiency tests, employees' rosters and other similar records pertaining to employees. (f) Provident department records: Records of provident departments, such as employees' relief, hospital, insurance and savings departments, other than records pertaining to the receipt and disbursement of funds. Assignments, attachments, and garnishments: (a) Record of assignments, attachments, and garnishment of employees' salaries. (b) Files containing assignments, attachments, garnishments, notices of suits, notices of release, and correspondence relating thereto. Purchase and sales: (a) Copies of orders for the purchase of material and supplies. (b) Bids and offers for the sale or purchase of material and supplies. (c) Contracts for the purchase or sale of material and supplies. (d) Advice or requisitions from storekeepers and others for the purchase of material and supplies. (e) Price records of purchases, file copies of: (a) General inventories of materials and supplies on hand including fuel, oil and tires. (b) Stock cards, inventory cards, and other detail records. (c) Records and reports of materials and supplies received and issued except as otherwise provided in item 72. (d) Requisitions and receipts for materials and supplies issued, the totals of which have been transcribed into other records for retention. (e) Price records of materials and supplies issued, file copies.	5 years after sale or retirement. 5 years. 5 years after expiration of patent. 6 years. 3 years. 6 years. 1 year. 6 years. 3 years after termination of employment. 1 year. 2 years. 2 years. 3 years. 1 year. 3 years after expiration. Optional. 3 years. 6 years. 1 year. 1 year. 3 years. 3 years. 3 years. 3 years after retirement or disposition. 3 years after retirement or disposition of vehicle. 3 years. 3 years.
IV. SHOPS AND GARAGES		
80	Records and reports of repairs to automotive vehicles and other equipment.	3 years.
81	Records and reports of motor changes.	3 years.
82	Inspection records: (a) Certificates and test data on new tank motor vehicles used to transport inflammable liquids, corrosive liquids, compressed gases or liquid poisons. (b) Certificates of inspection of other automotive equipment inspected. (c) Records and reports of automotive equipment purchased. Records and reports of automotive equipment light-weighted and steamed.	3 years after retirement or disposition. 3 years after retirement or disposition. 3 years after retirement or disposition. 3 years after retirement or disposition of vehicle. 3 years. 3 years.
V. INSURANCE AND SAFETY		
96	Fidelity and indemnity bonds: (a) Records and files relating to expired, terminated, and canceled fidelity bonds of employees, including the bonds. (b) Records and files relating to expired, terminated, and canceled indemnity bonds incident to transportation and other charges, including the bonds.	3 years after liability of bonding company has expired. 3 years after liability of bonding company has expired.

Item	Description of records, etc.	Period to be retained
V. INSURANCE AND SAFETY—continued		
97	Insurance records: (a) Schedules of fire, cargo, public liability and property damage, and other insurance. (b) Insurance policies	4 years. Optional after expiration of liability of insurer.
	(c) Letter and telegraphic reports of damages by fire, collision, etc. (d) Reports of minor losses by fire, collision, etc., not covered by insurance or less than minimum amount collectible. (e) Schedules of risks covered by self-insurance reserves	3 years. 2 years. 2 years.
98	Claim registers: (a) Claim registers, card or book indexes and other records in connection with the recording of overcharge, loss and damage, personal injury, fire, and other claims presented against carriers. (b) Records showing the details of authorities issued to agents, carriers, and others for participation in freight claims.	6 years. 6 years.
99	Claim papers: (a) All papers substantiating overcharge, loss and damage, personal injury, fire, and other claims whether such papers are filed separately or attached to vouchers. (b) Claim jackets, if all information thereon appears in records covered by (a) above.	3 years after settlement or rejection. Optional.
100	Records of fire and other damages to property of others: (Reports and statements of employees regarding injuries by fire or otherwise, to property of others, when not necessary to support claims or vouchers.)	3 years.
101	Reports and statements regarding personal injuries, when not necessary to support claims or vouchers.	3 years.
102	Records of unclaimed, over, short, damaged, and refused freight: (a) Tracers, reports, and other records pertaining to unclaimed, over, short, damaged, and refused freight, when not necessary to support claims or vouchers. (b) Authorities for disposal of unclaimed, damaged and refused freight.	3 years. 3 years.
103	Vehicle accidents: (a) Record of automotive vehicle accidents (b) Reports of accidents by drivers or others (c) Reports of damage to equipment by accidents	3 years. 3 years. 3 years.
104	Records of hours of service of transportation employees (see item 17 (d) for reports of hours of service.)	Period prescribed in safety regulations.
105	Reports and records in connection with policing the motor carriers' detective service, investigations of robberies, and attempts to defraud when not the subject of claim against the carrier.	Optional.
106	Reports and records in connection with the prevention of loss and damage to freight shipments.	Optional.
VI. MISCELLANEOUS		
120	Tabulating cards and codes: (a) When the results are transcribed to other records covered by these regulations. (b) When the results are not transcribed to other records covered by these regulations. (c) Records of code numbers and the periods during which they were effective.	Destroy at option after appropriate summaries have been made. For the period prescribed for the specific records. For the period prescribed for the specific records.
121	Duplicate accounts, records, and memoranda listed in these regulations when they are not provided for otherwise and when they contain no information other than that shown on the originals.	Optional.
122	Books and circulars of instructions to agents and others, in the general file of the department in which the complete official file is maintained.	3 years after expiration or cancellation.
123	Data relating to the destruction of records	20 years.
124	Correspondence: (a) Correspondence and records thereof relating to subjects listed in items 1 to 123, inclusive. (b) Operators' copies of telegrams, including relay copies, if the original or other copies of such messages are retained as provided for in (a) above. (c) Stenographers' notebooks and phonograph and other mechanical device records, if transcripts thereof are retained, as provided for in (a) above. (d) Transcripts of teletype messages	For the period prescribed for the records to which the correspondence relates. Optional. Optional. For the period prescribed for the records to which the correspondence relates.

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[F. R. Doc. 55-3147; Filed, Apr. 18, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 969]

[Docket No. AO 254-A1]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the marketing agreement and Order No. 69 (7 CFR Part 969), hereinafter referred to as "marketing agreement" and "order," respectively, regulating the handling of avocados grown in South Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act

of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112 Administration Building, Washington 25, D. C., not later than the close of business of the tenth day after publication hereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendments to the marketing agreement and order are formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by the Avocado Administrative Committee, the administrative agency established pursuant to the marketing agreement and order. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that a public hearing would be held on February 28, 1955, in the Auditorium, Redlands Farm Labor Camp, Homestead (Modello), Florida, was published in the FEDERAL REGISTER (20 F. R. 866) on February 10, 1955.

Material issues. The material issues presented on the record of the hearing

were concerned with amending the marketing agreement and order to:

(a) Change the definition of "act" to include the amendments thereto contained in the Agricultural Act of 1954;

(b) Change the definition of "production area" to include the counties of Orange and Lake;

(c) Change the definition of "handle" to make regulations applicable to all export shipments;

(d) Provide for the establishment by the Avocado Administrative Committee, with approval of the Secretary, of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of avocados; and

(e) Provide for the fixing of the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging and the transportation, sale, shipment, or other handling of avocados.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(a) The present definition of "Act," as contained in the existing marketing agreement and order includes all of the amendments to the Agricultural Mar-

keting Agreement Act of 1937 which were in effect at the time the marketing agreement and order were made effective. The Agricultural Act of 1954, which became effective subsequently, contains further amendments to the Act of 1937, providing among other things, for incorporating into marketing agreements and orders provisions authorizing the establishment of marketing research and development projects, and the regulation of the size, capacity, weight, dimensions, or pack of containers used in the handling of a commodity. Inasmuch as the avocado industry desires to avail itself of the authority contained in these two provisions, and it is proposed to include such authority in the regulatory program it is concluded that the definition of "act" should be amended to provide such authority.

(b) At the time of the original hearing, data from the 1950 census indicated that there were only 708 avocado trees in Lake County and only 214 in Orange County. It has since developed that these data excluded certain smaller plantings, commonly referred to as "door yard trees," which are responsible for substantial commercial production. It has been estimated by the County Agricultural Agents of these counties that, in addition to the trees reported by the census, Lake County contains 5,000 trees, and Orange 3,000 trees, or a total including that reported by the census, of approximately 9,000 trees for the two counties. Customarily, surplus production from these trees (i. e., fruit in excess of that which is consumed by the person on whose property it is produced) is sold to a shipper or to an itinerant trucker who assembles truckloads and hauls them to a central location for preparation for shipment. It has been estimated that in a heavy producing year as much as 10,000 bushels of avocados could be marketed from these trees and under the present limitation of production area, without regulation. Furthermore, at the time of the original hearing, it was assumed that avocados produced within the presently defined production area were packed for shipment within that area. This however, has not proved to be entirely correct, since it has been found that fruit produced in the northern perimeter of the production area customarily has moved to assembly points within the adjacent counties of Orange and Lake for packing.

Since it is impractical to prepare any substantial quantity of fruit in the grove to comply with provisions of the order, producers have been required to change normal patterns of marketing in order to comply with such regulations, or else have violated such regulations in order to move their fruit in customary marketing channels. Moreover, it has been found that the present limitation of the production area serves to encourage violation of the order due to the difficulty of obtaining inspection in the typically isolated sections of the northern part of the production area. The enforcement problem is further complicated by the fact that once fruit has moved from the production area and mingled with fruit produced in the adjacent counties of

Orange and Lake it has been impossible to ascertain which fruit was subject to regulation and which was not.

It was testified that there is no appreciable quantity of avocados produced in counties of Florida, other than Orange and Lake, which are not now included in the present definition of production area. It therefore appears that the production area as proposed to be enlarged would constitute the smallest regional production area which is practicable for the effective operation of this avocado program.

In view of the foregoing circumstances it is therefore concluded that in order to remove the barrier to movement of avocados to customary assembly points, to facilitate inspection, to bring within regulation all commercial production of avocados, and to facilitate enforcement of regulations, the marketing agreement and order should be amended to include the counties of Orange and Lake within the production area.

(c) The current definition of "handle" as contained in the marketing agreement and order contains a provision which restricts the regulation of shipments to those destined to be marketed within the continental United States or Canada. Such a restriction permits the shipment or export of poorer grades of avocados to all countries not specified.

The Agricultural Act of 1954 contains a provision which makes it mandatory that the Secretary apply to certain imported commodities the same or equivalent grade, size, quality, and maturity regulations as that applied to the domestically produced commodity for which there is in effect a marketing agreement and order. Under this provision avocados imported into the United States are required to comply with these regulations, or the equivalent of such regulations, which are in effect for avocados grown in South Florida.

During this past season avocados which did not comply with the quality regulation in effect, under the agreement and order, for market within the United States and Canada were marketed in countries where these restrictions did not apply. It is probable that this practice will grow, if not restricted, as production increases and the pressure of increased supplies is felt.

Some of the countries to which cull avocados were shipped in the past season, particularly those constituting the Greater and Lesser Antilles, produce avocados which mature at a season not competing directly with production in South Florida. It was testified that these countries have a combined population of some twenty million people and that avocados, in season, are an important item in their diet. Since demand for avocados is already established and Florida avocados mature at a season when local fruit is not available in these countries, they constitute an excellent potential market for the Florida fruit.

Marketing of South Florida avocados in the Bahamas and Cuba is already established and it is anticipated that as transportation become more rapid, cheaper, and easier, development of markets, not only in the remaining countries

of the Antilles but in the countries of Europe will be practicable. As the production in South Florida increases, further development of markets outside of the United States and Canada will be necessary and desirable. Experience has shown that dumping of immature and off grade avocados in a market will not result in the development of demand sufficient to return a fair price to the grower. It is felt that if such demand is to be encouraged the people of other countries must be assured of the same good quality mature fruit that is now assured to the people of the United States and Canada. Moreover, it was pointed out that since avocados imported into the United States are required to comply with regulations imposed by a marketing agreement and order it would seem to be proper to require avocados for export to comply with the same regulation. It is concluded that insuring shipment of only mature good grade fruit to all export markets will bring about a more desirable development of demand and that growers prices will be enhanced thereby. Therefore, the marketing agreement and order should be amended as hereinafter set forth.

The aforementioned amendment will also entail, as a conforming amendment, the deletion of the following from the first sentence of § 969.55: "(c) for export other than to Canada." Said § 969.55 enumerates four types of dispositions, of which the indicated export is one, which are permitted to be handled free from regulation (except the filing of application by the seller and appropriate certification from the intended purchaser may be required). Such an exemption for exports other than to Canada would, of course, not apply in the event all exports should be regulated.

(d) The Agricultural Act of 1954 amended the Agricultural Marketing Agreement Act of 1937 so as to authorize the inclusion in marketing agreements and orders for certain fruits or vegetables of authority to establish marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of such commodities or the products thereof, the expense of such projects to be paid from funds collected pursuant to the particular marketing order. This statutory amendment became effective after the existing avocado program was put into effect.

It was testified at the hearing that such authority is needed particularly by the avocado industry, since it is a relatively new industry and has many production, handling, and marketing problems which are in urgent need of being resolved. Some of the more pressing problems concern the further development of measures of maturity so that shipment by varieties may be more intelligently regulated; others concern the determination of proper handling and packing procedures, types and sizes of containers, arrangement in containers, means of stimulating consumer demand for avocados, holding and shipping temperatures, and utilization of avocados of grades and qualities not suitable for

fresh shipment. It is not possible at the present time to foresee and enumerate all of the projects which might be desirable and appropriate in the future. It is expected that the nature and need for such research will vary from time to time depending upon prevailing economic influences, production prospects, or other factors affecting the marketing of avocados.

Up to the present time, certain agencies of the Federal Government and of the State of Florida have provided limited assistance to the avocado industry in resolving some of its problems. However, it was pointed out that due to the fact that the industry has not had the authority to attack its problem on an organized basis, the industry as a whole has not been able to participate effectively with these agencies in the solution of its problems. It was stated that such industry participation has heretofore been confined primarily to voluntary assistance on the part of a few of the industry's individual members.

Experience in the operation of the avocado marketing agreement and order up to this time has demonstrated that avocado growers and shippers can sit down together and discuss their mutual problems. In so doing they have learned that many problems which were previously considered to be primarily of only one segment were actually industry wide. It has been concluded that if these problems are to be solved it must be through the facilities and cooperation of the entire industry, rather than by the voluntary efforts of a few of the individual members.

The proposal as set forth in the notice of hearing provides that the exercise of this authority by the administrative committee shall be "with the approval of the Secretary." The opinion was expressed at the hearing that it might be well to leave the exercise of such authority to the free and untrammelled discretion of the committee. It was stated in that regard that the requiring of the specific approval of the Secretary for the expenditure of "each and every individual little item" might constitute an unnecessary burden to him and entail such undue delay as to militate against the most effective use of the authority. It was generally agreed, however, that the approval had in mind, and the one which would be most feasible and practicable, would be for the Secretary to act on the basis of whether proposed projects of a specified nature and the overall expenditure proposed to be made in connection therewith would be appropriate and desirable, leaving the handling of the administrative details, including payments of individual items of expense, to the committee. It is believed that such general approval authority is necessary in order that the Secretary may remain in a position to continue to exercise the general supervisory authority over regulatory programs of this nature which is imposed upon him by law.

It is not intended or anticipated that the proposed authorization, if adopted, will be used to operate advertising programs for avocados, either by radio, tele-

vision, or through other media. Nor is it expected that the funds likely to become available from assessment collections will be sufficient to enable the avocado industry, through the committee, to operate large research or development projects directly, but the industry will be enabled thereby to cooperate more effectively in such projects as may be conducted by Federal and State agencies, colleges, and universities, and private research organizations as well as to operate directly such lesser projects as may appear to be necessary and feasible. It is contemplated that such cooperation with others may be either in the form of granting of funds to others to assist in the particular projects, the furnishing of materials or equipment, the lending of personnel, facilities or equipment, or by such other means as may appear to be appropriate to expedite conduct of the work.

Inasmuch as there has been shown a need for greater effort and participation of the industry as a whole in the solution of its common problems, that authority to establish research and development projects under the marketing agreement and order would provide a means for such greater effort and participation, and the solution of the industry's problems would contribute to more orderly marketing of avocados and enhance returns to producers, it is concluded that such authorization as set forth in the statutory amendment should be incorporated in the provisions of this regulatory program.

(e) Much confusion has existed in the avocado industry and in the trade due to the large number of shipping containers being used, and the constant shifting from one container to another of a slightly smaller size, in an attempt to gain a competitive advantage. Moreover the practice of keeping the number of avocados constant in a given type of container and varying the size, or the arrangement of the avocados in the container further adds to the confusion as does the fact that there is no standard net weight required for any of the containers being used in the industry. It was also pointed out that it is a general practice in the industry to use excelsior as packing material to prevent damage to avocados packed in the small containers known as "flats" in which about 73 percent of the fruit is shipped, and that by varying the amount of this material used it is possible to influence the volume of avocados packed in a given container.

A survey made in 1951 by the Dade County Agricultural Agent's Office disclosed that at least 14 different containers were being used in the shipment of avocados. Among these were 9 kinds or types of flats of slightly differing dimensions holding from 10 to 14 pounds, 3 different kinds of $\frac{1}{2}$ bushel boxes, bushel baskets, and a field crate, the capacity of which is $1\frac{1}{2}$ bushels. It was stated that since completion of the survey further improvisations in containers had been made and there are now in use containers which appear at first sight to be $\frac{1}{2}$ bushels but are smaller.

It was pointed out in the evidence of the hearing that sudden changes and

lack of uniformity, the variation in the size, weight, capacity, dimensions, and pack of containers causes a great deal of dissatisfaction among buyers since they may not know the exact size of the container, or the size of the avocados within, or the arrangement of the fruit within the container for which a price is being quoted. Buyers who contract on the basis of the number of fruit in a container may on delivery find the specified number complied with but of a smaller size than expected. Others may buy by net weight and find the size unsuitable for their customers. Dissatisfaction thus created has resulted in lack of trade confidence and reluctance to promote Florida avocados. Such lack of trade support in promoting the Florida fruit in the markets has had a detrimental effect on prices to growers.

It was reported that buyers who are familiar with the slight differences in packages use these differences to their advantage in bargaining. For example, the price quoted by one shipper for a particular container of avocados is often used as a lever to bargain for a price reduction for a slightly larger container of avocados of another shipper. The multiplicity of containers and the variation of pack in these containers makes it virtually impossible for a shipper to judge the value of his container and pack in relation to that of another or, in fact, to know just what competing container a buyer may be referring to when negotiating a price. This has oftentimes resulted in unjustifiable price concessions being made to buyers with consequent detrimental effects upon returns of producers and in general has contributed to disorder in the marketing of avocados. As a result the tendency has been for shippers to reduce the size of their containers to try to conform with the smallest size being used, or to get one a shade smaller. This facilitates reducing either the size or the number of avocados packed in the new container as compared with the one it replaced. This not only results in increased costs of packaging due to the larger number of packages needed to pack a given quantity of fruit and the loss of efficiency in packaging and handling, but creates the situation wherein buyers may use the unsettled condition to bargain for lower prices. Such lower prices ultimately fall on the grower.

Furthermore, it was stated that in the change to containers of smaller size or different dimension, shippers usually are left with stocks of unused containers on hand. In the final analysis the cost of these obsolete containers are borne by producers. Also in this connection the testimony indicates that container manufacturers would be disposed to supply containers at reduced prices if standardized and ordered in quantity.

It was testified at the hearing that there is an indication that some of the containers in use are not suitable for getting the fruit to the market in the best possible condition from the standpoint of maintaining quality in transporting to market, insuring a reasonable shelf life after arrival at the retail store, and providing the consumer with the

best possible product. In this connection it was stated that it would be desirable to have authority to specify in the regulation of containers such factors as strength of material, provisions of ventilation, and design of containers as these influence to a large extent the degree of protection afforded by a container to the avocados packaged therein, since it is obvious that such protection constitutes an important factor in insuring the quality of product delivered to the consumer.

Members of the avocado industry have recognized for some time the ill effects of constantly shifting from one container to another. Efforts to reach a "gentlemen's agreement" concerning some degree of standardization have been made, but to no avail. Prior to organization of the industry under the marketing agreement and order many members felt that it was futile to try to come to an agreement on a specific container or containers, or to standardize the size, weight, capacity, dimension or pack of such containers since no authority for enforcing compliance existed. At present the marketing agreement and order for avocados do not contain such authority. Authority became available in the form of an amendment to the Agricultural Marketing Agreement Act of 1937, in the Agricultural Act of 1954. This was passed after the marketing agreement and order for avocados were made effective.

It was stated that considerable study will be necessary before the avocado industry will be in a position to make specific recommendations as to containers, or pack in order to achieve the full benefits that may be expected to accrue from container standardization. (In this connection the necessity for specifying in regulation the arrangement, size, and number of avocados in a container, the amount and use of packing material, and the net weight of different containers was stressed as otherwise these could be varied to make container regulation ineffective.) However, it was evident at the hearing that there is general agreement in the industry that standardization is necessary, can be agreed upon, and that the committee should be empowered to recommend and the Secretary to establish standards in regard to containers used in the handling of avocados in order to achieve orderly marketing conditions and increase prices to producers.

The evidence of this hearing indicates that the adoption of standard containers for avocados would permit shippers to order containers in such quantities as to effect a saving; result in less confusion in the trade with consequent fewer demands for price concessions by buyers; make possible greater efficiency in the packing and handling of avocados; and, through reduction of costs, increase returns to producers. Therefore, the marketing agreement and order should be amended to provide authority to regulate containers as hereinafter set forth.

In addition to the proposals discussed heretofore, three additional proposals, numbered 4, 5, and 8, were set forth in

the notice of hearing. No testimony in regard to such proposals was presented.

It was testified at the hearing that such changes should also be made in other provisions of the marketing agreement and order as may be necessary to make such provisions conform with any specific amendments which are so adopted as the result of this proceeding. Any such conforming changes should, of course, be limited strictly to those which are obviously necessary and appropriate, and, other than to that extent, should not affect the present meaning of such provisions. Other than the conforming change in § 969.55, referred to under (c) of the findings and conclusions of this decision, it does not appear to be necessary to make any such conforming changes.

General findings. (a) The marketing agreement, as hereby proposed to be amended, and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The marketing agreement, as hereby proposed to be amended, and the order, as hereby proposed to be amended, regulate the handling of avocados grown in South Florida in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(c) The marketing agreement, as hereby proposed to be amended, and the order, as hereby proposed to be amended, are limited to their application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act; and

(d) The marketing agreement, as hereby proposed to be amended, and the order, as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the avocados covered thereby.

Rulings on proposed findings and conclusions. March 14, 1956, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. No such documents were filed within the prescribed time.

Recommended amendments to the marketing agreement and order. The following amendments to the marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Immediately preceding the closing of the parenthesis at the end of § 969.2 *Act* insert the following: "; 68 Stat. 906, 1047".

2. Revise § 969.4 *Production area* to read as follows:

§ 969.4 *Production area.* "Production area" means the counties of Brevard,

Orange, Lake, Polk, Hillsborough, and Pinellas in the State of Florida, and all of the counties of that State situated south of such counties.

3. Delete from the first sentence of § 969.10 *Handle* the words "in the continental United States and Canada."

4. Add, after § 969.42 *Accounting*, the following new section; preceded by a main heading entitled "Research and Development":

§ 969.45 *Marketing research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of avocados. The expense of such projects shall be paid from funds collected pursuant to § 969.41.

5. Delete the word "and" appearing at the end of subparagraph (1) of paragraph (a) of § 969.51 *Issuance of regulations*, and insert the word "and" at the end of subparagraph (2) of such section after changing the period to a semicolon.

6. Add, after subparagraph (2) of paragraph (a) of § 969.51 *Issuance of regulations*, the following new subparagraph (3):

(3) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging, and the transportation, sale, shipment or other handling of avocados.

7. Delete paragraph (c) from § 969.55 *Avocados not subject to regulation*, and redesignate paragraphs (d) and (e) as paragraphs (c) and (d), respectively.

Dated: April 14, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-3201; Filed, Apr. 18, 1955;
8:52 a. m.]

[7 CFR Part 1001]

[Docket No. AO-267]

HANDLING OF LIMES GROWN IN FLORIDA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of limes grown in Florida. Such marketing agreement and order would be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047). Interested parties may file

written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C. Any such exceptions should be filed in quadruplicate, and must be received prior to the close of business on the tenth day after publication of this recommended decision in the FEDERAL REGISTER.

Preliminary statement. A public hearing, on the record of which the proposed marketing agreement and marketing order were formulated, was held at Homestead (Modella), Florida, from March 1 to March 3, 1955, both dates inclusive. Such hearing was held pursuant to a notice thereof which was published in the FEDERAL REGISTER (20 F. R. 744) on February 3, 1955. Said notice contained a proposed marketing agreement and order which had been presented to the Department of Agriculture by the Florida Fruit and Vegetable Association, with a petition for a hearing thereon. The objective of the proposed marketing agreement and order is to bring to the lime industry of Florida the benefits of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act").

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(2) The existence of the right to exercise Federal jurisdiction in this instance;

(3) The definition of the commodity and determination of the production area to be affected by the marketing agreement and order;

(4) The identity of the persons and transactions to be regulated;

(5) The specific terms and provisions to be incorporated in the marketing agreement and order, if adopted, such as:

(a) The definitions of such terms as "Secretary," "act," "person," "committee," "fiscal year," "grower," and "district";

(b) The establishment and maintenance of an administrative agency, to be known as the Florida Lime Administrative Committee (hereinafter referred to as the "committee") for conducting marketing agreement and order operations, the powers and duties of such committee, and its manner of doing business;

(c) The incurring of expenses by the committee and the levying of assessments;

(d) The need for authorizing marketing research and development projects to assist, improve, or promote the marketing, distribution, and consumption of limes;

(e) The methods for regulating shipments of limes grown in the production area;

(f) The granting of exemptions in connection with such regulations;

(g) The requirement for inspection and certification of all limes handled;

(h) The specification of the purposes for which limes may be handled free from regulation;

(i) The keeping of records and filing of reports by handlers;

(j) The requirement of compliance with all provisions of the marketing agreement and order and with regulations issued pursuant thereto; and

(k) Additional terms and conditions as set forth in §§ 1001.62 through 1001.71 and published in the FEDERAL REGISTER (20 F. R. 744) on February 3, 1955, which are common to marketing agreements and orders, namely, right of the Secretary, effective time, termination, proceedings after termination, effect of termination or amendment, duration of immunities, agents, derogation, personal liability, and separability, and certain other terms and conditions as set forth in §§ 1001.72 through 1001.74, and also published in the said issue of the FEDERAL REGISTER, which are common to marketing agreements only, namely, counterparts, additional parties, and order with marketing agreement.

Findings and conclusions. The findings and conclusions on the foregoing material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) Limes are produced in four states in the United States, namely Arizona, California, Texas, and Florida. However, only in the latter State is lime production of any commercial significance. Most of the production of limes in Florida is confined to the southern and central portions of the State. Slightly more than 80 percent of the Florida limes marketed are grown in Dade County with the remaining commercial production centered in Highlands and Polk Counties at the lower end of the so-called "Ridge" area of the State. Additional commercial lime plantings have been made at scattered locations throughout the State, particularly in the central and coastal areas, where soil and temperature conditions are favorable for the growing of limes. The production of limes in Florida has increased rapidly since 1950 and will undoubtedly continue to increase unless existing lime groves are severely damaged by adverse weather, or other conditions. Florida lime production for 1950-51 season totaled 280,000 boxes (1-3/5 bushels) and had reached a total of 380,000 boxes for the 1954-55 season, an increase of approximately 35 percent. Records of lime trees moved from Florida nurseries to destinations within the State indicate an increasing rate of plantings each year since 1950. Of the 7,400 acres of lime groves presently established in Florida, it is estimated that approximately 15 percent have not reached bearing age. Also at least one-third of the bearing lime groves have yet to reach their maximum productive capacity.

One of the factors which contributed to the increase in the production of limes in Florida was the development of frozen concentrate for limeade. The demand for limes for the manufacture of this product has been such that despite the increase in production of limes during the seasons 1950-51 through 1953-54, the volume of shipments in fresh market channels was relatively constant. During the latter season, 46 percent of crop

was processed. Returns to the producers of limes generally have been favorable during this period. The average price received by Florida producers for limes shipped for fresh consumption during the 1953-54 season was \$6.40 per box, on-tree, or 150 percent of the January 15, 1955 parity price for such limes. However, processors experienced difficulty in disposing of the large 1953-54 pack of lime products and substantially reduced their purchases of limes during the 1954-55 season. As a consequence, the 1954-55 season's shipments of limes to the fresh markets were the largest of record, and returns to lime producers declined sharply. Since the marketing of the 1954-55 lime crop would not be completed until March 31, 1955, the season average price could not be computed at the time of the hearing. However, the average equivalent on-tree prices received by producers for Florida limes shipped in fresh market channels during the first 10 months of the 1954-55 marketing season ranged from \$8.10 per box in April 1954 to \$0.70 per box in December 1954. For the four-month period June-September 1954, the period when approximately two-thirds of the fresh lime shipments usually are made, such prices averaged as follows: June, \$3.15 per box; July, \$2.00 per box; August and September, \$1.20 per box. These prices were 74, 47, and 28 percent, respectively, of the January 15, 1955, parity price for such limes. Obviously, therefore, the 1954-55 returns to Florida producers of limes will average substantially below parity. Moreover, barring unforeseen circumstances such as adverse weather, it is anticipated that the available supplies of limes will be large in relation to the total market demand and lime prices will continue to average below parity for some time.

The growers and handlers of Florida limes have endeavored to bring about some uniformity in the marketing of their commodity. In this connection, they have been successful in establishing State legislation, making it mandatory for all Persian or Tahiti limes, the principal type produced, to have a juice content averaging not less than 42 percent, by volume, in order to be marketed in fresh or processed outlets. However, this requirement is not applicable to other limes nor is there any requirement or uniformity in regard to the grade, size, or other quality factors, of the limes shipped to the fresh market or the containers in which such shipments are made. Thus, except as indicated, the handlers of Florida limes individually have made their decisions concerning the marketing of the supplies available to them. Most of these handlers have endeavored to fix so-called "house grades" for their individual packs and to sell their limes on the basis of such grades. It is not unusual, however, for handlers to vary their individual standards with the variations in the supply, quality, and demand for limes in a particular season. Hence, Florida limes of undesirable quality frequently have been marketed in a manner designed to indicate that such limes were of desirable quality. In addition, some handlers have, from time to

time, changed slightly the dimensions or size of the containers in which their limes are shipped, presumably in order to gain a competitive advantage over others. Usually, such advantage, if any, has been temporary since the other handlers also would soon adjust the size of their shipping containers. The existence of the foregoing disorganized situation within the Florida lime industry has resulted in generally disordered marketing conditions and has tended to alienate buyers and hence to reduce the demand and the market prices received for Florida limes.

Prices for Florida limes, and total returns to the growers of such fruit, could be augmented by restricting shipments in fresh market channels to limes of desirable grade, size, and quality, and limiting the containers used in making such shipments. When supplies of limes are heavy, fruit of inferior grades and qualities, or of undesirable size, may be sold only at discounts; and, since competition in the marketing of limes is based to a considerable extent upon price, such discount sales tend to depress prices for all limes being marketed. Restrictions on the shipment of such discounted fruit would, therefore, increase prices for the good quality limes of desirable size. Moreover, shipments of limes which are of inferior grades and qualities, or of undesirable size, often do not sell at prices covering the cash costs of harvesting and marketing. Restrictions on the shipments of such fruit would not only improve the grade, size, and quality of the limes marketed and promote buyer confidence in Florida limes but would also improve the average returns to growers by preventing losses incurred through shipment of undesirable fruit.

The large number of containers used in the marketing of Florida limes and the constant shifting of the size, capacity, dimensions, and pack of these containers has confused greatly the trading in this commodity. Handlers and buyers alike often do not know the exact quantity of limes covered by the various prices quoted. Restrictions on the containers used in the packaging and handling of limes would tend to correct this situation and also would make possible greater efficiency in the marketing of limes.

Therefore, it is concluded that a marketing agreement and order, providing for the regulation of the grade, size, and quality of shipments of Florida limes and for the establishment of uniform containers to be used for such shipments, are needed to effectuate the declared policy of the act. The objective to be followed under such marketing agreement and order is the tailoring of the supply of limes available for sale in fresh market channels to the demand in such outlet so that the fruit thus made available to buyers will be packaged uniformly and be of desirable grade, size, and quality. Such limitations on shipments of Florida limes would contribute to the establishment of more orderly marketing conditions for such fruit and would tend to increase the demand therefor.

(2) Any handling of Florida limes in fresh market channels exerts an influence on all other handling of such limes

in fresh form. Sellers of limes, as of other commodities, endeavor to transact their businesses so as to obtain the highest possible return for the quantities of limes they have available for sale. In effecting these transactions, the sellers continually survey all accessible markets in order to take advantage of the best opportunity to market the fruit. Markets within the State of Florida provide opportunities to dispose of limes in the same manner as the markets outside the State; and the sale of a quantity of Florida limes in a market within the State of Florida exerts the same influence on all other sales of such limes as a like quantity sold in another market.

Shipments of Florida limes may be scheduled originally for delivery to markets within the State of Florida and then be diverted en route to markets outside the State. For example, truck lots of limes often are shipped to Tampa or Jacksonville and then diverted to markets outside the State of Florida. In addition, itinerant truckers acquiring limes at packinghouses or from growers dispose of such limes wherever they can obtain the best price. Thus, such a trucker may intend to sell the limes he acquires within the State of Florida, but may, if he is dissatisfied with the price obtainable in such in-state markets, transport all or a portion of such fruit to out-of-state markets. Also, dealers in limes in the markets within the State of Florida purchase limes from packinghouses and growers and resell such fruit to consumers, retailers, or others doing business within the State and to truckers who dispose of the fruit in out-of-state markets. Furthermore, both local and national chain stores maintain buying agencies within the production area. Some of such agencies have all or part of the limes purchased delivered to warehouses within the State and thereafter the fruit is distributed by truck to their retail outlets in Florida and other southeastern states. It is not possible, therefore, always to ascertain, at the time limes are first handled, whether such limes will be marketed within the State of Florida or at some point or points outside thereof.

If shipments of limes to markets outside the State of Florida were regulated, while at the same time shipments of limes to markets within the State of Florida were not regulated, growers and handlers would endeavor to market within the State all limes which could not otherwise be shipped under such regulation. Prices for limes sold in intrastate markets would thereby be depressed below those prevailing in the markets outside the State. The existence of such lower price level for limes being marketed within the State of Florida would tend to depress the prices for limes sold in the interstate markets. Furthermore, with large quantities of poor quality limes available for sale in markets within the State of Florida, there would be little opportunity to sell in such markets limes meeting the requirements of the regulations established. The larger quantity of limes, which would be required to be sold in the interstate markets under such circumstances, would also tend to lower the

level of prices in the interstate markets. The Florida markets are extremely important to the growers and handlers of limes as a significant portion of the crop is marketed in such intrastate markets. Data presented at the hearing show that 15 to 20 percent of the total fresh shipments of Florida limes usually are sold in markets within the State.

In these circumstances, it is concluded that (a) all handling of limes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce, and (b) the handling of such limes within the State of Florida and such handling in interstate and foreign commerce are so inextricably intermingled that it would be impracticable to regulate the handling of such limes as is in interstate and foreign commerce without regulating all handling of such limes.

(3) The term "limes" should be defined in the marketing agreement and order to identify the commodity to be regulated thereunder. Such term, as used in the marketing agreement and order, refers to all varieties and classes of acid limes grown in the production area, as hereinafter defined, classified botanically as *Citrus aurantifolia*, including the group known as the true limes, commonly called the "Key" or "Mexican" limes, and the group known as large fruited limes, commonly called "Persian" or "Tahiti" limes. These two classes of limes possess similar characteristics, the principal differences being in the size of the individual fruits and in the presence or absence of seeds. The Key and Persian limes mature at the same time and are used interchangeably by consumers. In the production area, approximately 75 percent of both classes are harvested during the months of May to September, inclusive.

There are other acid citrus fruits grown in the production area and some of such fruits, such as the Lakeland and Eustis varieties of limequats, often are referred to as "limes". It was shown at the hearing that these other acid citrus fruits are lemons and crosses of either lemons or limes and some other type of citrus fruit and have characteristics sufficiently dissimilar from the Key and Persian limes that they may be readily distinguished from them. The production of such other acid citrus fruits in Florida is relatively small and such fruits should not be subject to regulation under the marketing agreement and order inasmuch as such regulation is not necessary at this time to attain the objectives of the program.

A definition of the term "production area" should be incorporated into the marketing agreement and order as a means of delineating the area within which limes must be grown for the handling thereof to be subject to regulation. Such term should embrace all of the State of Florida except the area west of the Suwannee River. Such area would include all of the commercial production of limes in Florida. Production of limes in Florida is concentrated in Dade and Monroe Counties and in the "Ridge" area but there is lime produc-

tion in most central and coastal areas of the State. The limes produced for market within these areas are of the same types, are marketed at approximately the same time, and compete with each other in the markets. Because of these facts, the exclusion of any part of such production from the program would tend to make its operation ineffective.

It is desirable to fix the boundaries of the production area so as to coincide with established check points employed by the State in connection with its maturity regulations on Persian lime shipments. Practically all of the shipments of Florida limes are made by truck and there has been established so-called road guard stations to check the truck shipments of limes and other commodities. These stations are located near the highway crossings of the Suwannee River and on the two major roads east of the Suwannee River leading out of the State. Thus there is available an ideal situation for checking all out-of-area shipments of limes for compliance with the program regulations. The exclusion of any portion of the State other than that west of the Suwannee River from the production area would increase the number of routes by which limes could be transported by truck from such area and would increase correspondingly the difficulties and expense of enforcing such regulations.

It is concluded, therefore, that the production area, as defined, is the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act.

(4) The term "handler" should be defined in the marketing agreement and order to identify those persons who are regulated under the program. The term "handler," therefore, should include all persons who "handle" limes in the manner described hereinafter or who cause limes to be so handled. Common or contract carriers of limes transporting to market limes owned by another person should not be considered the "handler" of such limes, however, as in such instances the carrier is performing services for hire and is not responsible for the grade, size, or quality of the commodity it transports.

The term "handle" should be defined to identify those activities which it is necessary to regulate in order to effectuate the declared policy of the act. Such activities are those which place or continue limes in commerce and include the selling, consigning, delivering, or transporting of limes within the production area or from the production area to any point outside thereof. The performance of any one or more of these activities, either directly or indirectly through others, should constitute handling. Limes are frequently transported, sold, or otherwise placed or continued in commerce by more than one person. In order to effectuate the declared policy of the act, each such person should be required to limit such handling of limes to fruit which conforms to the applicable regulations established under the marketing agreement and order.

The handling of limes for specified outlets or uses enumerated in § 1001.56

of the proposed marketing agreement and order should be excepted from regulation, however, for the reasons set forth in connection with issue 5 (h) of this decision. Also, the term "handle" should be limited by particular exceptions to make its applicability specific and to simplify the administration of the program.

The sorting, grading, packing, and other acts in the preparation of limes for market should not be covered as handling subject to regulation. These actions, whenever they are performed, are, of necessity, preliminary to the handling—i. e., selling, consigning, delivering, or transporting—of limes. Moreover, it would unnecessarily complicate the administration of the program to require persons engaged in the preparation of limes for market to meet the requirements of regulations under the marketing agreement and order prior to such preparation. Therefore, such activities should not be included within the definition of handle.

It is common practice for growers to sell or deliver their limes to persons having facilities for packing and otherwise preparing the fruit for market. The grower, in such instances, properly relies on the person preparing the limes for market to see that the fruit which is thereafter shipped meets all applicable requirements for marketing. Thus, there should be excepted the movement of limes from the groves to the place where the fruit will be prepared for market. It is necessary, however, to limit the scope of this exception in order to assure compliance with the regulations established under the program. Hence, it should be required that the facilities, where the limes are to be prepared for market, be located within the production area. Otherwise, it would not be possible for the administrative committee, established under the provisions of the proposed marketing agreement and order, effectively to check on the disposition of the limes delivered to the packing facilities which did not meet the program requirements. Also, this exception should apply only in case the person engaged in the preparation of limes for market has registered with the committee in accordance with such rules as it may prescribe with the approval of the Secretary. This registration is necessary because some limes are prepared for market in sheds or other buildings located at or near the groves and it is necessary that the committee have knowledge of these locations for enforcement purposes; and also to afford the committee an opportunity to check on the handler-applicant's statements regarding his manner of doing business and his facilities for the preparation of limes for market. It is intended that the committee, under its rules, will register each handler-applicant who it is reasonable to believe will conduct his packing and handling operations in accordance with the program requirements.

There are some growers who deliver their limes to the packing house of handlers where the fruit is prepared for market, for a fee, for the person making such delivery. Also, a handler may, in some instances, have another handler

pack limes for him. Transactions of this nature are generally referred to by the industry as "custom packing." After the limes are so packed they are returned to the person for whom the custom packing was performed who thereafter markets the limes in any manner he desires. As the custom packer is merely performing services for a fee and has no control over the disposition of the fruit which is custom packed, he should not be considered as the handler of the limes. Conversely, the person for whom the limes are custom packed is the handler of the limes, unless he sells them to a registered handler, and is responsible for compliance with the program terms, provisions, and regulations which are applicable at the time he sells, consigns, delivers, or transports the fruit so packed. In the event, however, that the custom packer retains any of such limes, for example the fruit sorted out in the packing process, and disposes of this fruit, such packer would be the handler of the fruit unless such disposition was in channels not subject to regulation under the program.

With the exceptions stated heretofore, all activities from the time the limes are severed from the tree until they are moved outside the production area are included in the process of handling. Any person who handles limes, as "handle" is defined in the marketing agreement and order, should be subject to regulation thereunder as to such handling transactions. Hence, if a producer of limes sells or delivers limes to an itinerant trucker or any other person not registered with the committee, in the manner heretofore described, the regulation should apply at the time of such sale or delivery. Under such circumstances, the producer is the first handler of such limes and is responsible for complying with the marketing agreement and order restrictions applicable at the time of such sale or delivery. Likewise, the same restrictions would apply to each person who subsequently handles such limes.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the proposed marketing agreement and order. These terms should be defined for the purpose of designating specifically their applicability, and establishing appropriate limitations on their respective meanings wherever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be authorized to act in his stead.

The definition of "act" provides the correct legal citations for the statute pursuant to which the proposed regulatory program is to be operative and avoids the need for referring to these citations.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as it has in the act.

The term "fiscal year" should be defined to identify the 12-month period with respect to which the financial records of the Florida Lime Administrative Committee—the agency which will administer the program locally—are to be maintained. The establishment of such period is necessary for businesslike administration of the marketing agreement and order and is desirable as a basis for establishing the terms of office of committee members and alternates. The date marking the end of one fiscal year and the beginning of the next should be fixed at a time of relative inactivity in the marketing of the lime crop and should allow sufficient time, prior to volume shipments in the new marketing season, for the committee to organize and develop information necessary to its functioning during the ensuing year. While Florida limes are harvested and marketed during each month of the year, the fresh shipments of such limes in each of the months of March and April have averaged, over the past 11 years, less than two percent of the season's total, and heavy shipments are not made until the latter part of May. Hence, March 31 of each year is an appropriate date, for the ending of each fiscal year. This term should be defined, therefore, as hereinafter set forth.

A definition of "committee" should be incorporated in the marketing agreement and order to identify the administrative agency established under the provisions of the program. Such committee is authorized by the act and the definition thereof, as hereinafter set forth, is merely to avoid the necessity of repeating its full name each time it is referred to.

The term "grower" should be synonymous with "producer" and should be defined to mean any person who is engaged, within the production area, in the production of limes for market and who has a proprietary interest therein. A definition of such term is necessary for such determinations as eligibility to vote for, and to serve as, a grower member or alternate grower member of the Florida Lime Administrative Committee, and for other reasons. The term should be limited to those who have a proprietary interest in the limes produced. It should not include laborers or others who perform work for a fee or for hire in producing the limes. Each business unit (such as a corporation, partnership, or community property arrangement) engaged in the production of limes for market should, when voting for nominees for membership on the committee, be entitled to only one vote.

A definition of "district" should be incorporated in the marketing agreement and order to delineate the geographical divisions of the production area for the purpose of electing nominees for membership on the committee. As stated heretofore, approximately 80 percent of the production of limes in Florida is in Dade and Monroe Counties. These two counties are contiguous and are the

southernmost counties in the production area. Limes produced in Dade and Monroe Counties generally are prepared for marketing in such counties whereas limes produced in the remainder of the production area are marketed primarily through one handler and may be hauled considerable distances to the packing facilities. Hence, the designation, as hereinafter set forth, of Dade and Monroe Counties as District 1 and of the remainder of the production area as District 2 provides a logical division of the production area.

(b) It is necessary to establish an agency to act in administering the proposed marketing agreement and order under and pursuant to the act, as an aid to the Secretary in carrying out the declared policy of the act. The term "Florida Lime Administrative Committee" is a proper identification of the agency and reflects the administrative character thereof. It should be composed of nine members, of whom five should represent producers and four should represent handlers. Alternate members should be provided to act in the place and stead of the members. Such a committee would be large enough to provide representation to all segments of the industry. At the same time, it is of such size that it can operate effectively and efficiently. The foregoing division of the members between producers and handlers would provide suitable producer representation and handler experience and information. A majority of the committee should consist of producers because the program is designed to benefit producers. The provision for handler members tends to give balance to the committee by providing the handler experience and marketing information necessary to the development of economically sound regulation of lime shipments. Each handler member should be either a handler or an employee of a handler, as handlers often are corporations and would be precluded from having representation on the committee unless employees were authorized to serve as members of the committee. One handler member and one grower member should represent District 2 and the other members of the committee should represent District 1. Such division of the representation on the committee is representative of the volume of production of limes in the two districts.

Each producer or handler member of the committee, and his alternate, should be a producer or handler, as the case may be, of limes in the district for which he is selected. A person with such qualifications should be intimately acquainted with the problems of producing or marketing limes grown in such district and may be expected to present accurately the problems incident to the production or handling of limes grown in that district. The producer members and alternates should be growers who are not handlers or employees of handlers. Such provision is necessary to assure that the interests of the majority of the committee are primarily the growing of limes.

A term of office for committee members should be provided in the marketing

agreement and order to establish an orderly procedure for changing the membership of the committee. The term of office should be for one year and should cover the same period as the fiscal year for reasons discussed heretofore in connection with the definition of that term. The provision for one year terms of office is desirable as producers and handlers will thus have an opportunity at the close of each marketing season to indicate whether they desire the incumbent members to represent them for another year. As appointment of the new committee members and alternates may not always be made in time for them to take office immediately upon the expiration of the term of office of the existing committee, provision should be made in the marketing agreement and order for members and alternates to serve in such position during the term of office for which they are selected and until their respective successors have been selected and qualified. Such provision will assure continuous functioning of the committee. Evidence presented at the hearing indicated that it would be desirable to assure that the same committee members would not serve continuously. Accordingly, provision should be made so that a member would be precluded from serving continuously on the committee for longer than three consecutive terms of office. This provision should not apply to alternate members as alternates actually serve on the committee only when the member for whom he is an alternate is unable to serve.

A procedure for the election by growers and handlers of nominees for membership on the committee should be prescribed in the marketing agreement and order to assist the Secretary in his selection of members and alternate members of the committee. The nomination of prospective members and alternate members at meetings of growers and handlers in the respective districts is a practical method of providing the Secretary with the names of the persons which the industry desires to serve on the committee.

Nomination meetings for the purpose of electing nominees for members of the committee and their alternates should be held or caused to be held by the committee on or before February 15 of each year. Such date is approximately six weeks prior to the end of the fiscal year. By having such nomination meetings not later than February 15 each year, the committee will be in a position to prepare and submit nomination lists to the Secretary in time for the Secretary to select the members and alternate members of the new committee prior to the expiration of the terms of office of the existing committee members.

As the administrative committee will not come into existence until after the selection by the Secretary of its initial members, the marketing agreement and order should provide a procedure for the selection of the initial members. The Secretary may appropriately select the initial grower and handler committee members and alternates from nominations which may be made by growers and handlers, respectively, or appropri-

ate groups thereof, or from other per-size, weight, capacity, dimensions, and order should so provide. In order that the initial membership of the committee may be selected as soon as possible after the approval of the program, it should be required that such nominations be submitted not later than the effective date thereof.

Each producer should be limited, at nomination meetings, to casting only one vote for each grower position as a committee member and one vote for each grower position as a committee alternate to be filled at such meeting. While growers who are also handlers or employees of handlers would not be eligible to serve as grower members of the committee, it is not necessary for this restriction to be applicable to voting for nominees for such positions. Voting on such basis, rather than on the basis of relative tonnages produced, is in accordance with the procedure followed in democratic elections and will prevent domination of the nominations by large growers. If more than one vote were permitted, based upon volume of production or number of groves owned, large growers would be in a position to nominate growers who might not be favored by a majority of the growers. The grower who operates in more than one district should be permitted to select the district in which he desires to participate in nomination meetings so that he may cast his ballot for nominees where he believes his principal interest lies. There are a considerable number of lime growers who do not reside in the production area and conduct their growing operations through others. In order to provide the broadest possible opportunity for all growers to participate in the election of nominees, growers residing outside the production area who are represented at nomination meetings by duly authorized agents, as well as the resident growers present at such meetings, should be permitted to vote.

Identical limitations and requirements should be applied to handler participation in meetings to nominate the handler members and alternate members of the committee for reasons similar to the application of such limitations to grower nomination procedure. However, the vote of handlers should be weighted by the volume of limes which he has handled during the applicable fiscal year. If handlers were limited to one vote, truckers and other small handlers who have little or no investment in the industry might be in a position to nominate the handler representation on the committee. This could result in the nomination of handlers who would not have the handler experience needed for the effective functioning of the committee.

In order that there will be an administrative agency in existence at all times to administer the marketing agreement and order, the Secretary should be authorized to select committee members and alternates without regard to nomination if, for any reason, nominations are not submitted to him in conformance with the procedure prescribed herein. Such selection should, of course, be on the basis of the representation provided in the marketing agreement and order

so that the composition of the committee will at all times continue as prescribed therein.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will know whether or not the position has been filled. Such acceptance should be filed within 10 days after the notification of appointment so that the composition of the committee will not be delayed unduly. Provision should be made for the filling of any vacancies on the committee, including selection by the Secretary without regard to nominations where such nominations are not made as prescribed, in order to provide for maintaining a full membership on the committee.

The committee should be given those specific powers which are set forth in section 8c (7) (C) of the act. Such powers are necessary to enable an administrative agency of this character to function.

The committee's duties, as set forth in the marketing agreement and order, are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by the members of the committee will be confined to those which reasonably are necessary for the committee to carry out its responsibilities as prescribed in the program. It should be recognized that these specified duties are not necessarily all inclusive in that it may develop that there are other duties which the committee may need to perform.

At least six members of the committee, or their respective alternates, should be present at any meeting in order for the committee to make any decisions; and all decisions of the committee should require a minimum of five concurring votes, with at least one such vote cast by a handler member. These provisions will assure that all actions of the committee will be considered by at least two-thirds of its membership and approved by a majority of the committee. Also, as five of the committee members are growers, these provisions are desirable to assure handler participation in all meetings and actions of the committee. The committee should be authorized to vote by telephone, telegraph, or other means of communication when a matter to be considered is so routine that it would be unreasonable to call an assembled meeting or when rapid action is necessary because of an emergency. Any votes cast in this fashion should be confirmed promptly in writing to provide a written record of the votes so cast. In case of an assembled meeting, however, all votes should be cast in person.

Each member of the committee, and each alternate when acting as a member, should receive compensation at a rate to be determined by the committee, which rate should not exceed \$10.00 per day or portion thereof spent performing his

duties under the marketing agreement and order, plus his reasonably necessary expenses. Members should be compensated at such rate to prevent them from incurring financial loss which might otherwise result from serving on the committee. Such loss could result from the necessity of employing others to perform work which the members normally would do if they were not performing their duties as committee members. Reimbursement for reasonably necessary expenses is also required to offset actual out-of-pocket expense incurred in performing duties in connection with the program.

Provision should be made whereby each committee will prepare an annual report prior to the expiration of the terms of office of its members. Such reports would provide succeeding committee members, the industry, and the Secretary with a record of the annual operations of the program and would provide a means for evaluation of the program and the need for any changes therein.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each fiscal year for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the provisions of the marketing agreement and order, determine to be appropriate. The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of such expenses by an administrative agency such as the Florida Lime Administrative Committee, and requires that each marketing program of this nature contain provisions requiring handlers to pay pro rata the necessary expenses. Moreover, in order to assure the continuance of the committee, the payment of assessments should be required even if particular provisions of the marketing agreement and order are suspended or become inoperative.

Each handler should pay to the committee upon demand with respect to all limes handled by him, as the first handler thereof, his pro rata share of such expenses which the Secretary finds will be incurred necessarily by the committee during each fiscal year. Each handler's share of such expenses should be equal to the ratio between the total quantity of limes handled by him as the first handler thereof during the applicable fiscal year and the total quantity of limes so handled by all handlers during the same fiscal year. In this way, payments by handlers of assessments would be proportionate to the respective quantities of limes handled by each handler and assessments would be levied on the same limes only once.

It was advanced at the hearing that the marketing agreement and order should provide that the rate of assessment would not exceed 10 cents per bushel, or an equivalent quantity, of limes. It was contended that the inclusion of such restriction would be desirable in order that handlers would be assured of the maximum assessment

which could be levied against them. It is believed that the inclusion of such a restriction should not present any difficulties from the standpoint of preventing adequate assessments to be levied to cover the operational expenses anticipated at this time. An example of a budget for this program for operation during the first fiscal year was presented in evidence which showed estimated operational expenses for such year of \$11,100. It was acknowledged that such budget did not include any provision for the expenditure of funds for the marketing research and development projects authorized under the proposed program and that actual expenses for the items that were shown might vary somewhat from the amounts listed. It was stated that research expense had been omitted solely because it was not possible to ascertain at this time what projects might be undertaken during any particular fiscal year so this expense could not now be estimated with any degree of accuracy. Nevertheless, it was contended that, on the basis of the prospective production and shipments of limes, the proposed restriction should provide sufficient leeway to cover any expenses which may reasonably be expected to arise in the foreseeable future and that if it should later develop that this maximum rate is not sufficient, appropriate amendatory action could then be taken to make whatever change in the restriction as may then seem to be necessary and desirable.

In order to provide funds for the administration of this program, the committee should be authorized to accept advance payments of assessments from handlers and also, when such action is deemed to be desirable, to borrow money in an amount not in excess of 10 percent of the estimated expenses set forth in its budget for the then current year. The inclusion of a provision for the acceptance by the administrative agency of advance assessment payments is included in other marketing agreements and orders, and has been found to be a satisfactory and desirable method of providing funds to cover costs of operation prior to the time when assessment collections are being made in an appreciable amount. There was no objection offered at the hearing to indicate that any person was opposed to the proposal for the committee to borrow a limited sum of money each fiscal year. It was pointed out that the indicated limitation would permit the borrowing of such a relatively insignificant amount that it should not cause any particular problems to arise from the standpoint of the repayment of it. During years of normal growing conditions, revenue available to the committee from assessments would provide the means for the repayment of any such loan. In addition, as hereinafter set forth, provision is made for increasing the rate of assessment in the event it should develop that due to some unforeseen circumstance, the assessment income under the then prevailing rate is not sufficient to cover the expenses incurred. The expenses which had been met from the fund previously borrowed would, of course, con-

stitute a part of the overall cost of operations.

The Secretary should have the authority, at any time during a fiscal year, or thereafter, to increase the rate of assessment when necessary to obtain sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Since the act requires that administrative expenses shall be paid by all handlers pro rata, it is necessary that any increased rate apply retroactively against all limes handled during the particular fiscal year.

If, at the end of any fiscal year, the assessments collected exceed the expenses incurred, each handler's share of such excess should be credited to him against the operations for the following fiscal year; but, if any handler makes a demand for payment thereof, refund should be made to him. The right of every handler to the return of his pro rata share of the excess funds would be recognized by providing for the payment of such share to him in case he requests it. However, good business practice requires that any such refund may be applied by the committee first to any outstanding obligations due the committee from any person who has paid in excess of his pro rata share of expenses and requests the return of such excess payment.

All assessment monies received by the committee should be used solely for the purposes, and accounted for in the manner, specified in the marketing agreement and order.

The Secretary should be authorized to require the committee, at any time, to account for all receipts and disbursements. Such authority would aid in assuring careful administration of assessment funds.

(d) The marketing agreement and order should provide, as hereinafter set forth, authority for the committee to establish or provide for the establishment of marketing research and development projects for the purpose of improving marketing practices and expanding the distribution and consumption of limes. With the increase in Florida lime production in prospect, it will be incumbent upon the industry to increase the demand for limes through enlarging the existing markets and developing additional outlets for such fruit. In order to accomplish this purpose, it will be necessary to obtain information with which to evaluate the existing harvesting and marketing practices of the Florida lime industry. Such information may be developed through scientific studies concerning matters such as the factors influencing yields and losses under alternative harvesting and marketing methods, the effect of present grading and merchandising practices on the "shelf-life" of limes, and the availability of limes in the various markets. One of the more pressing problems of the lime industry is the further development of outlets for limes of grades and qualities not suitable for fresh shipment. There has been no concerted industry effort along this line and the need for study of this problem became apparent during the past season

when processors reduced their purchases of limes. It was stated, also, that limes are one of the few fruits that are marketed when green in color and that educational work in this regard should be undertaken, as well as in connection with the nutritive value and uses for such fruit.

The disorderly situation within the Florida lime industry with respect to the containers used, and the need for correcting this situation, was emphasized at the hearing. It was pointed out, however, that the containers presently used in the marketing of limes had developed largely as the result of individual preferences or from efforts to gain a competitive advantage by adopting a smaller container, varying only slightly in dimensions, from those of most other handlers. Extensive study of the performance of the various containers may be needed, therefore, in order for the industry to determine the optimum containers for the handling of limes.

(e) Evidence presented at the hearing shows that handlers often have shipped in fresh fruit channels limes of poor grade and quality, and of undesirable size. Such limes may be sold only at discounts and the returns from such sales often do not cover the cash costs of harvesting and marketing. In addition, such sales have tended to depress the prices for the entire crop, for the particular year, below the level which otherwise would have existed if only limes of suitable grade, size, and quality, considering the supply and demand conditions for such fruit, had been available in the markets.

The demand for particular grades, sizes, and qualities of limes varies depending upon the volume of supplies available, the grade, size, and quality composition of such supplies, the availability of competing commodities, the trend and level of consumer income, and other factors such as weather conditions. Also, supply and demand conditions for limes are subject to substantial changes during a particular season as the result of weather conditions affecting the production and consumption of limes or competing commodities.

It was proposed in the notice of hearing to provide authority to regulate the maturity of limes as well as the grade, size, and quality thereof. The evidence presented at the hearing discloses, however, that limes are marketed prior to the time such fruit is "mature" within the meaning generally ascribed to such term. That is to say, limes should not be left on the tree until they are fully mature but should be harvested at the time they reach that stage of development when the optimum juice and acid content has been attained. Limes are used primarily as juice in the preparation of beverages and salad dressings and as a condiment for meat dishes. Consequently, limes lacking the desired flavor and juice and acid content do not provide consumer satisfaction. The industry has been accustomed to calling limes mature when they have the desired volume of juice. It does not appear necessary, however, to provide for maturity regulation since regulations prescribing

internal quality standards would provide the control needed to prevent the shipment of the poor quality limes which the industry refers to as "immature." Therefore, the marketing agreement and order should provide for the establishment by the Secretary of regulations by grade, size, quality (including internal quality and juice content), or combinations thereof, based upon limitations recommended by the committee; and such regulations should cover such period or periods as it is determined is warranted by the anticipated supply and demand conditions. In making its recommendations for such regulations the committee should consider the above enumerated supply and demand factors. The committee, because of the knowledge and experience of its members, will be well qualified to evaluate such factors and to develop economically sound and practical recommendations for regulations and to advise the Secretary with respect to the supply and demand conditions under which the lime crop will be marketed.

The existing practices and conditions within the Florida lime industry in regard to the shipping containers used are discussed in some detail under (1) and (5) (d) this decision. Data presented at the hearing revealed that in 1950 there were at least 18 different containers used for shipping limes, not including shipments in field crates; and it was testified that an even greater number of containers are now used. Many of these containers vary only slightly in dimensions. For example, the dimensions of the 3 so-called 1/5-bushel cartons currently being used were given as 11 1/2" x 7 1/2" x 5", 12 1/2" x 10" x 3 3/4", and 12 3/4" x 9 3/4" x 3 3/4".

Buyers have taken advantage of this situation and obtained price concessions from handlers simply because the handler involved could not ascertain, from the alleged competitive prices quoted by the buyer, whether his asking price was out of line with the market. Hence, a handler often has reduced his price in order to make a sale without knowing what he was competing against. Standardization of the containers used in the handling of limes would correct this situation and tend to establish more orderly marketing conditions. It was pointed out in this connection, however, that to accomplish fully the objective of container regulations, it would be necessary also to provide authority to prescribe specifications of the pack of the containers. Otherwise, handlers would be able to vary the quantity of limes in such containers and thereby make ineffective any container limitations that were established. It is concluded, therefore, that the provisions of the marketing agreement and order should contain authorization for the committee to recommend and the Secretary to issue regulations fixing the size, capacity, weight, dimensions, or pack of the containers which may be used in the packaging and the transportation, sale, shipment or other handling of limes. Initially, such limitations may be directed toward reducing the number of nearly identical containers which are now so used but, as factual data become available, more compre-

hensive regulations may be necessary and desirable.

The committee should be authorized to recommend, and the Secretary to establish, such minimum standards of quality, when prices for limes are above parity, as will be in the public interest. The shipment of limes with insufficient juice or acid content, having a bitter flavor, or lacking in the quality necessary to assure delivery in satisfactory condition would cause an adverse buyer reaction and would tend to demoralize the market for later shipments of limes. Such undesirable limes have been marketed in the past and undoubtedly would again be marketed in the absence of regulation when average prices are above parity. Hence, the discontinuance of regulations during periods when prices exceed parity could result in dissipation of all benefits from the prior operation of the program.

Large-sized limes tend to develop stylar-end rot in transit or after such fruit has reached the hands of the retailer or consumer. Such defect may, depending upon weather conditions, extend in some seasons to other sizes. Likewise some external defects, such as rust or scab, may or may not indicate the fruit is lacking in quality depending on the conditions in the particular season. It is necessary, therefore, that the provisions of the marketing agreement and order contain the flexibility needed to reflect such conditions. Hence, the specific minimum quality standards that may be made applicable during a particular year should be established by the Secretary from the recommendations of the committee made after review of the existing conditions that year.

Provision should be made for the Secretary to consider and establish regulations on the basis of the recommendations and information submitted by the committee, and, as there may be available to him pertinent information not in possession of the committee, he should be authorized to act on the basis of such available information also. The committee should notify growers and handlers of meetings to consider recommendations for regulation, by mailing such notification to each such person requesting it, as growers and handlers are vitally interested in such recommendations. Authority should be given to the committee to recommend, and the Secretary to issue, a modification, suspension, or termination of any regulation established under the program, since such actions may become necessary as the result of changed conditions which could not be anticipated at the time the regulations were formulated.

In order to facilitate the operation of the program, the committee should each year, and prior to recommending regulation of lime shipments, prepare and adopt a marketing policy for the ensuing marketing season. A report on such policy should be submitted to the Secretary and made available to growers and handlers of limes. The policy so established would serve to inform the Secretary and persons in the industry, in advance of the marketing of the crop, of the committee's plans for regulation and the basis therefor. Handlers and grow-

ers could then plan their operations in accordance therewith. The policy also would be useful to the committee and the Secretary when specific regulatory actions were being considered since it would provide basic information necessary to the evaluation of such regulation.

In preparing its marketing policy, the committee should give consideration to the supply and demand factors, herein-after set forth in the marketing agreement and order, affecting marketing conditions for Florida limes since consideration of such factors is essential to the development of an economically sound and practical marketing policy.

The committee should be permitted to revise its marketing policy so as to give appropriate recognition to the latest known conditions when changes in such conditions since the beginning of the season are sufficiently marked to warrant modification of such policy. Such action is necessary if the marketing policy is to appropriately reflect the probable regulatory proposals of the committee and be of maximum benefit to all persons concerned. A report of each revised marketing policy should be submitted to the Secretary and made available to growers and handlers, together with the data considered by the committee in making the revision.

The proposed program set forth in the notice of hearing contained provisions authorizing the establishment of restrictions applicable to the handling of limes to destinations within the production area different to those applicable to limes handled to destinations outside such area. The only evidence of record supporting such authority is general statements to the effect that the largest sizes of limes have been sold in nearby markets, such as Miami, since there is little demand for large limes in the northern markets and such fruit develops considerable spoilage if it is shipped to the more distant markets. On the other hand, it was shown that it would not be possible effectively to regulate shipments of limes if fruit restricted for out-of-state shipment were permitted to be sold in fresh fruit channels within the production area. Nearly all of the limes shipped for fresh consumption move from the packinghouses by truck. It is not unusual for parts of such truckloads of limes to be delivered to dealers within the production area with the remainder being transported to out-of-state markets. Such dealers may sell all or a portion of the limes they so receive to truckers who then transport the fruit to out-of-state markets. With such commingling of the fruit handled, it appears certain that substantial quantities of fruit eligible only for marketing within the production area would be trucked to other markets. Moreover, since large-sized limes usually may be sold only at discounts, sales of such fruit in markets within the production area would tend to depress the prices for other limes sold in such markets and thus lower the average returns to growers. It is concluded, therefore, that any restrictions made effective under the marketing agreement and order should be applicable to all limes handled, in order to effectuate the

declared policy of the act, and the marketing agreement and order should so provide.

(f) The marketing agreement and order should contain provisions authorizing the committee to issue exemption certificates, under certain conditions, to growers and others who own or otherwise control limes on the tree. Certain hazards are incidental to the production of limes in Florida which are beyond the control of the grower. Such hazards include highly localized winds, hailstorms, moisture conditions, and freezes. These conditions may affect the grade and the quality of the fruit or cause an excessively large or small "set" of fruit with the result that the individual limes may be excessively small or large. Because of a particular grove location, one grower's fruit or that of a few growers may be materially affected by such conditions whereas the majority of crops in the production area are of normal grade, size, and quality. In such circumstances, regulations may be made effective under the marketing agreement and order which would not permit any of such fruit to be shipped in fresh market channels. In order that the growers whose fruit is so affected will not suffer undue hardship as the result of such regulation, growers should be permitted to apply for, and the committee to issue, exemption certificates, authorizing the shipment of such quantity of exempted fruit as may be necessary to enable the applicant to market in regulated channels as large a proportion of his production as the average percentage of the total production which will be so marketed. In order that the committee may not be unduly burdened by applications for exemption certificates, the applicant should be required to furnish to the committee, with his application, proof that his limes did not meet the requirements of the then effective regulation because of conditions beyond his control. As some growers conduct their growing operations through others, persons acting for growers should be permitted to apply for and receive such exemption certificates. Likewise, a purchaser of limes on the tree should be permitted to handle, or have handled, any limes so purchased in the same manner as if the purchaser had grown the fruit. The purchaser of limes on the tree, therefore, should also be permitted to apply for, and receive, exemption certificates if the circumstances so warrant. The committee should adopt, with the approval of the Secretary, procedural rules governing the application and issuance of such exemption certificates so that persons eligible to receive such certificates will be informed concerning the procedure to be followed in connection therewith. Such procedural rules should provide for such safeguards as may be necessary to assure that all limes handled pursuant to an exemption certificate are actually covered by such certificate. Provision should be made for the transfer of exemption certificates to the handler of such limes, as the handler would need the certificate to show that such handling was not in violation of the regulation.

(g) Provision should be made in the marketing agreement and order requiring all limes handled, during any period when handling limitations are effective, to be inspected by the Federal-State Inspection Service and certified as meeting the requirements of the applicable regulation. Inspection and certification of all limes handled during periods of regulation are essential to the effective supervision of the regulations. Evidence of compliance with the regulations issued under the program can be ascertained only through inspection and certification of all limes handled during the effective period of such regulations. As the handler of limes is the person responsible for compliance with such regulations, it is reasonable and necessary to require handlers to submit each lot of limes handled to inspection and certification and to file a copy of the certificate with the committee. It was testified that the Federal-State Inspection Service has been the agency usually used for such inspection in the past, that its services have been satisfactory, and the use of it as the inspection agency under this program is desired by the industry.

In instances where any lot of limes previously inspected are regraded, resorted, repackaged, or in any other way subjected to further preparation for market, such limes should be required to be inspected following such preparation, and certified as meeting the requirements of the applicable regulations, since the identity of the lot is lost in such preparation and the validity of the prior inspection certificate and the information shown thereon destroyed.

(h) The marketing agreement and order should provide for the exemption from its provisions of such handling of limes which it is not necessary to regulate in order to effectuate the declared purposes of the act. Insofar as practicable, such exempted handling should be stated explicitly in the marketing agreement and order so that handlers will have knowledge of such handling as is not subject to the provisions of the program.

Limes which are handled for consumption by charitable institutions, for distribution by relief agencies, or for commercial processing into products have little influence on the level of prices for limes sold in the domestic and export markets. Hence, limes handled for such purposes should be exempted from compliance with the regulations issued under the marketing agreement and order.

In addition, provision should be made to authorize the committee, with the approval of the Secretary, to exempt the handling of specified small quantities or types of shipments of limes, or shipments made for such specified purposes as it is not necessary to regulate in order to effectuate the declared purposes of the act. Such authorization is necessary to enable the committee to exempt such handling which is found not feasible administratively to regulate and which does not materially affect marketing conditions in commercial channels. It would be impractical to set forth these exemptions in detail in the marketing agreement and order, because to do so would

destroy the flexibility which is necessary to reflect conditions affecting the handling of limes in the production area. Therefore, it should be discretionary with the committee, subject to the approval of the Secretary, whether small quantities or types of shipments, or shipments made for specified purposes, should be exempted from regulation and the period during which such exemptions should be in effect.

The allowance of such exceptions may be found to result in avenues of escape from regulation which, if they are found to exist, should be closed. Hence, the committee should be authorized to prescribe, with the approval of the Secretary, such rules, regulations, and safeguards as are necessary to prevent limes handled for any of the exempted purposes from entering into regulated channels of trade and thereby tend to defeat the objective of the program. For example, should it be found that a portion of the limes moving to commercial processors were being diverted to fresh fruit markets, it may be necessary for the committee to establish procedures to govern the movement of fruit for processing even though such limes could not be required to meet the grade, size, quality and other limitations. These procedures might include such requirements as filing applications for authorization to move limes in exempted channels and certification by the receiver that such limes would be used for the purpose indicated, if it is found that such requirements are necessary to the effective enforcement of the program regulations.

It was provided in the marketing agreement and order set forth in the notice of hearing that limes exported other than to Canada would be exempted from regulation. The evidence presented at the hearing was to the effect that all limes marketed in fresh fruit channels should be required to meet the limitations prescribed under the proposed program. Currently, there are very few limes shipped to destinations outside the United States and Canada. However, the shipment of limes not meeting such limitations to the export markets would not be conducive to the development of the demand for limes in such markets. Since such development would be desirable, it is concluded that the marketing agreement and order provisions should be applicable to all fresh shipments of limes.

(i) Handlers should be required to submit certain reports to the committee so that it will have available the information which is necessary for administering the program. Handlers have such necessary information in their possession, and the requirement that they furnish such information to the committee in the form of reports would not constitute an undue burden. Moreover, since handlers are the only persons subject to regulation under the program, they are the only persons who could be required to furnish such information.

Testimony presented at the hearing was to the effect that each handler should file with the committee certified reports showing the quantities of each variety of limes he received during that

week, a complete record of the quantities disposed of by him, segregated by varieties into the quantities subject to regulation and otherwise disposed of, and the quantities on hand at the end of the period. It was indicated that such reports should include, for each quantity disposed of, the date of such disposition, and identification of the carrier transporting the fruit and of the inspection certificate or exemption certificate, if any, pursuant to which the fruit was handled, together with the destination of each such disposition in nonregulated channels. All of such information will be needed at times to enable the committee to ascertain whether the regulatory provisions of the program are properly complied with and to provide the basis for collecting assessments. It would be impractical, however, to impose rigid reporting requirements upon handlers which possibly would require the periodic submission of information since the committee would not need this information at all times in order to perform its functions. Hence, the reporting requirements prescribed in the marketing agreement and order should reflect the flexibility that is necessary so that reports required thereunder, and the time and manner of filing such reports, may be adjusted readily in the light of operating experience. It is concluded, therefore, that the marketing agreement and order should provide for the submission to the committee by handlers of such reports covering their transactions in limes, as heretofore discussed, as the committee may request and are needed in the administration of the program.

Upon the request of the committee, approved by the Secretary, handlers should furnish such other reports and information as the committee needs to perform its functions under the marketing agreement and order. It is impossible to anticipate every type of report, or kind of information, which the committee may need in administering the program; but it should have the authority to obtain such reports and information if needed. Handlers should be required to maintain such records as may be necessary to verify the information so reported. So that this requirement may not be unduly burdensome, such records need be retained for only two succeeding fiscal years.

Reports furnished to the committee should be submitted in such manner and upon such forms as may be designated by the committee. It is impractical to specify such reporting procedures in the marketing agreement and order, because changing conditions may warrant changes in the forms or methods of reporting to the committee.

It was testified at the hearing that the nature of the reports, which a handler may be required to file with the committee, is such that disclosure of the information therein to his competitors may seriously affect his operations. Therefore, handlers should be protected, insofar as is consistent with the requirements of the program, from disclosure of the information contained in the reports they submit to the committee.

This objective may be attained by providing in the marketing agreement and order that all reports required of handlers shall be received by, and at all times be in custody of, one or more designated employees of the committee and providing that the committee's employees shall handle the reported information in such a manner that the identity of the individual handlers shall not be revealed. Nevertheless, such information should be made available to the Secretary, upon request, for his use in discharging his responsibilities and also should be revealed to any extent necessary when a question of compliance with the program provisions is involved. The limitation on disclosure of information contained in handler's reports should not be construed as prohibiting in any way the making of reports to the committee and the industry which summarize the information contained in all handlers' reports for a particular period or periods.

(j) Except as provided in the marketing agreement and order, no handler should be permitted to handle limes, the handling of which is prohibited pursuant to the marketing agreement and order, and no handler should be permitted to handle limes except in conformity with the marketing agreement and order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry measured by the proportion of limes handled by him, would be demoralizing to other handlers and would tend to impair operation of the program.

(k) The provisions of §§ 1001.62 through 1001.71, as hereinafter set forth, are, except as indicated below with respect to § 1001.64 (c), provisions similar to those which are included in other marketing agreements and orders now operating. The provisions of §§ 1001.72 through 1001.74, as hereinafter set forth, are also included in other marketing agreements now operating. All such provisions are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the recommended marketing agreement and order and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

Those provisions which are applicable to both the proposed marketing agreement and order, identified by both section number and heading, are as follows: § 1001.62 *Right of the Secretary*; § 1001.63 *Effective time*; § 1001.64 *Termination*; § 1001.65 *Proceedings after termination*; § 1001.66 *Effect of termination or amendment*; § 1001.67 *Duration of immunities*; § 1001.68 *Agents*; § 1001.69 *Derogation*; § 1001.70 *Personal liability*; and § 1001.71 *Separability*.

Those provisions which are applicable to the proposed marketing agreement only, identified by both section number and heading, are as follows: § 1001.72 *Counterparts*; § 1001.73 *Additional parties*; and § 1001.74 *Order with marketing agreement*.

In addition to the basis for termination of the marketing agreement and

order contained in § 1001.64 (a), (b), and (d) thereof, termination of the program should be required at the end of any fiscal year whenever the Secretary finds that continuation of the marketing agreement and order is not favored by the majority of producers. The requirements of the act in this connection, with respect to the mandatory termination of the marketing agreement and order, provides that such majority shall have produced more than 50 percent of the volume of the commodity produced during the determined representative period. It was the general consensus of those participating in the hearing, however, that a program of this nature could not be operated effectively unless a majority of the producers favored its continuance in operation and that it would be desirable, therefore, to base any such determination as to the continuance or termination of the program on whether a majority of the producers favored such action without consideration of the relative volume of limes produced by them. In order to give producers and other interested parties adequate notice of any such termination action, provisions should be made to announce the termination prior to March 15 to be effective at the end of the fiscal year.

The proposal upon which the hearing was held also provided that, (1) after the close of the fiscal year ending March 31, 1957, there shall be conducted a referendum of producers and a poll of handlers to determine whether the continuation of the marketing agreement and order is favored by them and (2) if less than two-thirds of the producers, by number or volume of production, voting in such referendum favor the continuation of the program or if handlers representing more than fifty percent of the volume of limes handled favor its termination, the Secretary shall thereupon terminate the marketing agreement and order. The period to be used in connection with such referendum and poll is the fiscal year ending March 31, 1957. It was indicated at the hearing that the effective operation of this program will be dependent upon the cooperation of both producers and handlers, of limes and that it would be desirable to incorporate the proposed requirement into the marketing agreement and order so as to provide both growers and handlers with an opportunity, at the end of the first two years of operation, to express their views on the continuance or termination of the program. The provision for holding the referendum and poll after two years of operations should provide a reasonable period for the evaluation of the program. Such provision should promote awareness of the interest of both producers and handlers in the program and thereby contribute to its successful operation.

Rulings on proposed findings and conclusions. March 14, 1955, was set by the Presiding Officer at the hearing as the latest date by which briefs would have to be filed by interested parties with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. No briefs were filed.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) Such marketing agreement and order regulate the handling of limes grown in the production area in same manner as, and are applicable only to persons in the respective classes of commercial and industrial activities specified in, the proposed marketing agreement and order upon which the hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of limes grown in the production area covered by the said marketing agreement and order that make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of limes, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following proposed marketing agreement and order¹ are recommended as the detailed means by which the foregoing conclusions may be carried out;

DEFINITIONS

§ 1001.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1001.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1001.3 *Person.* "Person" means an individual, partnership, corporation, association or any other business unit.

§ 1001.4 *Production area.* "Production area" means all of the State of Florida, except the area west of the Suwannee River.

§ 1001.5 *Limes.* "Limes" means all varieties and clones of acid limes, grown in the production area, classified botanically as *Citrus Aurantifolia* (Christm.) Swingle, and includes the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) and the group known as

large fruited or Persian limes (including Tahiti, Bearss, and similar varieties).

§ 1001.6 *Fiscal year.* "Fiscal year" means the twelve-month period ending March 31 of each year.

§ 1001.7 *Committee.* "Committee" means the Florida Lime Administrative Committee established pursuant to § 1001.20.

§ 1001.8 *Grower.* "Grower" is synonymous with producer and means any person who produces limes for market and who has a proprietary interest therein.

§ 1001.9 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting limes owned by another person) who handles limes or causes limes to be handled.

§ 1001.10 *Handle.* "Handle" means to sell, consign, deliver, or transport limes within the production area or between the production area and any point outside thereof: *Provided,* That such term shall not include: (a) The sale or delivery of limes to a handler, registered as such with the committee in accordance with such rules and regulations as it may prescribe with the approval of the Secretary, who has facilities within the production area for preparing limes for market; (b) the delivery of limes to such a handler solely for the purpose of having such limes prepared for market; or (c) the transportation of limes by a handler, so registered with the committee, from the grove to his packing facilities within the production area for the purpose of having such limes prepared for market. In the event a grower sells his limes to a handler who is not so registered with the committee, such grower shall be the first handler of such limes.

§ 1001.11 *District.* "District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 1001.29 (n): (a) "District 1" shall include Dade and Monroe counties.

(b) "District 2" shall include all of the production area except Dade and Monroe counties.

ADMINISTRATIVE BODY

§ 1001.20 *Establishment and membership.* There is hereby established a Florida Lime Administrative Committee consisting of nine members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Five of the members and their respective alternates shall be growers who shall not be handlers or employees of handlers. Four of the members and their respective alternates shall be handlers or employees of handlers. The five members of the committee who shall be growers and who shall not be handlers, or employees of handlers, are hereinafter referred to as "grower" members of the committee; and the four members who shall be handlers, or employees of handlers, are hereinafter referred to as "handler" members of the committee.

Four of the five grower members shall be producers of limes in District 1, and one grower member shall be a producer of limes in District 2. Three of the four handler members shall be handlers, or employees of handlers, of limes in District 1, and one handler member shall be a handler, or an employee of a handler, of limes in District 2.

§ 1001.21 *Term of office.* The term of office of each member and alternate member of the committee shall begin April 1, and shall terminate March 31 of the following year. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified. The consecutive terms of office of members shall be limited to three terms.

§ 1001.22 *Nomination.*—(a) *Initial members.* Nominations for each of the five initial grower members and four initial handler members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of group meetings of the growers and handlers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date hereof. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 1001.20.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than February 15 of each year, a meeting or meetings of growers and handlers in each district for the purpose of designating nominees for successor members and alternate members of the committee. At each such meeting a chairman and a secretary shall be selected by the growers and handlers eligible to participate therein. The chairman shall announce at the meeting the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers who are present at such nomination meetings, or who reside outside the production area and are represented at such nomination meetings by duly authorized agents, shall participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces limes. No grower shall participate in the election of nominees in more than one district in any one fiscal year.

(3) Only handlers who are present at such nomination meetings, or represented at such meetings by duly authorized agents, shall participate in the

¹The provisions identified with an asterisk (*) apply only to the proposed marketing agreement and not to the proposed order.

nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles limes, which vote shall be weighted by the volume of limes shipped by such handler during the then current fiscal year. No handler shall participate in the election of nominees in more than one district in any one fiscal year.

§ 1001.23 *Selection.* From the nominations made pursuant to § 1001.22, or from other qualified persons, the Secretary shall select the five grower members of the committee, the four handler members of the committee, and an alternate for each such member.

§ 1001.24 *Failure to nominate.* If nominations are not made within the time and in the manner prescribed in § 1001.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 1001.20.

§ 1001.25 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 1001.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 1001.22 and 1001.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 1001.20.

§ 1001.27 *Alternate members.* An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 1001.28 *Powers.* The committee shall have the following powers:

- (a) To administer the provisions of this part in accordance with its terms;
- (b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;
- (c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and
- (d) To recommend to the Secretary amendments to this part.

§ 1001.29 *Duties.* The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such fiscal year;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a certified public accountant at least once each fiscal year, and at such other times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to limes;

(i) To submit to the Secretary such available information as he may request;

(j) To notify, as provided in this part, producers and handlers of all meetings of the committee to consider recommendations for regulation;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To consult with such representatives of growers or groups of growers as may be deemed necessary and to pay the travel expenses incurred by such representatives in attending committee meetings at the request of the committee: *Provided*, That the committee shall not pay the travel expenses of more than three such representatives in connection with any one meeting of the committee;

(m) To investigate compliance with the provisions of this part; and

(n) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in lime production within the districts and the production area.

§ 1001.30 *Procedure.* (a) Six members of the committee, or alternates acting for members, shall constitute a quorum and any action of the committee shall require at least five concurring votes: *Provided*, That at least one handler member shall approve the action.

(b) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast

shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 1001.31 *Expenses and compensation.* The members of the committee, and their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and shall also receive compensation, as determined by the committee, which shall not exceed \$10.00 per day or portion thereof spent in performing such duties.

§ 1001.32 *Annual report.* The committee shall, prior to March 31 of each fiscal year, prepare and mail an annual report to the Secretary and to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal year; (b) an appraisal of the effect of such regulatory operations upon the lime industry; and (c) any recommendations for changes in the program.

EXPENSES AND ASSESSMENTS

§ 1001.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds are reasonable and may be necessary to enable the committee to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal year. The funds to cover such expenses shall be acquired by the levying of assessments as provided for in § 1001.41.

§ 1001.41 *Assessments.* (a) Each person who first handles limes shall, with respect to the limes so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal year. Each such person's share of such expenses shall be equal to the ratio between the total quantity of limes handled by him as the first handler thereof during the applicable fiscal year and the total quantity of limes so handled by all persons during the same fiscal year. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any finding by the Secretary relative to the expense which may be incurred: *Provided*, That, in no case, shall the rate of assessment exceed 10 cents per bushel, or equivalent quantity, of limes. Such increase shall be applied to all limes handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance, and may borrow money in any amount not to exceed 10 percent of the estimated expenses set

forth in its budget for the then current fiscal year.

§ 1001.42 *Accounting.* (a) If, at the end of a fiscal year, the assessments collected are in excess of the expenses incurred, each person entitled to a proportionate refund of the excess assessment shall be credited with such refund against the operations of the following fiscal year. Any handler may demand payment of such a refund, and the refund shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part, and shall be accounted for in the manner provided in this part. The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

RESEARCH

§ 1001.45 *Marketing research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of limes. The expense of such projects shall be paid from funds collected pursuant to § 1001.41.

REGULATIONS

§ 1001.50 *Marketing policy.* Each season prior to making any recommendations pursuant to § 1001.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to (a) the estimated total production of limes within the production area; (b) the expected general quality and size of limes in the production area and in other areas, including foreign competing areas; (c) the expected demand conditions for limes in different market outlets; (d) the expected shipments of limes produced in the production area and in other areas, including foreign competing areas; (e) supplies of competing commodities; (f) trend and level of consumer income; (g) other factors having a bearing on the marketing of limes; and (h) the type of regulations expected to be recommended during the season. In the event it becomes advisable, because of changes in the supply and demand situation for limes, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report and copies thereof shall be maintained in the offices of the committee where they shall be available for examination by growers and handlers.

§ 1001.51 *Recommendations for regulation.* (a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of limes in the manner provided in § 1001.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for limes during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated, and such other available information as the Secretary may request.

(c) All meetings of the committee held for the purpose of formulating recommendations for regulations shall be open to growers and handlers. The committee shall give notice of such meetings to growers and handlers by mailing such notice to each grower and handler who has filed his address with the committee and requested such notice.

§ 1001.52 *Issuance of regulations.* (a) The Secretary shall regulate, in the manner specified in this section, the handling of limes whenever he finds, from the recommendations and information submitted by the committee or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Prohibit, during any specified period or periods, the handling of any variety or varieties of limes which do not meet such grade, size, and quality (including internal quality and juice content) standards as shall be prescribed;

(2) Prescribe minimum standards of quality for any variety or varieties of limes and limit the handling thereof to those meeting such minimum standards; and

(3) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging, and the transportation, sale, shipment, or other handling of limes.

(b) The committee shall be informed immediately of any such regulations issued by the Secretary and the committee shall promptly give notice thereof to growers and handlers.

§ 1001.53 *Modification, suspension, or termination of regulations.* (a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 1001.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of limes in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regu-

lation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ 1001.54 *Exemption certificate.* In the event the handling of limes is regulated pursuant to § 1001.52, the committee shall issue one or more exemption certificates to any person who furnishes evidence satisfactory to the committee that, by reason of conditions beyond his control, he will be prevented, because of such regulation, from having as large a proportion of a particular variety of his limes handled as the average proportion of all such limes which may be handled. Such exemption certificates shall authorize the person to whom the certificates are issued to handle, or have handled, a percentage of his crop of the particular variety of limes equal to the percentage determined as aforesaid. The committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued and the limes covered thereunder may be transferred to the handler of the limes covered by such certificates at the time the limes are delivered to such handler.

§ 1001.55 *Inspection and certification.* Whenever the handling of any variety of limes is regulated pursuant to § 1001.52, each handler who handles limes shall, prior thereto, cause each lot of limes handled to be inspected by the Federal-State Inspection Service and certified by it as meeting the applicable requirements of such regulation: *Provided*, That such inspection and certification shall be required when the limes previously have been so inspected and certified only if such limes have been regraded, resorted, or repackaged after the prior inspection and certification. Promptly thereafter, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection with respect to such handling.

§ 1001.56 *Limes not subject to regulations.* Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 1001.41, 1001.52, and 1001.55, and the regulations issued thereunder, handle limes (a) for consumption by charitable institutions; (b) for distribution by relief agencies; (c) for commercial processing into products; or (d) in such minimum quantities or types of shipments, or for such specified purposes as the committee, with the approval of the Secretary, may prescribe. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent limes handled under the provisions of this section from entering channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle limes pursuant to this section, and that such applications

be accompanied by a certification by the intended purchaser or receiver that the limes will not be used for any purpose not authorized by this section.

REPORTS

§ 1001.60 *Reports.* (a) Each handler shall furnish to the committee, at such times and for such periods as the committee may designate, certified reports covering, to the extent necessary for the committee to perform its functions, the following: (1) The quantities of each variety of limes he received; (2) a complete record of the quantities disposed of by him, segregated as to varieties and as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such fruit; (4) identification of the inspection certificates and the exemption certificates, if any, pursuant to which the fruit was handled, together with the destination of each such exempted disposition, and of all fruit handled pursuant to § 1001.56; and (5) the quantity of each variety held by him at the end of the period.

(b) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the committee to perform its duties under this part.

(c) Each handler shall maintain for at least two succeeding fiscal years, such records of the limes received and disposed of by him as may be necessary to verify the reports he submits to the committee pursuant to this section.

(d) All reports and records submitted by handlers pursuant to the provisions of this section shall be received by, and at all times be in custody of, one or more designated employees of the committee. No such employee shall disclose to any person, other than the Secretary upon request therefor, data or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided*, That such data and information may be combined, and made available to any person, in the form of general reports in which the identities of the individual handler furnishing the information is not disclosed and may be revealed to any extent necessary to effect compliance with the provisions of this part and the regulations issued thereunder.

MISCELLANEOUS PROVISIONS

§ 1001.61 *Compliance.* Except as provided in this part, no person shall handle limes, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle limes except in conformity with the provisions of this part and the regulations issued under this part.

§ 1001.62 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agents, employees, or representatives

thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 1001.63 *Effective time.* The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 1001.64.

§ 1001.64 *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal year whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production of limes for market: *Provided*, That such termination is announced on or before March 15 of the then current fiscal year. The Secretary shall, as soon as practicable after the close of the fiscal year ending March 31, 1957, conduct a referendum of producers and a poll of handlers to determine whether the continuation of this part is favored by them. Producers entitled to vote in such referendum shall be those who, during the fiscal year ending March 31, 1957, were engaged in producing limes for market and the poll shall be confined to handlers who handled limes in that same fiscal year. If it develops from said referendum and poll that (1) less than two-thirds of the producers, by number or volume of production represented in said referendum, favor the continuance of this part, or (2) handlers representing more than one-half the volume of limes handled favor termination of this part, the Secretary shall thereupon terminate this part.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1001.65 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 1001.66 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 1001.67 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 1001.68 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 1001.69 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1001.70 *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1001.71 *Separability.* If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid,

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING AND ORDER TO SHOW CAUSE

In the matter of amendment of § 3.606, *Table of assignments*, rules governing Television Broadcast Stations, Docket No. 11362.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. John H. Poole tr/as John Poole Broadcasting Co., permittee of television Station KBID-TV operating on Channel 53 at Fresno, California, filed a petition on February 25, 1955, requesting that the Table of Assignments contained in § 3.606 of the rules governing Television Broadcast Stations be amended to make Channel 18 in Fresno, California available for commercial use by changing the educational reservation in Fresno from Channel 18 to Channel 53. As an alternative, petitioner requests that Channel 30 presently assigned to Madera, California be interchanged with Channel 53 at Fresno. Petitioner further requests that the Commission order it to Show Cause why the outstanding authorization for Station KBID-TV should not be modified to specify operation on either Channel 18 or Channel 30 in lieu of Channel 53.

3. In support of its request petitioner submits that Station KBID-TV commenced operation on February 13, 1954, but suspended operation on July 14, 1954, due to its failure to obtain network affiliation and other economic factors which precluded sound operation as an independent station. Petitioner states that the station was at a competitive disadvantage with the other UHF stations in the area since receivers are less sensitive at the higher UHF frequencies and since the signals are subject to greater shadow losses. Petitioner urges that the proposals made herein conform to the Commission's rules; that there are no applications on file for either Channel 18 in Fresno or Channel 30 in Madera; and that the Commission has in the past recognized the temporary differences among the UHF channels from an equipment standpoint.

4. The Central California Educational TV Committee on March 7, 1955, and the Joint Committee on Educational Television on March 8, 1955, filed Oppositions to the petition insofar as it would substitute Channel 53 for Channel 18 in Fresno as the assignment to be reserved for an educational station in that community.

5. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views to the Commission and the Commission may have the benefit of such views prior to taking final action. The petition of John Poole Broadcasting Co. and the Oppositions of Central California Educational TV Committee and the Joint Com-

the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 1001.72 *Counterparts*. This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.*

§ 1001.73 *Additional parties*. After the effective date of this part, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.*

§ 1001.74 *Order with marketing agreement*. Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for the regulating of the handling of limes in the same manner as is provided for in this agreement.*

Dated: April 14, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-3202; Filed, Apr. 18, 1955;
8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11361; FCC 55-456]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, *Table of assignments*, rules governing Television Broadcast Stations; Docket No. 11361.

1. Notice is hereby given that the Commission has received two conflicting proposals for rule making in the above-entitled matter.

2. On December 1, 1954, the Jacksonville Journal Company, Jacksonville, Florida, filed a petition requesting that the Table of Assignments contained in § 3.606 of the rules governing Television Broadcast Stations be amended by adding the assignment of Channel 10—to Bunnell, Florida, a community not presently listed in the Table of Assignments. In support of the requested amendment, the Jacksonville Journal Company urges that Channel 10 may be assigned to Bunnell in conformity with the Commission's rules and standards and without requiring any other changes in the Table of Assignments. It is submitted that such assignment would afford a new television service to the Bunnell area which is presently without satisfactory service and without any prospects for such service. It is repre-

sented that an application for a new television broadcast station on Channel 10 in Bunnell will be filed by the Jacksonville Journal Company in the event its proposed amendment is adopted.

3. On January 25, 1955, the Suncoast Cities Broadcasting Corporation, St. Petersburg, Florida, filed a petition requesting that the Television Table of Assignments be amended by assigning Channel 10—to New Port Richey, Florida, a community not presently listed in the Table of Assignments. In support of its requested amendment, Suncoast Cities urges that Channel 10 may be assigned to New Port Richey in conformity with the Commission's Rules and standards without requiring any other changes in the Table of Assignments. It is urged that such assignment would provide service to the "Suncoast" area, including the city of St. Petersburg, and that no commercial VHF channels are available to St. Petersburg. It is urged that this city warrants such an assignment and that the assignment of Channel 10 in New Port Richey would be consistent with the mandate of section 307 (b) of the Communications Act.

4. Since Bunnell and New Port Richey are only about 120 miles apart, the two proposals advanced in this proceeding are mutually exclusive.

5. The Commission is of the view that rule-making proceedings should be instituted in this matter in order that interested parties may have the opportunity of submitting their views to the Commission and the Commission may be apprised of such views prior to taking further action.

6. Authority for the adoption of the proposed amendments is contained in sections 4 (l), 301, 303 (e), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the amendments proposed by petitioners should not be adopted, or should not be adopted in the form set forth, may file with the Commission on or before May 13, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before that date. Comments or briefs in reply to the original comments should be filed within 10 days from the last day for filing the original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all statements, briefs or comments shall be filed with the Commission.

Adopted: April 13, 1955.

Released: April 14, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3195; Filed, Apr. 18, 1955;
8:51 a. m.]

mittee on Educational Television are hereby made part of this docket.

6. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), 307 (b), and 316 of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the amendments proposed by petitioner should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before May 13, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be

filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider such comments before taking final action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

8. Station KBID-TV is presently authorized to operate on Channel 53 in Fresno, and the amendments proposed in this proceeding would either make Channel 18 available for commercial use in Fresno instead of Channel 53 or would substitute Channel 30 for Channel 53 in Fresno. Accordingly, John H. Poole tr/as John Poole Broadcasting Co. is ordered to show cause in this proceeding why its outstanding authorization for

Station KBID-TV should not be modified to specify operation on either Channel 18 or Channel 30 in lieu of Channel 53. Petitioner should file its reply to the aforesaid Show Cause Order on or before the date specified for filing comments in this proceeding.

9. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: April 13, 1955.

Released: April 14, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3196; Filed, Apr. 18, 1955;
8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 541, Amdt. 6]

REDELEGATIONS OF AUTHORITY WITH RESPECT TO LANDS AND RESOURCES

RIGHT OF APPEAL

APRIL 12, 1955.

Section 5.1 is amended to read as follows:

SEC. 5.1 *Right of appeal.* Any person aggrieved by the action of an area administrator, State supervisor, Eastern States supervisor, field commissioner, land office manager, range manager, district forester or their delegate may appeal to the Director, Bureau of Land Management, and from his decision to the Secretary of the Interior, pursuant to the rules of practice (43 CFR Part 221).

EDWARD WOOLEY,
Director.

[F. R. Doc. 55-3178; Filed, Apr. 18, 1955;
8:47 a. m.]

[Misc. 68602]

NEW MEXICO

REVOCATION OF DEPARTMENTAL ORDERS OF OCTOBER 14, 1907 AND JANUARY 28, 1908, RESERVING LANDS FOR USE OF THE FOREST SERVICE AS AN ADMINISTRATIVE SITE

APRIL 13, 1955.

Upon request of the Department of Agriculture and pursuant to Departmental Order No. 2583 of August 16, 1950, section 2.22 (a), as amended, it is ordered as follows:

The Departmental orders of October 14, 1907 and January 28, 1908, reserving the following-described lands for use of the Forest Service, Department of Agriculture, as additions to the Little Dry Creek Administrative Site are hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 13 S., R. 19 W.
Sec. 10, S½NW¼, N½SW¼.

The tracts described contain 160 acres. The lands are a part of the Gila National Forest, having been reserved for such use by Presidential Proclamations of June 18, 1908 and March 25, 1909, and shall become subject to the public-land laws relating to national forest lands at 10:00 a. m. on the 35th day from the date of this order.

W. G. GUERNSEY,
Acting Director,

[F. R. Doc. 55-3179; Filed, Apr. 18, 1955;
8:48 a. m.]

[Misc. 2145321]

ARKANSAS

RESTORATION ORDER UNDER THE FEDERAL POWER ACT

APRIL 12, 1955.

Pursuant to a determination of August 15, 1950, of the Federal Power Commission, Docket Numbers DA-52 and DA-53-Arkansas, and in accordance with Order No. 541, section 1.5 (d) and 2.0 (a) of the Director of the Bureau of Land Management, approved April 21, 1954, it is ordered as follows:

Subject to valid existing rights, the following-described lands, so far as they are withdrawn or reserved for power purposes in Power Site Reserve No. 514 and Power Project No. 1, are hereby opened to disposition under the public-land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and subject to the stipulation that if and when the lands are required wholly or in part for purposes of power development, any structure, machinery, or improvements placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary

to eliminate interference with the power development without expense to the United States or its permittees or licensees:

FIFTH PRINCIPAL MERIDIAN

T. 20 N., R. 15 W.,
Sec. 26, NW¼;
Sec. 33, NE¼NE¼.

The areas described aggregate 61.77 acres.

The lands in section 26 extend from the edge of the White River to the top of a 40 foot bluff, the slopes of which are from precipitous to moderate and are generally timber covered. The eastern end of the tract is fairly level and borders on an improved pasture. An unimproved road passes from east to west between the bluff and the river.

The land in section 33 is higher, plateau-like ground surrounded on three sides by the curving White River, but is cut from northwest to southeast by a deep ravine which is generally timber covered.

The soil in both tracts is nonagricultural but has limited grazing value.

Effective on the date of publication of this order in the FEDERAL REGISTER, the public lands affected by this order shall be subject to application by the State of Arkansas for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act, as amended (16 U. S. C. 1946 ed., Supp. V 818).

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 91st day after the date of publication. At that time, the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file application for these lands may be obtained on request from the Supervisor, Eastern States Office, Bureau of Land Management, Washington 25, D. C.

C. R. DREXILIUS,
Supervisor.

[F. R. Doc. 55-3180; Filed, Apr. 18, 1955;
8:48 a. m.]

WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

APRIL 11, 1955.

In Federal Register Document 55-2634 (20 F. R. 2037) the description of lands in the Mount Baker National Forest is corrected as follows: In Township 30 N., Range 11 E. W. M., Section 29, now reading "Sec. 29, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ " should read "Sec. 29, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ". In Township 32 N., Range 10 E. W. M., Section 21, now reading "Sec. 21, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$," should read "Sec. 21, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$."

J. W. HONEYWELL,
State Supervisor.

[F. R. Doc. 55-3207; Filed, Apr. 18, 1955;
8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6613]

IOWA PUBLIC SERVICE CO.

NOTICE OF APPLICATION

APRIL 13, 1955.

Take notice that on April 11, 1955, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Iowa Public Service Company, a corporation organized under the laws of the State of Iowa and doing business in the States of South Dakota, Nebraska and Iowa, with its principal business office at Sioux City, Iowa, seeking an order authorizing the issuance of 270,220 shares of Common Stock, \$1,351,100 aggregate par value, of which 270,218 shares are authorized but unissued and two shares are treasury stock heretofore issued and reacquired by the Company. Applicant proposes to offer such shares to the holders of its outstanding Common Stock for subscription on the basis of one share for each ten shares of Common Stock held. Applicant proposes to issue said stock on or before June 2, 1955, and that proceeds from the sale of the additional Common Stock will be used to pay off temporary bank loans incurred to secure funds for construction purposes and to provide a portion of the remaining funds for construction or acquisition of permanent improvements, extensions and additions to Applicant's property; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 2d day of May 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3189; Filed, Apr. 18, 1955;
8:50 a. m.]

[Docket No. G-8389]

TEXAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 13, 1955.

Take notice that The Texas Company (Applicant), a Delaware corporation whose address is Houston, Texas, filed on January 25, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Southwest Hutchins Field, Wharton County, Texas, to Tennessee Gas Transmission Company. The gas so purchased will be transported and sold in interstate commerce by Tennessee Gas Transmission Company. The initial sales price is 13.69479 cents per Mcf and the rate of delivery will be 19,600 Mcf per month.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 11, 1955, at 9:30 a. m. e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein

of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3191; Filed, Apr. 18, 1955;
8:50 a. m.]

[Docket No. G-8508]

W. C. McBRIDE, INC.

NOTICE OF APPLICATION AND DATE OF
HEARING

APRIL 13, 1955.

Take notice that W. C. McBride, Inc. (Applicant), a Delaware corporation whose address is 2101 Missouri Pacific Building, St. Louis, Missouri, filed on February 23, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant is operator of leases in the West Weesatche Area of Goliad County, Texas. The leasehold interests are owned by Applicant and H. R. Smith. The natural gas to be produced will be sold at the well head to Texas Eastern Transmission Corporation. The gas sold by the Applicant will be transported and resold in interstate commerce. Deliveries are expected to commence on or about July 1, 1955. The initial price will be 10.4 cents per Mcf and the rate of delivery will be 763 Mcf per day.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 11, 1955, at 9:40 a. m. e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3190; Filed, Apr. 18, 1955;
8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11202—11204; FCC 55M-334]

MINERS BROADCASTING SERVICE, INC. ET AL.

ORDER CONTINUING HEARING

In re applications of Miners Broadcasting Service, Inc., Ambridge, Pennsylvania, Docket No. 11202, File No. BP-9102; Louis Rosenberg, Tarentum, Pennsylvania, Docket No. 11203, File No. BP-9192; Theodore H. Oppogard and Carl R. Lee, d/b as Somerset Broadcasting Company, Painesville, Ohio, Docket No. 11204, File No. BP-9358; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It appearing that it is not feasible to commence the hearing herein on the date presently scheduled due to congestion of hearing assignments on the Hearing Examiner's calendar;

It is ordered, This 11th day of April 1955, on the Hearing Examiner's own motion, that the hearing now scheduled for May 2, 1955 is continued until June 7, 1955, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary,

[F. R. Doc. 55-3197; Filed, Apr. 18, 1955; 8:52 a. m.]

[Docket No. 11229; FCC 55M-342]

ANNISTON BROADCASTING CO., INC.
(WHMA)

ORDER CONTINUING HEARING

In re application of Anniston Broadcasting Company, Inc. (WHMA), Anniston, Alabama, for construction permit; Docket No. 11229, File No. BP-9376.

The Hearing Examiner having under consideration the application in the above-entitled proceeding, upon which a hearing is now scheduled to be held on Thursday, April 14, 1955, at 10:00 a. m., in the offices of this Commission, Washington, D. C.; and

It appearing that a pre-hearing conference was held in the said proceeding on March 29, 1955, at which counsel for the applicant appeared and announced that pursuant to instructions from his client he intends to prepare and file a petition requesting the dismissal of the above-entitled application without prejudice; and

It further appearing that as a result of this announcement the said pre-hearing conference was continued without date;

It is ordered, This 13th day of April 1955, by the Hearing Examiner on his own motion, that the hearing in the above-entitled proceeding is hereby continued without date.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3198; Filed, Apr. 18, 1955; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3354]

MISSOURI EDISON CO.

ORDER REGARDING ISSUANCE AND SALE OF BANK LOAN NOTES

APRIL 13, 1955.

Missouri Edison Company ("Missouri Edison"), a public-utility subsidiary of Union Electric Company of Missouri, a registered holding company, has filed a declaration, and an amendment thereto, with this Commission pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transaction:

Missouri Edison proposes to borrow from The Boatmen's National Bank of St. Louis amounts aggregating up to \$600,000 and to evidence said borrowings by the issuance of promissory notes maturing nine months from the dates of the borrowings and bearing interest at the rate of three percent per annum.

The sums to be borrowed, together with cash available in its treasury, will be employed by declarant to finance its necessary and urgent construction program.

The funds necessary to repay the borrowings to be made, to retire a demand note in the principal amount of \$138,000 issued and delivered to The Boatmen's National Bank of St. Louis on February 15, 1955, and to provide additional funds for construction purposes will be obtained from the issuance and sale of additional first mortgage bonds or other securities later in 1955.

No State commission and no Federal regulatory agency, other than this Commission, has jurisdiction over the proposed transaction.

No fees, commissions or expenses, other than nominal expenses, will be incurred in connection with the proposed transaction.

Missouri Edison requests that the Commission's action herein be taken not later than April 15, 1955, and that there be no waiting period between the issuance of the Commission's order and the effective date thereof.

Due notice of the filing of said declaration having been given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied; and that the declaration, as amended, should be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-3185; Filed, Apr. 18, 1955; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 49]

MISSOURI PACIFIC RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), account of an accident to car ferry at Natchez, Mississippi, which caused the Natchez-Vidalia car ferry to be removed from service for repairs, is unable to transport traffic offered to it for movement over the said car ferry: *It is ordered*, That: (a) Rerouting traffic: The Missouri Pacific Railroad Company, (Guy A. Thompson, Trustee), being unable to transport traffic offered to it for movement over the Natchez-Vidalia car ferry, account car ferry out of service due to accident at Natchez, Mississippi, is hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9:00 a. m., April 13, 1955.

(g) Expiration date: This order shall expire at 11:59 p. m., April 30, 1955, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Divi-

sion, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., April 13, 1955.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 55-3187; Filed, Apr. 18, 1955;
8:50 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF
APRIL 14, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30491: Sand, Attica, Ind., to Tolono and Sadorus, Ill. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on sand, carloads, from Attica, Ind., to Tolono and Sadorus, Ill.

Grounds for relief: Motor truck competition.

Tariff: Wabash Railroad Company, I. C. C. No. 7685, Supplement 68.

FSA No. 30492: Gravel, Standard Pit, Ind., to Clarksburg and Mode, Ill. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on gravel, road surfacing, carloads, from Standard Pit, Ind., to Clarksburg and Mode, Ill.

Grounds for relief: Motor truck competition.

Tariff: Supplement 49 to Chicago & Eastern Illinois Railroad Company's I. C. C. No. 144.

FSA No. 30493: Sulphuric acid, El Dorado, Ark., to Baton Rouge and New Orleans, La. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphuric acid, carloads, from El Dorado, Ark., to Baton Rouge and New Orleans, La.

Grounds for relief: Circuitous routes. Tariffs: Supplement 151 to Agent Kratzmeir's I. C. C. No. 3932.

FSA No. 30494: Wood, fuel, from Bernalillo, N. Mex. Filed by The Atchison, Topeka and Santa Fe Railway Company, for interested rail carriers. Rates on wood, fuel, namely sawdust or shavings, carloads, from Bernalillo, N. Mex., to points in Arkansas, Colorado, Kansas, Louisiana (west of the Mississippi River), Missouri, Oklahoma and Texas, also Cheyenne, Wyo.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement No. 89 to the Atchison, Topeka and Santa Fe Railway Co., I. C. C. 14165 and Supplement No. 53 to the Atchison, Topeka and Santa Fe Railway Co., I. C. C. 14371.

FSA No. 30495: Moulding sand, from Jackson and Milan, Tenn. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sand, moulding, carload, from Jackson and Milan, Tenn., to points in official (including Illinois) territory.

Grounds for relief: Circuitry.

Tariff: Supplement 96 to Agent Spaninger's I. C. C. No. 1315.

FSA No. 30496: Phosphate rock and phosphatic limestone to Pennsylvania. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on phosphate rock, crude, lump or ground, and limestone, phosphatic, carloads, from specified points in Tennessee, to Bessemer, Butler, and Erie, Pa.

Grounds for relief: Circuitry.

Tariff: Supplement 14 to Agent C. A. Spaninger's I. C. C. No. 1386.

FSA No. 30497: Liquefied petroleum gas to Auburn, Ind. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads, from specified points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma and Texas.

Grounds for relief: Destination relations and circuitry.

Tariff: Supplement 2 to Agent Kratzmeir's I. C. C. No. 4150.

FSA No. 30498: Wax, from, to and between points in the Southwest, Kansas and Missouri. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paraffin or petroleum wax, in tank-car loads, from, to and between points in the Southwest, Kansas and southern Missouri.

Grounds for relief: Short line distance formula and circuitry.

Tariff: Supplement No. 52 to Agent Kratzmeir's I. C. C. No. 4086 and four other tariffs.

By the Commission:

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-3186; Filed, Apr. 18, 1955;
8:49 a. m.]

